

1963
SESSION LAWS
OF THE
STATE OF WASHINGTON

REGULAR SESSION, THIRTY-EIGHTH LEGISLATURE
Convened January 14, 1963. Adjourned March 14, 1963.

EXTRAORDINARY SESSION, THIRTY-EIGHTH
LEGISLATURE
Convened March 15, 1963. Adjourned April 6, 1963.

Compiled in Chapters by
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Secretary of State



MARGINAL NOTES AND INDEX

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Published by Authority

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Preface

The Thirty-Eighth Legislature of the State of Washington convened at 12 o'clock noon, January 14, 1963 (being the second Monday in January of the odd-numbered year), and adjourned *sine die* March 14, 1963.

All acts passed by the Regular Session, either approved by the Governor or allowed to become law without his signature, took effect ninety days after adjournment. The effective date fell this year on June 13, 1963 (**midnight**, June 12), except relief bills, appropriations and other acts in which emergencies have been declared, or acts in which the effective date has been postponed.

A handwritten signature in black ink, reading "Victor A. Meyers". The signature is written in a cursive style with a long horizontal flourish at the end.

VICTOR A. MEYERS
Secretary of State

LAWS OF WASHINGTON

PASSED AT THE

Thirty-Eighth Regular Session

1963

CHAPTER 1.

[S. B. 77.]

APPROPRIATION—EXPENSES OF THE LEGISLATURE.

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

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

SECTION 1. There is hereby appropriated out of the state general fund to the legislature the sum of five hundred and four thousand three hundred dollars (\$504,300), or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature. From the amount hereby appropriated: **Appropriation.**

(1) The Senate shall not expend more than two hundred and thirty four thousand three hundred dollars (\$234,300); and

(2) The House of Representatives shall not expend more than two hundred and seventy thousand dollars (\$270,000): *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee: *And provided further*, That from the allocation of the House of Representatives, the House shall reimburse the Speaker for not more than seventy days, in lieu of per diem, at the rate of twenty-five dollars per day for each day or major portion thereof in which he is actually engaged in completing the

work of the thirty-eighth legislature and is performing his duties as Speaker during the interim period until the convening of the next regular session of the legislature.

Appropriation. SEC. 2. There is hereby appropriated out of the state general fund to the legislature the sum of two hundred and sixty five thousand dollars (\$265,000), or so much thereof as may be necessary, for printing, indexing, binding and editing the session laws, Senate and House journals, and other printing, and binding public documents.

Appropriation. SEC. 3. There is hereby appropriated out of the general fund, for the statute law committee, to carry out the provisions of section 6, chapter 257, Laws of 1953, salaries, wages and operations, the sum of thirty-three thousand dollars (\$33,000) or so much thereof as is necessary, to pay the additional cost of preparing and drafting bills for the legislature.

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

Passed the Senate January 18, 1963.

Passed the House January 21, 1963.

Approved by the Governor January 23, 1963.

CHAPTER 2.

[S. B. 132.]

APPROPRIATION—LEGISLATORS' SUBSISTENCE.

AN ACT relating to state government; providing subsistence payments for members of the legislature and the president of the senate; making an appropriation; and declaring an emergency.

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

Appropriation. SECTION 1. There is hereby appropriated to the legislature out of the state general fund the sum of

two hundred and twenty-three thousand five hundred dollars for payment to members of the legislature and the president of the senate at the rate of twenty-five dollars per day, in lieu of subsistence and lodging while in attendance at the thirty-eighth legislative session.

SEC. 2. This act is necessary for the immediate support of state government and shall take effect immediately. Emergency.

Passed the Senate January 23, 1963.

Passed the House January 24, 1963.

Approved by the Governor January 25, 1963.

CHAPTER 3.

[H. B. 17.]

IRRIGATION AND RECLAMATION DISTRICTS.

AN ACT relating to irrigation and reclamation districts; amending section 4, chapter 275, Laws of 1943, as amended by section 2, chapter 165, Laws of 1957 and RCW 89.12.040; amending section 5, chapter 275, Laws of 1943, as last amended by section 3, chapter 165, Laws of 1957 and RCW 89.12.050; amending section 6, chapter 275, Laws of 1943, as amended by section 1, chapter 148, Laws of 1953 and RCW 89.12.060; repealing section 7, chapter 275, Laws of 1943, as amended by section 2, chapter 200, Laws of 1951 and RCW 89.12.070; repealing section 15, chapter 275, Laws of 1943, as amended by section 4, chapter 200, Laws of 1951 and RCW 89.12.130; adding a new section to chapter 89.12 RCW; and declaring an emergency.

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

SECTION 1. Section 4, chapter 275, Laws of 1943 as amended by section 2, chapter 165, Laws of 1957 and RCW 89.12.040 are each amended to read as follows:

In connection with a district contracting or intending to contract with the United States under this chapter, the secretary for the purpose of administer-

RCW 89.12.040 amended.

Irrigation, reclamation districts. Farm units authorized—Plats—Excess land.

ing the federal reclamation laws and of providing for the delivery of water thereto and the turnout therefor may segregate such lands, or any part thereof, into farm units, having in mind the character of soil, topography, location with respect to the irrigation system, and such other relevant factors as enter into the determination of the area and boundaries thereof. Plats showing the established farm units or revisions thereof when approved, may be filed by the United States for record with the auditor of the county in which the land is located. Lands in excess of the acreage in the amount specified by applicable federal law as not being excess lands held by any one landowner shall be deemed excess land.

RCW 89.12.050 amended.

SEC. 2. Section 5, chapter 275, Laws of 1943 as last amended by section 3, chapter 165, Laws of 1957 and RCW 89.12.050 are each amended to read as follows:

Contracts with U. S.— Permissible provisions.

A district may enter into repayment and other contracts with the United States under the terms of the federal reclamation laws in matters relating to federal reclamation projects, and may with respect to lands within its boundaries include in the contract, among others, an agreement that:

(1) The district will not deliver water by means of the project works provided by the United States to or for excess lands not eligible therefor under applicable federal law.

(2) As a condition to receiving water by means of the project works, each excess landowner in the district, unless his excess lands are otherwise eligible to receive water under applicable federal law, shall be required to execute a recordable contract covering all of his excess lands within the district.

(3) All excess lands within the district not eligible to receive water by means of the project works shall be subject to assessment in the same manner and to the same extent as lands eligible to receive

water, subject to such provisions as the secretary may prescribe for postponement in payment of all or part of the assessment but not beyond a date five years from the time water would have become available for such lands had they been eligible therefor.

(4) The secretary is authorized to amend any existing contract, deed, or other document to conform to the provisions of applicable federal law as it now exists. Any such amendment may be filed for record under RCW 89.12.080.

SEC. 3. Section 6, chapter 275, Laws of 1943 as amended by section 1, chapter 148, Laws of 1953 and RCW 89.12.060 are each amended to read as follows:

RCW 89.12.060
amended.

Any or all of the provisions which may be required to be included in recordable contracts may be made covenants running with any tract of land covered by the contract by expressly so providing therein. Recordable contracts expressly providing that any or all of such provisions shall be covenants running with the land covered thereby shall not be destroyed or extinguished by any tax or assessment foreclosure or deed issued pursuant thereto.

Covenants
running with
the land—
Contract
provisions.

Such of the limitations and provisions of RCW 89.12.050 as are included in the repayment contract between the district and the United States, shall govern all the lands within the district unless otherwise provided in such contract and shall govern notwithstanding any other provisions of the laws of this state.

SEC. 4. Section 7, chapter 275, Laws of 1943 as amended by section 2, chapter 200, Laws of 1951 and RCW 89.12.070 are each repealed.

Repeal.

SEC. 5. Section 15, chapter 275, Laws of 1943 as amended by section 4, chapter 200, Laws of 1951 and RCW 89.12.130 are each repealed and any adoption, enactment, or consent of this state to the provisions of the federal act, as amended, cited therein are hereby revoked.

Repeal—Prior
action
revoked.

New section.

SEC. 6. There is added to chapter 89.12 RCW a new section to read as follows:

Preservation of prior rights.

The rights of any vendee or grantee as defined in section 7 (b), chapter 275, Laws of 1943 as amended by section 2(b), chapter 200, Laws of 1951 and in RCW 89.12.070(2) are hereby preserved as to any transactions that were consummated by contract or deed prior to the repeal of said sections by this chapter.

Emergency.

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

Passed the House January 25, 1963.

Passed the Senate February 1, 1963.

Approved by the Governor February 6, 1963.

CHAPTER 4.

[S. B. No. 47.]

COUNTIES—TITLE 36 RCW REENACTMENT.

AN ACT relating to state and local government; enacting a title of the Revised Code of Washington to be known as Title 36—Counties; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

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

TITLE 36

COUNTIES

Chapter 36.01

GENERAL PROVISIONS

36.01.010 Corporate powers. The several counties in this state shall have capacity as bodies corporate, to sue and be sued in the manner prescribed by law; to purchase and hold lands within their own limits; to make such contracts, and to purchase and hold such personal property, as may be necessary to their corporate or administrative powers, and to do all other necessary acts in relation to all the property of the county.

36.01.020 Corporate name. The name of a county, designated by law, is its corporate name, and it must be known and designated thereby in all actions and proceedings touching its corporate rights, property, and duties.

36.01.030 Powers—How exercised. Its powers can only be exercised by the county commissioners, or by agents or officers acting under their authority or authority of law.

36.01.040 Conveyances for use of county. Every conveyance of lands, or transfer of other property, made in any manner for the use of any county, shall have the same force and effect as if made to the county in its proper and corporate name.

36.01.050 Venue of actions by or against counties. All actions against any county may be commenced in the superior court of such county, or of the adjoining county, and all actions by any county shall be commenced in the superior court of the county in which the defendant resides, or in the county adjoining the county by which such action is commenced.

36.01.060 County liable for certain court costs. Each county shall be liable to pay the per diem and mileage, or other compensation in lieu thereof, to jurors of the county attending the superior court; the fees of the sheriff for maintaining prisoners charged with crimes, and his costs in conveying them to and from the court, as well as their board while there; the per diem and mileage, or such other compensation as is allowed in lieu thereof, of the sheriff of the county, when in criminal cases he is required to attend or travel to the superior court out of the limits of his own county; the costs in criminal cases taken from the justice or inferior courts to the superior court; but no such claims shall be paid by the treasurer unless the particular items are approved by the judge and certified by the clerk under the seal of the court. For the time or travel which may be paid by the parties or United States, no payment from the county shall be allowed, and no officer, juror, or witness shall receive from the county double pay as a per diem for the same time, or as traveling expenses or mileage for the same travel, in however many different capacities or in however many different causes they may be summoned, notified, or called upon to testify or attend in.

Chapter 36.05

ACTIONS TO ESTABLISH BOUNDARIES

36.05.010 Suit in equity authorized—Grounds. Whenever the boundary line between two or more adjoining counties in this state are in dispute, or have been lost by time, accident or any other cause, or have become obscure or uncertain, one or more of the counties, in its corporate name, may bring and maintain suit against such other adjoining county or counties, in equity, in the superior court, to establish the location of the boundary line or lines.

36.05.020 Noninterested judge to sit. A suit to establish county boundary lines shall be tried before a judge of the superior court who is not a resident of a county which is a party to such suit, or of a judicial district embracing any such county.

36.05.030 Residents of area may intervene. A majority of the voters living in the territory embracing such disputed, lost, obscure, or uncertain boundary line may, by petition, duly verified by one or more of them, intervene in the suit, and thereupon the court shall have jurisdiction and power, in locating and establishing the boundary line or lines, to strike or transfer from one county to another a strip or portion of such territory not exceeding two miles in width.

36.05.040 Questions of fact to be determined. The boundaries of such territory, the number of voters living therein, and the sufficiency of such petition are questions of fact to be determined by the court.

36.05.050 Court may establish boundary line. The court shall have power to move or establish such boundary line on any government section line or subdivisional line thereof, of the section in or through which said disputed, lost, obscure or uncertain boundary line may be located, or if such boundary line is in unsurveyed territory, then the court shall have power to move or establish such boundary line so it will conform to extensions of government section lines already surveyed in that vicinity.

36.05.060 Practice in civil actions to prevail. The practice, procedure, rules of evidence, and appeals to the supreme court applicable to civil actions, are preserved under this chapter.

36.05.070 Copies of decree to be filed and recorded. The clerk of the court in whose office a decree is entered under the provisions of this chapter, shall forthwith furnish certified copies thereof to the secretary of state, and to the auditors of the counties, which are parties to said suit. The secretary of state, and the county auditors, shall file and record said copies of the decree in their respective offices.

36.05.080 "Territory" defined. The term "territory," as used in this chapter, means that portion of counties lying along the boundary line and within one mile on either side thereof.

Chapter 36.08

TRANSFER OF TERRITORY WHERE CITY'S HARBOR LIES IN TWO COUNTIES

36.08.010 Petition and notice of election. If a harbor, inlet, bay, or mouth of river is embraced within two adjoining counties, and an incorporated city is located upon the shore of such harbor, bay, inlet, or mouth of river and it is desired to embrace within the limits of one county, the full extent of the shore line of the harbor, port, or bay, and the waters thereof, together with a strip of the adjacent and contiguous upland territory not exceeding three miles in width, to be measured back from highwater mark, and six miles in length, and not being at a greater distance in any part of said strip from the courthouse in the county seat of the county to which the territory is proposed to be annexed, as such county seat and courthouse are now situated, than ten miles, a majority of the qualified electors living in such territory may petition to have

the territory stricken from the county of which it shall then be a part, and added to and made a part of the county contiguous thereto.

The petition shall describe with certainty the bounds and area of the territory, with the reasons for making the change and shall be presented to the board of county commissioners of the county in which the territory is located, which shall proceed to ascertain if the petition contains the requisite number of petitioners, who must be bona fide residents of the territory sought to be stricken off and transferred to the contiguous county.

If satisfied that the petition is signed by a majority of the bona fide electors of the territory, and that there will remain in the county from which it is taken more than four thousand inhabitants, the board shall make an order that a special election be held within the limits of the territory described in the petition, on a date to be named in the order.

Notices of the election shall contain a description of the territory proposed to be transferred and the names of the counties from and to which the transfer is intended to be made, and shall be posted and published as required for general elections.

36.08.020 Conduct of election — Proclamation of change. The election shall be conducted in all respects as general elections are conducted under the laws governing general elections, in so far as they may be applicable, except that there shall be triplicate returns made, one to each of the respective county auditors and another to the office of the secretary of state. The ballots used at such election shall contain the words "for transferring territory," or "against transferring territory." The votes shall be canvassed, as by law required, within twenty days, and if three-fifths of the votes cast in the territory at such election are "for transferring territory," the territory described in the petition shall become a part of and be added to and made a part of the county contiguous thereto, and within thirty days after the canvass of the returns of the election, the governor shall issue his proclamation of the change of county lines.

36.08.030 Official proceedings not disturbed by transfer. All assessments and collection of taxes, and all judicial or other official proceedings commenced prior to the governor's proclamation transferring territory to a contiguous county, shall be continued, prosecuted, and completed in the same manner as if no such transfer had been made.

36.08.040 Local officers to serve out terms. All township, precinct, school, and road district officers within the transferred territory shall continue to hold their respective offices within the county to which they may be transferred until their respective terms of office expire, and until their successors are elected and qualified.

36.08.050 Transferee county liable for existing debts—Exception. Every county which is thus enlarged by territory taken from another county shall be liable for a just proportion of the existing debts of the county from which such territory is stricken, which proportion shall be paid by the county to which such territory is transferred at such time and in such manner as may be agreed upon by the boards of county commissioners of both counties: *Provided*, That the county to which the territory is transferred shall not be liable for any portion of the debt of the county from which the territory is taken, incurred in the purchase of any county property, or the construction of any county building then in use or under construction, which shall fall within and be retained by the county from which the territory is taken.

36.08.060 Adjustment of indebtedness. The county auditors of the respective counties interested in the transfer of territory, as in this chapter provided, are constituted a board of appraisers and adjusters, to appraise the property, both real and personal, owned by the county from which the territory is taken, and to adjust the indebtedness of such county with the county to which such territory is transferred, in proportion to the amount of taxable property within the territory taken from the one county and transferred to the other.

36.08.070 Arbitration of differences. If the board of appraisers and adjusters do not agree on any subject, value, or settlement, they shall choose a third man from an adjoining county to settle their differences, and the decision thus arrived at shall be final.

36.08.080 Expense of proceedings. The expense of the proceedings and election provided for in this chapter shall be paid by the county to which the territory is attached.

36.08.090 Transcript of records by county auditor. The county auditor of the county to which any territory may be transferred may take transcripts of all records, books, papers, etc., on file in the office of the county auditor of the county from which the territory has been transferred, which may be necessary to perfect the records of his county, and for this purpose he shall have access to the records of the county from which such territory is stricken, free of cost.

36.08.100 Construction—Limitations. Nothing in this chapter shall be construed to authorize the annexing of territory of one county to a neighboring county, where the territory proposed to be annexed, or any part thereof, is at a greater distance than ten miles from the courthouse in the county seat of the county to which said territory is proposed to be annexed, as said courthouse is now located, nor to authorize the annexation of any territory

at a greater distance than three miles from high water mark of tide water, but such annexation shall be strictly confined within said limits.

Chapter 36.09

DIVISION OF COUNTY

36.09.010 Debts and property to be apportioned. Whenever a new county shall be or shall have been organized out of the territory which was included within the limits of any other county or counties, the new county shall be liable for a reasonable proportion of the debts of the county from which it was taken, and entitled to its proportion of the property of the county.

36.09.020 Procedure to settle amount charged new county—Basis of apportionment. The auditor of the old county shall give the auditor of the new county reasonable notice to meet him on a certain day at the county seat of the old county, or at some other convenient place, to settle upon and fix the amount which the new county shall pay. In doing so, they shall not charge either county with any share of debts arising from the erection of public buildings, or out of the construction of roads or bridges which shall be and remain, after the division, within the limits of the other county, and of the other debts they shall apportion to each county such a share of the indebtedness as may be just and equitable, taking into consideration the population of such portion of territory so forming a part of the said counties while so united, and also the relative advantages, derived from the old county organization.

36.09.035 ————Disagreement between auditors—Determination by third person. In case the two auditors cannot agree, they shall call a third person, not a citizen of either county, or in any other manner interested, whose decision shall be binding. In case they cannot agree upon such third person, they shall each name one and decide by lot which it shall be.

36.09.040 Payment of indebtedness—Transfer of property. The auditor of the county indebted upon such decision shall give to the auditor of the other county his order upon the treasurer for the amount to be paid out of the proper fund, as in other cases, and also make out a transfer of such property as shall be assigned to either county.

36.09.050 Collection of taxes levied—Apportionment. When a county is divided or the boundary is altered, all taxes levied before the division was made or boundaries changed, must be collected by the officers of the county in which the territory was situated before the division or change. And the auditor or auditors of the

county or counties so divided or having boundaries changed, shall apportion the amount of the real property taxes so collected after division or change of boundary to the old county or counties and the new county or counties, in the ratio of the assessed value of such property situated in the territory of each county or counties respectively, and the old county that may have been divided or whose boundaries may have been changed, shall retain all of the personal property taxes on the said tax rolls, as compensation for cost of collection of the entire taxes: *Provided*, That in such accounting neither county shall be charged with any debt or liability then existing incurred in the purchase of any county property, or in the purchase or construction of any county buildings then in use or under construction, which shall fall within and be retained by the county: *Provided further*, That this shall not be construed to affect the rights of creditors: *And provided further*, That any such county property or buildings shall be the property of and owned by the county wherein the same is situated. In case the auditors of the interested counties are not able to agree upon the proportion to be awarded to each county, the same shall be determined by the judge of the superior court of the district in which all of the interested counties are situated, if they be in one district, and have one common judge, and if not, by the judges sitting en banc of the superior courts of the counties involved. Said auditors shall make said apportionment within sixty days after the creation of any new county or the changing of boundaries of any old county, and if they do not, within said time, agree upon said apportionment, thereafter either or any county affected may petition the judge or judges of any court given jurisdiction by this section, and upon ten days' notice to any other county affected, the same may be brought on for hearing and summarily disposed of by said judge or judges, after allowing each side an opportunity to be heard.

Chapter 36.12

REMOVAL OF COUNTY SEATS

36.12.010 Petition for removal. Whenever the inhabitants of any county desire to remove the county seat of the county from the place where it is fixed by law or otherwise, they shall present a petition to the board of county commissioners of their county praying such removal, and that an election be held to determine to what place such removal must be made. The petition shall set forth the names of the towns or cities to which the county seat is proposed to be removed.

36.12.020 Requisites of petition—Submission to electors. If the petition is signed by qualified voters of the county equal in number

to at least one-third of all the votes cast in the county at the last preceding general election the board must, at the next general election of county officers, submit the question of removal to the electors of the county.

36.12.030 Notice of election—Election, how held. Notice of the election, clearly stating the object, shall be given, and the election must be held and conducted, and the returns made, in all respects in the manner prescribed by law in regard to elections for county officers.

36.12.040 Manner of voting. In voting on the question, each voter must vote for or against the place named in the petition.

36.12.050 Vote required—Notice of result. When the returns have been received and compared, and the results ascertained by the board, if three-fifths of the legal votes cast by those voting on the proposition are in favor of any particular place the proposition has been adopted. The board of county commissioners must give notice of the result by posting notices thereof in all the election precincts in the county.

36.12.060 Time of removal. In the notice provided for in RCW 36.12.050, the place selected to be the county seat of the county must be so declared upon a day not more than ninety days after the election. After the day named the place chosen is the seat of the county; and the several county officers, whose offices are required by law to be kept at the county seat, shall remove their respective offices, files, records, office fixtures, furniture, and all public property pertaining to their respective offices to the new county seat.

36.12.070 Notice to county clerk and secretary of state. Whenever any election has been held for change of county seat, the notice given by the board of county commissioners showing the result thereof must be deposited in the office of the county clerk, and a certified copy thereof transmitted to the secretary of state.

36.12.080 Failure of election—Limitation on subsequent removal election. When an election has been held and no one place receives three-fifths of all the votes cast, the former county seat shall remain the county seat, and no second election may be held within four years thereafter.

36.12.090 Limitation on successive removal elections. When the county seat of a county has been removed by a popular vote of the people of the county, it may be again removed, from time to time, in the manner provided by this chapter, but no two elections to effect such removal may be held within four years.

Chapter 36.13**CLASSIFICATION OF COUNTIES**

36.13.010 Counties classified by population. The several counties of the state are classified by population as follows: Counties containing a population of five hundred thousand or more shall be known as class AA counties; counties containing a population of two hundred ten thousand or more shall be known as class A counties; counties containing a population of one hundred twenty-five thousand and less than two hundred ten thousand shall be known as counties of the first class; counties containing a population of seventy thousand and less than one hundred twenty-five thousand shall be known as counties of the second class; counties containing a population of forty thousand and less than seventy thousand shall be known as counties of the third class; counties containing a population of eighteen thousand and less than forty thousand shall be known as counties of the fourth class; counties containing a population of twelve thousand and less than eighteen thousand shall be known as counties of the fifth class; counties containing a population of eight thousand and less than twelve thousand shall be known as counties of the sixth class; counties containing a population of five thousand and less than eight thousand shall be known as counties of the seventh class; counties containing a population of three thousand three hundred and less than five thousand shall be known as counties of the eighth class; counties containing a population of less than three thousand three hundred shall be known as counties of the ninth class.

36.13.020 County census authorized. Whenever the board of county commissioners of any county determines that its county has sufficient population to entitle it to advance to a higher class, and passes a resolution setting forth its estimate as to the population and the classification to which the county is entitled by reason of such estimated population it may order a county census to be taken of all the inhabitants of the county: *Provided*, That no county census enumeration under the provisions of RCW 36.13.020 through 36.13.070 shall be made within the three years next preceding or within the three years next following a federal census. The expense of such census enumeration shall be paid from the county current expense fund.

36.13.030 ————How taken—Enumerators. For the purpose of making a county census, the board of county commissioners may employ one or more suitable persons. The census shall give the full name, age, and occupation, if any, of each person resident in the county as of a date to be fixed by the board. The names shall

be plainly written, alphabetically arranged, and numbered in complete series. Each person employed as an enumerator shall prepare a complete list of all names taken by him and shall verify his list as true and correct before an officer authorized to administer oaths. All such lists shall be filed with the county auditor of the county to which they pertain.

36.13.040 ————**Information to be given enumerators.** All persons resident in the county, having knowledge of the facts, shall give the information required herein to any duly authorized census enumerator when requested by him.

36.13.050 ————**Classification to be based on census.** The board of county commissioners shall determine the population of the county based upon such special county census. Based upon such census, it shall enter an order declaring and fixing the population of the county in accordance with such determination, and from and after the entry of the order the county shall be considered and classified for all purposes according to the population thus determined.

36.13.070 ————**Penalty.** Any person violating any of the provisions of RCW 36.13.020, 36.13.030, 36.13.040, and 36.13.050, or any officer or enumerator making, assisting, or permitting any duplication of names or making, permitting, or assisting in the enumeration of any fictitious names or persons in taking the census, shall be guilty of a gross misdemeanor.

36.13.075 **Classification of new or altered counties—Salaries unaffected.** Newly created counties shall be governed as to classification by the provisions of this chapter. When the population of any existing county has been reduced, by reason of the creation of any new county from the territory thereof, below the class and rank to which it was first entitled, the county commissioners shall designate, by order, the class to which such county has been reduced by reason thereof, and the county shall then enter such class: *Provided*, That the salary of county officers shall not be affected by reason of such division for the term for which they were elected.

36.13.080 **Reclassification from 1940 census of seventh, eighth, and ninth class counties.** No change from the 1940 census in the classification of seventh, eighth, and ninth class counties as provided by RCW 36.13.010 and 36.17.020 shall occur until the board of county commissioners of each such respective county makes an order reclassifying such county: *Provided*, That such order shall be made within ninety days after the issuance of the federal official preliminary estimate of the population for such county. If no order of reclassification be made by the board of county commissioners the federal official preliminary estimate or the final certificate of

the census of 1950 shall be considered as showing the actual population of such county.

Such order of reclassification shall not become effective until sixty days after the order is made. During such period of sixty days a referendum may be commenced by a petition filed by the qualified electors of the county in numbers equal to or exceeding fifteen percent of the whole number of electors of such county who voted for governor at the regular gubernatorial election last preceding and such petition shall within sixty days of date of such order be filed in the office of the county auditor.

Upon the filing of such petition, the county auditor shall canvass the signatures thereon in order to determine whether or not the petition contains the requisite signatures and upon ascertaining that fact the county auditor shall certify the petition. Thereafter such order shall be placed upon the ballot at the next general election to be held in the county.

36.13.090 Powers of first class counties apply to class A and Class AA counties. All provisions of law relative to the powers and duties of first class counties and the officers thereof shall apply with equal force to class A counties and class AA counties, except as otherwise provided by law.

36.13.100 Determination when population is basis for allocation of funds. Whenever any funds are allocated to counties on the basis of population, the population of the respective counties shall be determined by the most recent census, estimate or survey by the federal bureau of census or any state board or commission authorized to make such a census, estimate or survey. If a maximum percent of error is shown on any such survey or estimate, the population of the county shall be computed by deducting from the estimate fifty percent of the maximum possible error.

Chapter 36.16

COUNTY OFFICERS—GENERAL

36.16.010 Time of election. The election of county and precinct officers shall be held on the Tuesday next following the first Monday in November, 1922; and every four years thereafter on the Tuesday next following the first Monday in November, and all such elective county and precinct officers shall after midnight, June 11, 1919, be elected at the time herein specified: *Provided*, That if a vacancy occur during the first biennium after any such election, an election to fill such vacancy for the unexpired term shall be held at the next succeeding general election.

36.16.020 Term of county and precinct officers. The term of office of all county and precinct officers shall be four years and until their successors are elected and qualified and shall begin on the second Monday in January following the election: *Provided*, That this section and RCW 36.16.010 shall not apply to county commissioners: *Provided further*, That this section shall not apply to county superintendents elected in 1962.

36.16.030 Elective county officers enumerated. In every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer: *Provided*, That in counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes no coroner shall be elected and the prosecuting attorney shall be ex officio coroner: *Provided further*, That in ninth class counties no county auditor or assessor shall be elected and the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor.

36.16.032 Offices of auditor and clerk may be combined in eighth class counties—Salary. The office of county auditor may be combined with the office of county clerk in counties of the eighth class by unanimous resolution of the board of county commissioners passed thirty days or more prior to the first day of filing for the primary election for county offices. The salary of such office of county clerk combined with the office of county auditor shall be four thousand five hundred dollars.

Note: See also section 2, chapter 164, Laws of 1963.

36.16.040 Oath of office. Every person elected to county office shall before he enters upon the duties of his office take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to the best of his ability. This oath, or affirmation, shall be administered and certified by an officer authorized to administer oaths, without charge therefor.

36.16.050 Official bonds. Every county auditor before he enters upon the duties of his office shall furnish a bond conditioned that he will faithfully perform the duties of his office and account for and pay over all money which may come into his hands by virtue of his office, and that he, or his executors or administrators, will deliver to his successor safe and undefaced all books, records, papers, seals, equipment, and furniture belonging to his office. Bonds of elective county officers shall be as follows:

Assessor: Amount to be fixed and sureties to be approved by the board of county commissioners;

Auditor: Amount to be fixed at not less than three thousand

dollars and sureties to be approved by the board of county commissioners;

Clerk: Amount to be fixed in a penal sum not less than double the amount of money liable to come into his hands and sureties to be approved by the judge or a majority of the judges presiding over the court of which he is clerk;

Coroner: In the amount of one thousand dollars with sureties to be approved by the board of county commissioners;

County commissioners: Sureties to be approved by the county clerk and the amounts to be:

(1) In class A counties and first class counties twenty-five thousand dollars;

(2) In second class counties, twenty-two thousand five hundred dollars;

(3) In third class counties, twenty thousand dollars;

(4) In fourth class counties, fifteen thousand dollars;

(5) In fifth class counties, ten thousand dollars;

(6) In sixth class counties, seven thousand five hundred dollars;

(7) In seventh and eighth class counties, five thousand dollars;

(8) In ninth class counties, two thousand dollars;

Prosecuting attorney: In the amount of five thousand dollars with sureties to be approved by the board of county commissioners;

Sheriff: Amount to be fixed and bond approved by the board of county commissioners at not less than two thousand nor more than twenty-five thousand dollars; surety to be a surety company authorized to do business in this state;

Superintendent of schools: Amount to be fixed and sureties to be approved by the county board of education;

Treasurer: Sureties to be approved by the board of county commissioners and the amounts to be fixed by the board of county commissioners at double the amount liable to come into the treasurer's hands during his term, the maximum amount of the bond, however, not to exceed:

(1) In class A counties, two hundred fifty thousand dollars;

(2) In first class counties, two hundred thousand dollars;

(3) In second, third and fourth class counties, one hundred fifty thousand dollars;

(4) In all other counties, one hundred thousand dollars.

The treasurer's bond shall be conditioned that all moneys received by him for the use of the county shall be paid as the commissioners shall from time to time direct, except where special provision is made by law for the payment of such moneys, by order of any court, or otherwise, and for the faithful discharge of his duties.

In the approval of official bonds, the chairman may act for the board of county commissioners if it is not in session.

36.16.060 Place of filing oaths and bonds. Every county officer, before entering upon the duties of his office, shall file his oath of office in the office of the county auditor and his official bond in the office of the county clerk: *Provided*, That the official bond of the county clerk, after first being recorded by the county auditor, shall be filed in the office of the county treasurer.

Oaths and bonds of deputies shall be filed in the offices in which the oaths and bonds of their principals are required to be filed.

36.16.070 Deputies and employees. In all cases where the duties of any county office are greater than can be performed by the person elected to fill it, the officer may employ deputies and other necessary employees with the consent of the board of county commissioners. The board shall fix their compensation and shall require what deputies shall give bond and the amount of bond required from each. The sureties on deputies' bonds must be approved by the board and the premium therefor is a county expense: *Provided*, That this paragraph shall not apply to those employees of the county superintendents holding a certificate from the state board of education or state board of vocational education.

A deputy may perform any act which his principal is authorized to perform. The officer appointing a deputy or other employee shall be responsible for the acts of his appointees upon his official bond and may revoke each appointment at pleasure.

36.16.087 ———County treasurer—Prior deeds validated. In all cases in which the county treasurer of any county in the state of Washington shall have executed a tax deed or deeds prior to February 21, 1903, either to his county or to any private person or persons or corporation whomsoever, said deed or deeds shall not be deemed invalid by reason of the county treasurer who executed the same not having affixed a seal of office to the same, or having affixed a seal not an official seal; nor shall said deed or deeds be deemed invalid by reason of the fact that at the date of the execution of said deed or deeds there was in the state of Washington no statute providing for an official seal for the office of county treasurer.

36.16.090 Office space. The boards of county commissioners of the several counties of the state shall provide a suitable furnished office for each of the county officers in their respective courthouses.

36.16.100 Offices to be open certain days and hours. All county and precinct offices shall be kept open for the transaction of business during such days and hours as the board of county commissioners shall by resolution prescribe.

36.16.110 Vacancies in office. The board of county commissioners in each county shall, at its next regular or special meeting

after being appraised of any vacancy in any county, township, precinct, or road district office of the county, fill the vacancy by the appointment of some person qualified to hold such office, and the officers thus appointed shall hold office until the next general election, and until their successors are elected and qualified.

36.16.120 Officers must complete business. All county officers shall complete the business of their offices, to the time of the expiration of their respective terms, and in case any officer, at the close of his term, leaves to his successor official labor to be performed, which it was his duty to perform, he shall be liable to his successor for the full value of such services.

Chapter 36.17

SALARIES OF COUNTY OFFICERS

36.17.010 Salary full compensation. The county officers of the counties of this state, according to their class, shall receive a salary for the services required of them by law, or by virtue of their office, which salary shall be full compensation for all services of every kind and description rendered by them.

36.17.020 Schedule of salaries. The salaries of county officers of class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth, and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:

Class A counties: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroner, nine thousand two hundred dollars; prosecuting attorney, ten thousand eight hundred dollars;

Counties of the first class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, eight thousand three hundred dollars; prosecuting attorney, nine thousand eight hundred dollars; coroner, four thousand one hundred dollars;

Counties of the second class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, member of board of county commissioners, seven thousand dollars; prosecuting attorney, seven thousand four hundred dollars; coroner, two thousand four hundred dollars;

Counties of the third class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, members of board of county commissioners, prosecuting attorney, six thousand three hundred dollars; and coroner, one thousand six hundred dollars;

Counties of the fourth class: Auditor, clerk, treasurer, assessor,

sheriff, superintendent of schools, five thousand six hundred dollars; members of the board of county commissioners and prosecuting attorney, five thousand one hundred dollars;

Counties of the fifth class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, five thousand one hundred dollars; members of the board of county commissioners and prosecuting attorney, four thousand four hundred dollars;

Counties of the sixth class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, four thousand six hundred dollars; prosecuting attorney, two thousand eight hundred dollars; members of the board of county commissioners, one thousand five hundred dollars and twelve dollars per diem for expenses;

Counties of the seventh class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, four thousand five hundred dollars; prosecuting attorney, two thousand eight hundred dollars; members of the board of county commissioners, one thousand five hundred dollars and twelve dollars per diem for expenses;

Counties of the eighth class: Auditor, treasurer, assessor, sheriff, four thousand dollars; clerk, two thousand eight hundred dollars; superintendent of schools, two thousand six hundred dollars; prosecuting attorney, two thousand four hundred dollars; members of board of county commissioners, one thousand two hundred dollars and ten dollars per diem for expenses;

Counties of the ninth class: Auditor-clerk, sheriff, treasurer-assessor, three thousand seven hundred dollars; superintendent of schools, two thousand two hundred dollars; prosecuting attorney, one thousand seven hundred dollars; members of the board of county commissioners, twelve dollars per diem.

The salaries of county officers in counties with a population over five hundred thousand shall be per annum respectively as follows: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroners, twelve thousand dollars; prosecuting attorney, thirteen thousand five hundred dollars.

Note: See also section 1, chapter 164, Laws of 1963.

36.17.030 Expenses. All county officers shall be entitled to their necessary reasonable traveling expenses in the performance of their official duties, bills therefor to be audited by the county commissioners: *Provided*, That when using their own cars, they shall be allowed not to exceed ten cents per mile for each mile of necessary travel.

36.17.040 Payment of salaries of officers and employees. The salaries of county officers and employees of counties other than counties of the eighth and ninth classes may be paid twice monthly

out of the county treasury, and the county auditor, for services rendered from the first to the fifteenth day, inclusive, may, not later than the twentieth day of the month, draw his warrant upon the county treasurer in favor of each of such officers and employees for the amount of salary due him, and such auditor, for services rendered from the sixteenth to the last day, inclusive, may similarly draw his warrant, not later than the fifth day of the following month, and the county commissioners may enter an order on the record journal empowering him so to do: *Provided*, That if the board of county commissioners do not adopt the semimonthly pay plan, they, by resolution, shall designate the first pay period as a draw day. The draw day period shall be from the first day to the fifteenth day of the month, inclusive. Not more than forty percent of said earned monthly salary of each such county officer or employee shall be paid to him on the draw day and the payroll deductions of such officer or employee shall not be deducted from the salary to be paid on the draw day. The draw day shall not be later than the twentieth day of each month. The balance of the earned monthly salary of each such officer or employee shall be paid not later than the fifth day of the following month.

In counties of eighth and ninth classes salaries shall be paid monthly unless the commissioners by resolution adopt the foregoing draw day procedure.

36.17.050 Salary warrant may be withheld. The auditor shall not draw his warrant for the salary of any officer until the latter shall have first filed his duplicate receipt with the auditor, properly signed by the treasurer, showing he has made the last required monthly statement and settlement.

Chapter 36.18

FEEES OF COUNTY OFFICERS

36.18.010 Auditor's fees. County auditors shall collect the following fees for their official services: For filing each chattel mortgage, renewal affidavit, or conditional sale contract, and entering same as required by law, two dollars; for each assignment, modification, transfer, correction, or release of chattel mortgage, conditional sale contract, or miscellaneous instrument, one dollar;

For filing a release of chattel mortgage, conditional sale contract, or miscellaneous instrument, one dollar: *Provided*, That said fee shall be paid at the time of filing the chattel mortgage, conditional sale contract, or miscellaneous instrument, and no charge shall be made when the release of any of the above instruments is filed;

For recording instruments; for the first page, legal size (eight and one-half by thirteen inches or less), two dollars; for each

additional legal size page, one dollar; for indexing each name over two, ten cents;

For marginal release of mortgage or lien, one dollar;

For preparing and certifying copies, for the first legal size page, two dollars; for each additional legal size page, one dollar;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing marriage license, five dollars, (this fee includes taking necessary affidavits, filing returns and indexing);

For searching records per hour, four dollars;

For recording plats, twenty-five cents for each lot except cemetery plats for which the charge shall be ten cents per lot; also one dollar for each acknowledgement, dedication, and description: *Provided*, That there shall be a minimum fee of fifteen dollars per plat;

For filing of miscellaneous records, not listed above, two dollars;

For making marginal notations on original recording when blanket assignment or release of instrument is filed for record, each notation, twenty-five cents;

For recording of miscellaneous records, not listed above, for first legal size page, two dollars; for each additional legal size page, one dollar.

36.18.020 Clerk's fees. Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of fifteen dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of fifteen dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of five dollars.

(4) For the filing of a tax warrant by the tax commission of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars, and in the event that the case is settled out of court not less than twenty-four hours prior to the time that such case is called to be heard upon trial, such fee shall be returned to such party by the clerk.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or per-

mitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For the filing of an affidavit for garnishment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of fifteen dollars: *Provided, however,* A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of fifteen dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of two dollars.

(15) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of fifteen dollars.

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, June 7, 1961, shall be completed and governed by the fee schedule in effect as of January 1, 1959: *Provided,* That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

36.18.030 Coroner's fees. Coroners shall collect for their official services, the following fees:

For each inquest held, besides mileage, twenty dollars.

For issuing a venire, two dollars.

For drawing all necessary writings, two dollars for first page and one dollar for each page thereafter.

For mileage each way, per mile, ten cents.

For performing the duties of a sheriff, he shall receive the same fees as a sheriff would receive for the same service.

36.18.040 Sheriff's fees. Sheriffs shall collect the following fees for their official services: For service of each summons and complaint, and return thereon, on each defendant, besides mileage, two dollars;

For making a return of "not found" in the county upon a summons, besides mileage actually traveled, two dollars;

For levying each writ of attachment or writ of execution upon real or personal property, besides mileage, three dollars;

For filing copy of writ of attachment or writ of execution with auditor, two dollars plus auditor's filing fee;

For chattel mortgage foreclosure (short form), levy three dollars; posting notice, two dollars; service of notice, two dollars;

For serving writ of possession or restitution without aid of the county, besides mileage, three dollars;

For serving writ of possession or restitution with aid of the county, besides mileage, five dollars;

For service and return of subpoena, upon each person served, besides mileage, one dollar;

For summoning each juror, besides mileage, one dollar;

For serving an arrest warrant in any action or proceeding, besides mileage, four dollars;

For serving or executing any other writ or process in a civil action or proceeding, besides mileage, two dollars;

For taking and approving any bond, in a civil action or proceeding, required by law to be taken or approved by him, except indemnity bonds, two dollars;

For each mile actually and necessarily traveled by him in going to or returning from any place of service, or attempted service, ten cents;

For making a deed to lands sold upon execution or order of sale or other decree of court, to be paid by the purchaser, six dollars;

For making copies of papers when sufficient copies are not furnished, two dollars for first page and one dollar per each additional page;

For the service of any process for which no other fee is provided for herein, two dollars;

For the making of any return for which no other fee is provided herein, two dollars;

For the execution of any process for which no other fee is provided herein, four dollars;

For the service of affidavit and bond in replevin, two dollars for

each defendant; approval of bond, two dollars; taking property, two dollars;

For posting notices of sale, or postponement, two dollars besides mileage;

For certificate of sale of real property, five dollars;

For serving notice of redemption, two dollars; certificate of redemption, five dollars;

For making a return of no property found, two dollars;

For estray sales, crying sale, two dollars, besides mileage.

36.18.045 Treasurer's fees. County treasurers shall collect the following fees for their official services:

For preparing and certifying copies, with or without seal for the first legal size page, two dollars, for each additional legal size page, one dollar.

36.18.050 Fees in special cases. Every officer who shall be called on or required to perform service for which no fees or compensation are provided for in this chapter shall be allowed fees similar and equal to those allowed him for services of the same kind for which allowance is made herein.

36.18.060 Fees payable in advance. The officers mentioned in this chapter shall not, in any case, except for the state or county, perform any official services unless the fees prescribed therefor are paid in advance, and on such payment the officer must perform the services required. For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

36.18.070 Single mileage chargeable when. When any sheriff, constable or coroner serves more than one process in the same cause or on the same person not requiring more than one journey from his office, he shall receive mileage only for the most distant service.

36.18.080 Fee schedule to be kept posted. Every county officer entitled to collect fees from the public shall keep posted in his office a plain and legible statement of the fees allowed by law and failure so to do shall subject the officer to a fine of one hundred dollars and costs, to be recovered in any court of competent jurisdiction.

36.18.090 Itemized receipt to be given. Every officer, when requested so to do, shall make out a bill of his fees in every case, and for any services, specifying each particular item thereof, and receipt the same when it is paid, which bill of fees shall always be subject to examination and correction by the courts. Any officer who fails to comply with the requirements of this section shall be liable to the person paying the fees in treble the amount so paid.

36.18.100 Fee book to be kept. Each county and precinct officer

authorized to receive fees shall keep a fee book, open to public inspection during office hours, in which must be entered at once and detailed all fees or compensation of whatever nature collected or chargeable. On the first Monday of every month, the officer must add up each column in his fee book to the first of the month, and set down the totals. On the expiration of the term of such officer he must deliver to the county auditor all fee books kept by him.

36.18.110 Monthly statement to county auditor. Every salaried county and precinct officer authorized to receive fees shall on or before the first Monday of each month and at the end of his term of office submit to the county auditor a statement and copy of his fee book for the month last past, duly verified as provided in RCW 36-18.150: *Provided*, That the county auditor shall submit the statement and copy of his fee book to the county clerk.

36.18.120 Statements to be checked. The county auditor and county clerk shall check the statements submitted them with the fee book, and the records pertaining thereto, and if they are found to be correct shall return them after having attached thereto their official certificates.

36.18.130 Errors or irregularities. If any errors or irregularities are found by the checking officer he shall immediately notify the officer interested, and if within three days after such notification the errors or irregularities are not corrected by such officer, the checking officer shall notify the board of county commissioners in writing and upon receipt of such notification the board shall proceed against such officer in the manner provided by law.

36.18.140 Payment of fees to county treasurer. All salaried county officers shall charge and collect for the use of their respective counties, and pay into the county treasury on the first Monday in each month, all the fees now or hereafter allowed by law, paid or chargeable in all cases during the preceding month except such fees as are a charge against the county or state. No officer may retain to his own use any money paid him by virtue of his office.

36.18.150 Verified statement of fees. The fees and compensation collected and chargeable for the county in each month and paid to the county treasurer on the first Monday of the following month, must be accompanied by a statement and copy of the fee book for the month last past, duly verified by the officer making such payment, and certified to by the proper officer. The affidavit shall be in the following form:

State of Washington,)

) ss.

County of)

I, county, do swear that

the fee book in my office contains a true statement in detail of all fees and compensation of every kind and nature, for official services rendered by me, paid or chargeable, my deputies or assistants, for the month of _____, A. D. 19_____, and that said fee book shows the full amount received or chargeable in said month, and since my last monthly payment; and neither myself, nor to my knowledge or belief, any of my deputies or assistants, has rendered any official services, except for the county or state, which is not fully set out in said fee book; and that the foregoing statement thereof is a full, true, and complete copy thereof.

Subscribed and sworn to before me this _____ day of _____, 19_____.

The certificate of the checking officer shall be in the following form:

State of Washington,)
)ss.
County of _____)

This is to certify that I have checked the records of the office of the county _____ for the month of _____, 19_____, and find the same to be properly entered on his fee book, and that the foregoing statement is a full, true and complete copy thereof.

Witness my hand and official seal this _____ day of _____, 19_____.

36.18.160 Penalty for taking illegal fees. If any officer takes more or greater fees than are allowed by law he shall be subject to prosecution, and on conviction, shall be removed from office and fined in a sum not exceeding one thousand dollars.

36.18.170 Penalty for failure to pay over fees. Any salaried county or precinct officer, who fails to pay to the county treasury all sums that have come into his hands for fees and charges for the county, or by virtue of his office, whether under the laws of this state or of the United States, shall be guilty of embezzlement, and upon conviction thereof shall be punished by imprisonment in the penitentiary not less than one year nor more than three years: Provided, That upon conviction, his office shall be declared to be vacant by the court pronouncing sentence.

36.18.180 Office to be declared vacant on conviction. The board of county commissioners of any county in this state, upon receiving a certified copy of the record of conviction of any officer for receiving illegal fees, or where the officer collects fees and fails to account for the same, upon proof thereof must declare his office vacant and appoint his successor.

Chapter 36.21**COUNTY ASSESSOR**

36.21.011 Assessor may appoint deputies and engage expert appraisers. Any assessor who deems it necessary to enable him to complete the listing and the valuation of the property of his county within the time prescribed by law, (1) may appoint one or more well qualified citizens of his county to act as his assistants or deputies; and each assistant so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors, and (2) may contract with persons, firms or corporations, regardless of their residence, who are expert appraisers, to assist in the valuation of property.

36.21.020 Duties as to assessment in first class cities. The county assessor in each county in which there is a city of the first class, as soon as the county and state boards of equalization have finally fixed the valuation of the property in such county for state and county taxation in each year, shall certify to the city comptroller of each city of the first class in such county a summary of the valuation of all real estate and personal property in such city, or subject to taxation therein, as shown by the assessment roll of the county, as finally fixed by said boards and also a list of all residents of such city liable to pay a poll tax.

The county assessor, in making up his assessment roll for the county, shall place the property within the limits of any such city subject to taxation therein in as compact a form as practicable on the roll, so that the city taxes may be extended in the same manner as state and county taxes are extended, and that portion of said assessment roll embracing persons and property subject to taxation in such city shall constitute also the assessment roll of such city of the first class for the levy and collection of the taxes thereof.

When by reason of a change in the boundaries of any such city or otherwise, the rate of taxation is required to differ in different districts thereof, the real and personal property in each district shall be properly segregated for that purpose, and such segregation shall duly appear in the summary certified as aforesaid.

36.21.030 Ex officio assessor in other cities. For the purpose of assessment of all property in all cities and towns of other than the first class, the county assessor of the county wherein such city or town is situated shall be ex officio assessor.

36.21.040 New construction building permits—“Issuer” defined. “Issuer” means any state, county, city, or town agency from which it is necessary to receive a permit before proceeding with construction of any building.

36.21.050 ————**Required — County commissioners' duties — Cities excepted.** The county commissioners of every county shall provide for the issuance of a building permit for the construction or alteration of any building within the county, for which the value of the material exceeds five hundred dollars except that where any city within the county issues such permits for all buildings within its jurisdiction, it shall not be necessary for the county to issue building permits for the construction or alteration of buildings within any such city. Every application for a building permit as required herein shall contain a legal description of the property upon which the building is to be constructed or altered.

36.21.060 ————**Transmission to county assessor.** Whenever any issuer issues a building permit for the construction of any building, such issuer shall immediately transmit a copy of the permit to the county assessor of the county in which such building is to be constructed.

36.21.070 ————**Appraisal of building.** Upon receipt of such copy, the county assessor shall, within six months of the date of issue of such permit, proceed to make a physical appraisal of the building or buildings covered by the permit.

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

Chapter 36.22

COUNTY AUDITOR

36.22.010 Duties of auditor. The county auditor:

(1) Shall be recorder of deeds and other instruments in writing which by law are to be filed and recorded in and for the county for which he is elected;

(2) Shall examine and settle the accounts of all persons indebted to the county or who hold money payable into the county treasury, certify the amount to the treasurer, and give to the person paying, a discharge upon presentation and filing of the treasurer's receipt therefor, charging the treasurer with the amount;

(3) Shall keep an account current with the county treasurer, charge him with all money received as shown by his receipts issued and credit him with all disbursements paid out according to the record of settlement of the treasurer with the board of county commissioners;

(4) Shall make out and transmit to the state auditor a complete statement of the state fund account with the county for the past fiscal year certified by his certificate and seal, immediately after the completion of the annual settlement of the county treasurer with the board of county commissioners.

This statement shall show:

The total amount of tax levy for the current year as returned on the original assessment roll;

The amount of the supplemental taxes levied by the treasurer;

The amount collected from delinquent tax rolls of previous years, since the last report;

The amount of errors, double assessments, and rebates allowed on settlement of the treasurer with the board of county commissioners;

The amount paid to the state treasurer since the last annual settlement and all such other credits as the county may be entitled to receive in abatement of state taxes;

The balance of the delinquent tax account for the current year.

(5) Shall make a complete exhibit of the finances of the county immediately after the July settlement between the county treasurer and the county commissioners. He shall cause the exhibit to be published in some newspaper printed within the county; if there is none, he shall post the exhibit in a conspicuous place in his office.

The exhibit shall show:

The amount of taxes assessed in the county for the preceding year for state, county, road, bridge, school, and other purposes;

The amount of taxes collected on such assessment;

The amount of money received from other sources;

The amount received into the treasury;

The amount still due and not collected;

The number of warrants issued, the several purposes for which they were issued, the amount for each purpose, and the total amount;

The total amount of warrants redeemed;

The amount of outstanding warrants;

The present condition of the treasury;

Remarks.

(6) Shall make out a register of all warrants legally authorized and directed to be issued by any superior court cost bill, not earlier than ten days after receipt thereof, or by the board of county commissioners at any regular, adjourned, or special meeting thereof, not earlier than ten days after adjournment. He shall also make out a certified copy of the register of warrants under his hand and seal and deliver it forthwith to the county treasurer who shall record it in a book kept for that purpose. The auditor shall file and

carefully preserve the original in his office for future reference. The register of warrants shall be part of the records of the county.

(7) Shall examine the books of the treasurer between the first and tenth of each month and see that they have been correctly kept.

(8) Shall, with the county commissioners, count the money in the county treasury at the January, April, July and October settlements and make and verify statements in duplicate, showing:

The amount of money that ought to be in the treasury;

The amount and kind of money actually therein.

(9) As clerk of the board of county commissioners he shall:

Record all of the proceedings of the board;

Make full entries of all of their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county;

Record the vote of each member on any question upon which there is a division or at the request of any member present;

Sign all orders made and warrants issued by order of the board for the payment of money;

Record the reports of the county treasurer of the receipts and disbursements of the county;

Preserve and file all accounts acted upon by the board;

Preserve and file all petitions and applications for franchises and record the action of the board thereon;

Record all orders levying taxes;

Perform all other duties required by any rule or order of the board.

36.22.020 Publisher of commission proceedings—Custodian of commissioners' seal. It shall be the duty of the county auditor of each county, within fifteen days after the adjournment of each regular term, to publish a summary of the proceedings of the board of county commissioners at such term, in any newspaper published in the county or having a general circulation therein, or the auditor may post copies of such proceedings in three of the most public places in the county. The seal of the county commissioners for each county, used by the county auditor as clerk to attest the proceedings of the board of county commissioners, shall be and remain in the custody of the county auditor as clerk of the board, and said auditor is hereby authorized to use such seal in attestation of all his official acts, whether as clerk of said board, as auditor or recorder of deeds; and all certificates, exemplifications of records, or other acts by him performed as county auditor, certified under the seal of said county commissioners, heretofore made or hereafter to be made pursuant to this section, in this state, shall be as valid and legally binding as though attested by a seal of office of the said county auditor.

36.22.030 May administer oaths. Auditors and their deputies may administer oaths necessary in the performance of their duties and in all other cases where oaths are required by law to be administered and take acknowledgments of deeds and other instruments in writing: *Provided*, That any deputy county auditor, in administering such oath or taking such acknowledgment, shall certify to the same in his own name as deputy, and not in the name of his principal, and shall attach thereto the seal of the office: *Provided*, That all oaths administered or acknowledgments taken by any deputy of any county auditor certifying to the same in the name of his principal by himself as such deputy, prior to the taking effect of chapter 119, Laws of 1893 be and the same are hereby legalized and made valid and binding.

36.22.040 Duty to audit claims against county. The county auditor shall audit all claims, demands, and accounts against the county which by law are chargeable to the county, except such cost or fee bills as are by law to be examined or approved by some other judicial tribunal or officer. Such claims as it is his duty to audit shall be presented to the board of county commissioners for their examination and allowance.

36.22.050 Issuance of warrants—Limitation of amount—Multiple warrants. For claims allowed by the county commissioners, and also for cost bills and other lawful claims duly approved by the competent tribunal designated by law for their allowance, he shall draw a warrant on the county treasurer, made payable to the claimant or his order, bearing date from the time of and regularly numbered in the order of their issue but no warrant shall be issued within less than ten days after the date of its allowance. Unless there is sufficient cash in the county treasury to pay it on presentation, no warrant shall be issued for a greater amount than five hundred dollars. Nothing shall prevent claimants at the time of issuing of warrants from having the same broken or issued in smaller warrants by the auditor, using two or more warrants in lieu of one.

36.22.060 Record of warrants. He shall carefully keep proper warrant books, and when a warrant is issued the stub shall be carefully retained, upon which shall be recorded the number, date, name of payee, amount, nature of claims or services briefly stated and by whom allowed. In all cases where multiple warrants are issued for one claim the auditor must preserve as many stub entries as there have been warrants issued, noting upon each stub the claim for which it was issued and the number of warrants which aggregate the amount of the entire claim allowed.

36.22.070 Original claims to be retained. He shall also retain all original bills and indorse thereon claimant's name, nature of

claim, the action had, and if a warrant was issued, date and number the voucher or claim the same as the warrant.

36.22.080 Claims of auditor. All claims of the county auditor against the county for services shall be audited and allowed by the board of county commissioners as other claims are audited and allowed. Such warrants shall in all respects be audited, approved, issued, numbered, registered, and paid the same as any other county warrant.

36.22.090 Warrants of political subdivisions. All warrants for the payment of claims against diking, ditch, drainage and irrigation districts and school districts of the second and third class as well as political subdivisions within the county for which no other provision is made by law shall be drawn and issued by the county auditor of the county wherein such subdivision is located upon vouchers properly approved by the governing body thereof.

36.22.100 Cancellation of unclaimed warrants. County warrants drawn but uncalled for six years after the date of their issue shall be canceled by the board of county commissioners and the auditor and treasurer of the county shall cancel all record of such warrants, so as to leave the funds as if such warrants had never been drawn.

36.22.110 Auditor cannot act as attorney or lobbyist — Incompatibility. The person holding the office of county auditor, or deputy, or performing its duties, shall not practice as an attorney or represent any person who is making any claim against the county, or who is seeking to procure any legislative or other action by the board of county commissioners. The county auditor, during his term of office, and any deputy appointed by him is disqualified from performing the duties of any other county officer or acting as deputy for any other county officer. Nor shall any other county officer or his deputy act as auditor or deputy, or perform any of the duties of said office.

36.22.120 Temporary clerk may be appointed. In case the auditor is unable to attend to the duties of his office during any session of the board of county commissioners, and has no deputy by him appointed in attendance, the board may temporarily appoint a suitable person not by law disqualified from acting as such to perform the auditor's duties.

36.22.140 Auditor deputy state supervisor. Each county auditor shall be ex officio deputy supervisor of the division of municipal corporations and in such capacity shall be under the direction of the chief supervisor, but he shall receive no additional salary or compensation by virtue thereof and shall perform no duties as such, except in connection with county business.

36.22.150 Duty of retiring auditor or his representative in case of death. Each auditor, on retiring from office, shall deliver to his successor the seal of office and all the books, records, and instruments of writing belonging to the office, and take his receipt therefor. In case of the death of the auditor, his legal representatives shall deliver over the seal, books, records and papers.

Chapter 36.23

COUNTY CLERK

36.23.020 New bond may be required. When the judge or judges of any court, or a majority of them, believe that the clerk of the court does not have a good and sufficient bond on file, or that the bond is not large enough in amount, such judge or judges shall enter an order requiring him, within such time as may be specified in the order, to execute and present to them a good and sufficient bond, in such sum as may be fixed by the order. In case of his failure to file the bond within ten days from the expiration of the date fixed the judge or judges shall declare the office vacant.

36.23.030 Books to be kept. The clerk of the superior court at the expense of the county shall keep the following books:

(1) A book in which he shall enter all appearances and the time of filing all pleadings in any cause;

(2) A docket in which before every session, he shall enter the titles of all causes pending before the court at that session in the order in which they were commenced, beginning with criminal cases, noting in separate columns the names of the attorneys, the character of the action, the pleadings on which it stands at the commencement of the session, leaving a margin opposite each case for the court to enter a short minute of the orders of the session. One copy of this docket shall be furnished for the use of the court and another for the use of the members of the bar;

(3) A minute book for each session in which he shall enter the names of witnesses and jurors, with time of attendance, distance of travel, and whatever else is necessary to enable him to make out a complete cost bill;

(4) A well bound journal in which he shall record the daily proceedings of the court, and enter all verdicts, orders, judgments, and decisions thereof, from which every morning shall be read in open court the proceedings of the previous day, which shall be signed by the judge; but the court shall have full control of all entries in said journal at any time during the session in which they were made;

(5) One well bound book for an execution docket and also one for a final record in which he shall make a full and perfect record

of all criminal cases in which a final judgment is rendered, and all civil cases in which by any order or final judgment the title to real estate, or any interest therein, is in any way affected, and such other final judgments, orders, or decisions as either party may require and for which they pay him for recording;

(6) A journal in which shall be entered all orders, decrees, and judgments made by the court and the minutes of the court in probate proceedings;

(7) A record of wills in which shall be recorded all wills admitted to probate;

(8) A record of letters testamentary and of administration in which all letters testamentary and of administration shall be recorded. He shall certify on such letters that they have been so recorded;

(9) A record of bonds, in which all bonds and obligations required by law to be approved by the court in matters of probate shall be recorded. The originals shall be preserved in the regular file;

(10) A record of claims in which at least one page shall be given to each estate or case wherein shall be entered, under the title of each estate or case, in separate columns properly ruled: The names of claimants against the estate, the date of filing proof of claims, the amount claimed, the amount allowed, the date of allowance, the nature of the claims, the amount paid, the number of the voucher for each payment, the date of filing the voucher, the date of disallowance and notice of disallowance;

(11) A memorandum of the files, in which at least one page shall be given to each estate or case, wherein shall be noted each paper filed in the case, except proof of claims and vouchers noted in the record of claims, and the date of filing each paper;

(12) Such other books as are prescribed by law and required in the discharge of the duties of his office.

36.23.040 Custody and delivery of records. The clerk shall be responsible for the safe custody and delivery to his successor of all books and papers belonging to his office.

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

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

(2) The county clerk maintains for the use of the public a

photographic film, microphotographic, photostatic or similar reproduction of each document, record, instrument, book, paper, deposition, or transcript so destroyed.

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

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

36.23.067 Reproduced court records have same force and effect as original. Any print, whether enlarged or not, from any photographic film, including any photographic plate, microphotographic film, or photostatic negative or similar reproduction, of any original record, document, instrument, book, paper, deposition or transcript which has been processed in accordance with the provisions of RCW 36.23.065, and has been certified by the county clerk under his official seal as a true copy, may be used in all instances, including introduction in evidence in any judicial or administrative proceeding, that the original record, document, instrument, book, paper, deposition or transcript might have been used, and shall have the full force and effect of said original for all purposes.

36.23.070 Destruction of court exhibits—Preservation for historical purposes. A county clerk may at any time more than ten years after the entry of final judgment in any action apply to the superior court for an authorizing order and, upon such order being signed and entered, destroy any exhibits which have theretofore been filed in such cause: *Provided*, That any exhibits which are deemed to possess historical value may be directed to be delivered by the clerk to libraries or historical societies.

36.23.080 Office at county seat. The office of the clerk of the superior court shall be kept at the county seat of the county of which he is clerk.

Chapter 36.24**COUNTY CORONER**

36.24.010 To act as sheriff under certain conditions. The coroner shall perform the duties of the sheriff in all cases where the sheriff is interested or otherwise incapacitated from serving; and whenever the coroner acts as sheriff he shall possess the powers and perform all the duties of sheriff, and shall be liable on his official bond in like manner as the sheriff would be, and shall be entitled to the same fees as are allowed by law to the sheriff for similar services: *Provided*, That nothing herein contained shall prevent the court from appointing a suitable person to discharge such duties, as provided by RCW 36.28.090.

36.24.020 Inquests. Any coroner, in his discretion, may hold an inquest if he suspects that the death of a person was unnatural, or violent, or resulted from unlawful means, or from suspicious circumstances, or was of such a nature as to indicate the possibility of death by the hand of the deceased or through the instrumentality of some other person: *Provided*, That, except under suspicious circumstances, no inquest shall be held following a traffic death.

The coroner shall summon six good and lawful persons to serve as jurors and to hear all the evidence concerning the death and to inquire into and render a true verdict on the cause of death.

The prosecuting attorney having jurisdiction shall be notified in advance of any such inquest to be held, and at his discretion may be present at and assist the coroner in the conduct of the same. The coroner may adjourn the inquest from time to time as he may deem necessary.

The costs of inquests shall be borne by the county in which the inquest is held.

36.24.030 Penalty for nonattendance of juror. Every person summoned as a juror who fails to appear without having a reasonable excuse shall forfeit a sum not exceeding twenty dollars, to be recovered by the coroner, in the name of the state, before any justice of the peace of the county. The penalty when collected shall be paid over to the county treasurer for the use of the county.

36.24.040 Duty of coroner's jury—Oath. When four or more of the jurors attend, they shall be sworn by the coroner to inquire who the person was, and when, where, and by what means he came to his death, and into the circumstances attending his death, and to render a true verdict therein, according to the evidence afforded them, or arising from the inspection of the body.

36.24.050 Power to summon witnesses—Subpoenas. The coroner may issue subpoenas for witnesses returnable forthwith or at such

time and place as he may appoint, which may be served by any competent person. He must summon and examine as witnesses, on oath by him administered, every person, who, in his opinion or that of any of the jury, has any knowledge of the facts. A witness served with a subpoena may be compelled to attend and testify, or be punished by the coroner for disobedience, in like manner as upon a subpoena issued by a justice of the peace.

36.24.060 Power to employ physician or surgeon—Compensation. The coroner may summon a surgeon or physician to inspect the body and give under oath a professional opinion as to the cause of death. The fees for the coroner’s physician or surgeon shall not be less than ten dollars.

36.24.070 Verdict of jury. After hearing the testimony, the jury shall render its verdict and certify the same in writing signed by the jurors, and setting forth who the person killed is, if known, and when, where and by what means he came to his death; or if he was killed, or his death was occasioned by the act of another by criminal means, who is guilty thereof, if known.

36.24.080 Testimony reduced to writing in certain cases and witnesses recognized. In all cases where murder or manslaughter is supposed to have been committed, the testimony of witnesses taken before the coroner’s jury shall be reduced to writing by the coroner, or under his direction, and he shall also recognize such witnesses to appear and testify in the superior court of the county, and shall forthwith file the written testimony, inquisition, and recognizance with the clerk of such court.

36.24.090 Procedure where accused is under arrest. If the person charged with the commission of the offense has been arrested before the inquisition has been filed, the coroner shall deliver the recognizance and the inquisition, with the testimony taken, to the magistrate before whom such person may be brought, who shall return the same, with the depositions and statements taken before him to the clerk of the superior court of the county.

36.24.100 Procedure where accused is at large—Warrant of arrest. If the jury finds that the person was killed and the party committing the homicide is ascertained by the inquisition, but is not in custody, the coroner shall issue a warrant for the arrest of the person charged, returnable forthwith to the nearest magistrate.

36.24.110 Form of warrant. The coroner’s warrant shall be in substantially the following form:

State of Washington, }
 } ss.
County of }
To any sheriff or constable of the county.

An inquisition having been this day found by the coroner's jury, before me, stating that A B has come to his death by the act of C D, by criminal means (or as the case may be, as found by the inquisition), you are therefore commanded, in the name of the state of Washington, forthwith to arrest the above named C D, and take him before the nearest or most accessible magistrate in this county.

Given under my hand this day of,
A. D. 19.....

E F, coroner of the county of.....

36.24.120 Service of warrant. The coroner's warrant may be served in any county, and the officers serving it shall proceed thereon, in all respects, as upon a warrant of arrest.

36.24.130 Property of deceased. The coroner must, within thirty days after the inquest upon a dead body, deliver to the county treasurer any money or other property which may be found upon the body, unless claimed in the meantime by the legal representatives of the deceased. If he fails to do so, the treasurer may proceed against the coroner to recover the same by a civil action in the name of the county.

36.24.140 Duty of treasurer. Upon the delivery of money to the treasurer, he shall place it to the credit of the county. If it is property other than money, he shall, within thirty days, sell it at public auction, upon reasonable public notice, and place the proceeds to the credit of the county.

36.24.150 Delivery to representatives. If the money in the treasury is demanded within six years by the legal representatives of the deceased, the treasurer shall pay it to them after deducting the fees and expenses of the coroner and of the county in relation to the matter, or the same may be so paid at any time thereafter, upon the order of the board of county commissioners of the county.

36.24.160 Justice of the peace may act as coroner. If the office of coroner is vacant, or he is absent or unable to attend, the duties of his office may be performed by any justice of the peace in the county with the like authority and subject to the same obligations and penalties as the coroner. For such service a justice of the peace shall be entitled to the same fees, payable in the same manner.

36.24.170 Coroner not to practice law. The coroner shall not appear or practice as attorney in any court, except in defense of himself or his deputies.

36.24.180 Audit of coroner's account. Before auditing and allowing the account of the coroner the board of county commissioners shall require from him a verified statement in writing, accounting for all money or other property found upon persons on whom in-

quests have been held by him, and that the money or property mentioned in it has been delivered to the legal representatives of the deceased, or to the county treasurer.

Chapter 36.27

PROSECUTING ATTORNEY

36.27.005 Defined. Prosecuting attorneys are attorneys authorized by law to appear for and represent the state and the counties thereof in actions and proceedings before the courts and judicial officers.

36.27.010 Eligibility to office. No person shall be eligible to the office of prosecuting attorney in any county of this state, unless he is a qualified elector therein, and has been admitted as an attorney and counselor of the courts of this state.

36.27.020 Duties. The prosecuting attorney shall:

(1) Be legal adviser of the board of county commissioners, giving them his written opinion when required by the board or the chairman thereof touching any subject which the board may be called or required to act upon relating to the management of county affairs;

(2) Be legal adviser to all county and precinct officers and school directors in all matters relating to their official business, and when required he shall draw up all instruments of an official nature for the use of said officers;

(3) Appear for and represent the state, county, and all school districts subject to the supervisory control and direction of the attorney general in all criminal and civil proceedings in which the state or his county or any school district in his county may be a party;

(4) Prosecute all criminal and civil actions in which the state or his county may be a party, defend all suits brought against the state or his county, and prosecute actions upon forfeited recognizances and bonds and actions for the recovery of debts, fines, penalties, and forfeitures accruing to the state or his county;

(5) Attend and appear before and give advice to the grand jury when cases are presented to it for consideration and draw all indictments when required by the grand jury;

(6) Institute and prosecute proceedings before magistrates for the arrest of persons charged with or reasonably suspected of felonies when he has information that any such offense has been committed and he shall for that purpose attend when required by them if he is not then in attendance upon the superior court;

(7) Carefully tax all cost bills in criminal cases and take care that no useless witness fees are taxed as part of the costs and that

the officers authorized to execute process tax no other or greater fees than the fees allowed by law;

(8) Receive all cost bills in criminal cases before justices of the peace at the trial of which he was not present, before they are lodged with the board of county commissioners for payment, whereupon he may retax the same and he must do so if the board of county commissioners deems any bill exorbitant or improperly taxed;

(9) Present all violations of the election laws which may come to his knowledge to the special consideration of the proper jury;

(10) Examine at least once in each year the public records and books of the auditor, assessor, treasurer, superintendent of schools, and sheriff of his county and report to the board of county commissioners every failure, refusal, omission, or neglect of such officers to keep such records and books as required by law;

(11) Examine once in each year the official bonds of all county and precinct officers and report to the board of county commissioners any defect in the bonds of any such officer;

(12) Make an annual report to the governor as of the 31st of December of each year setting forth the amount and nature of business transacted by him in that year with such other statements and suggestions as he may deem useful;

(13) Send to the state liquor control board at the end of each year a written report of all prosecutions brought under the state liquor laws in the county during the preceding year, showing in each case, the date of trial, name of accused, nature of charges, disposition of case, and the name of the judge presiding.

36.27.030 Disability of prosecuting attorney. When from illness or other cause the prosecuting attorney is temporarily unable to perform his duties, the court or judge may appoint some qualified person to discharge the duties of such officer in court until the disability is removed.

When any prosecuting attorney fails, from sickness or other cause, to attend a session of the superior court of his county, or is unable to perform his duties at such session, the court or judge may appoint some qualified person to discharge the duties of such session, and the appointee shall receive a compensation to be fixed by the court, to be deducted from the stated salary of the prosecuting attorney, not exceeding, however, one-fourth of the quarterly salary of the prosecuting attorney: *Provided*, That in counties wherein there is no person qualified for the position of prosecuting attorney, or wherein no qualified person will consent to perform the duties of that office, the judge of the superior court shall appoint some suitable person, a duly admitted and practicing attorney at law and resident of the state to perform the duties of prosecuting

attorney for such county, and he shall receive such reasonable compensation for his services as shall be fixed and ordered by the court, to be paid by the county for which the services are performed.

36.27.040 Appointment of deputies—Special grand jury deputies. The prosecuting attorney may appoint one or more deputies who shall have the same power in all respects as their principal. Each appointment shall be in writing, signed by the prosecuting attorney, and filed in the county auditor's office. Each deputy thus appointed shall have the same qualifications required of the prosecuting attorney. The prosecuting attorney may appoint one or more special deputy prosecuting attorneys to aid in the investigation or in the presentment of any matters or testimony to a grand jury, and in the trial of any criminal cause arising out of the indictments of a grand jury and such special deputy prosecuting attorneys need not be residents of the county in which such grand jury is convened, but shall be residents of the state of Washington and admitted to practice as attorneys before the courts of this state. The prosecuting attorney shall be responsible for the acts of his deputies and may revoke appointments at will.

36.27.050 Special emoluments prohibited. No prosecuting attorney shall receive any fee or reward from any person, on behalf of any prosecution, or for any of his official services, except as provided in this title, nor shall he be engaged as attorney or counsel for any party in any action depending upon the same facts involved in any criminal proceeding.

36.27.060 Private practice prohibited in certain counties. The prosecuting attorneys of class A counties and counties of the first class and their deputies shall not engage in the private practice of law.

36.27.070 Office at county seat. The prosecuting attorney of each county in the state of Washington must keep an office at the county seat of the county of which he is prosecuting attorney.

Chapter 36.28

COUNTY SHERIFF

36.28.010 General duties. The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of his office, he and his deputies:

(1) Shall arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses;

(2) Shall defend the county against those who, by riot or otherwise, endanger the public peace or safety;

(3) Shall execute the process and orders of the courts of justice or judicial officers, when delivered for that purpose, according to law;

(4) Shall execute all warrants delivered for that purpose by other public officers, according to the provisions of particular statutes;

(5) Shall attend the sessions of the courts of record held within the county, and obey their lawful orders or directions;

(6) Shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots, unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they may call to their aid such persons, or power of their county as they may deem necessary.

The county is not responsible for the acts of the sheriff.

36.28.011 Duty to make complaint. In addition to the duties contained in RCW 36.28.010, it shall be the duty of all sheriffs to make complaint of all violations of the criminal law, which shall come to their knowledge, within their respective jurisdictions.

36.28.020 Powers of deputies, regular and special. Every deputy sheriff shall possess all the power, and may perform any of the duties, prescribed by law to be performed by the sheriff, and shall serve or execute, according to law, all process, writs, precepts, and orders, issued by lawful authority.

Persons may also be deputed by the sheriff in writing to do particular acts; including the service of process in civil or criminal cases, and the sheriff shall be responsible on his official bond for their default or misconduct.

36.28.030 New or additional bond of sheriff. Whenever the company acting as surety on the official bond of a sheriff is disqualified, insolvent, or the penalty of the bond becomes insufficient on account of recovery had thereon, or otherwise, the sheriff shall submit a new or additional bond for approval to the board of county commissioners, if in session, or, if not in session, for the approval of the chairman of such board, and file the same, when approved, in the office of the county clerk of his county, and such new or additional bond shall be in a penal sum sufficient in amount to equal the sum specified in the original bond when added to the penalty of any existing bond, so that under one or more bonds there shall always be an enforceable obligation of the surety on the official bond or bonds of the sheriff in a penal sum of not less than the amount of the bond as originally approved.

36.28.040 May demand fees in advance. No sheriff, deputy

sheriff, or coroner shall be liable for any damages for neglecting or refusing to serve any civil process unless his legal fees are first tendered him.

36.28.050 May demand indemnifying bond. If any property levied upon by virtue of any writ of attachment or execution or other order issued to the sheriff out of any court in this state is claimed by any person other than the defendant, and such person or his agent or attorney makes affidavit of his title thereto or his right to possession thereof, stating the value thereof and the basis of such right or title, the sheriff may release such levy, unless the plaintiff on demand indemnifies the sheriff against such claim by an undertaking executed by a sufficient surety.

No claim to such property by any person other than the defendant shall be valid against the sheriff, unless the supporting affidavit is made. Notwithstanding receipt of a proper claim the sheriff shall retain such property under levy a reasonable time to demand such indemnity.

Any sheriff, or other levying officer, may require an indemnifying bond of the plaintiff in all cases where he has to take possession of personal property.

36.28.060 Duplicate receipts. The sheriff shall make duplicate receipts for all payments for his services specifying the particular items thereof, at the time of payment, whether paid by virtue of the laws of this state or of the United States. Such duplicate receipts shall be numbered consecutively for each month commencing with number one. One of such receipts shall have written or printed upon it the word "original"; and the other shall have written or printed upon it the word "duplicate."

36.28.070 Duplicate to payer. At the time of payment of any fees, the sheriff shall deliver to the person making payment, either personally or by mail, the copy of the receipt designated "duplicate."

36.28.080 Original to be filed. The receipts designated "original" for each month shall be attached to the verified statement of fees for the corresponding month and the sheriff shall file with the county treasurer of his county all original receipts for each month with such verified statement. A sheriff shall not receive his salary for the preceding month until the provisions of this section and RCW 36.28.060 and 36.28.070 have been complied with.

36.28.090 Service of process when sheriff disqualified. When there is no sheriff of a county, or he is disqualified from any cause from discharging any particular duty, it shall be lawful for the officer or person commanding or desiring the discharge of that duty to appoint some suitable person, a citizen of the county, to execute the same: *Provided*, That final process shall in no case be executed

by any person other than the legally authorized officer; or in case he is disqualified, some suitable person appointed by the court, or judge thereof, out of which the process issues, who shall make such appointment in writing; and before such appointment shall take effect, the person appointed shall give security to the party interested for the faithful performance of his duties, which bond of suretyship shall be in writing, approved by the court or judge appointing him, and be placed on file with the papers in the case.

36.28.100 Employment of prisoners. The sheriff shall employ all male persons sentenced to imprisonment in the county jail in such manner and at such places within the county as may be directed by the board of county commissioners.

36.28.110 Sheriff not to practice law. No sheriff or deputy sheriff shall appear or practice as attorney in any court, except in their own defense.

36.28.120 Duty of retiring sheriffs, constables and coroners—Successors' duties. All sheriffs, constables and coroners, upon the completion of their term of office and the qualification of their successors, shall deliver and turn over to their successors all writs and other processes in their possession not wholly executed, and all personal property in their possession or under their control held under such writs or processes, and take receipts therefor in duplicate, one of which shall be filed in the office from which such writ or process issued as a paper in the action, which receipt shall be good and sufficient discharge to such officer of and from further charge of the execution of such writs and processes; and they shall also deliver to their successors all official papers and property in their possession or under their control. The successors shall execute or complete the execution of all such writs and processes, and finish and complete all business turned over to them.

36.28.130 Actions by successors and by officials after expiration of term of office validated. In all cases where any sheriff, constable or coroner has executed any writ or other process delivered to him by his predecessor, or has completed any business commenced by his predecessor under any writ or process, and has completed any other business commenced by his predecessor, and in all cases where any sheriff, constable or coroner has executed any writ or other process, or completed any business connected with his office after the expiration of his term of office, which writ or process he had commenced to execute, or which business he had commenced to perform, prior to the expiration of his term of office, such action shall be valid and effectual for all purposes.

36.28.140 Penalty for violation of RCW 36.28.060 through 36.28-.080. Any sheriff violating any of the provisions of RCW 36.28.060,

36.28.070 or 36.28.080, or failing to perform any of the duties required thereby, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten dollars nor more than fifty dollars for each offense.

36.28.150 Liability for fault or misconduct. Whenever any sheriff neglects to make due return of any writ or other process delivered to him to be executed, or is guilty of any default or misconduct in relation thereto, he shall be liable to fine or attachment, or both, at the discretion of the court, subject to appeal, such fine, however, not to exceed two hundred dollars; and also to an action for damages to the party aggrieved.

36.28.160 Office at county seat. The sheriff must keep his office at the county seat of the county of which he is sheriff.

Chapter 36.29

COUNTY TREASURER

36.29.010 General duties. The county treasurer:

(1) Shall receive all money due the county and disburse it on warrants issued and attested by the county auditor;

(2) Shall issue a receipt in duplicate for all money received other than taxes; he shall deliver immediately to the person making the payment the original receipt and the duplicate he shall file immediately in the office of the county auditor;

(3) Shall write on the face of all warrants when paid, the date of redemption, and his signature;

(4) Shall indorse on the face of all warrants presented for which there are not sufficient funds for payment, "not paid for want of funds" and the date of such indorsement over his signature;

(5) Shall give notice by publication in a legal newspaper published or circulated in the county when there are funds to redeem outstanding warrants or by posting at three public places in the county if there is no such newspaper;

(6) Shall pay interest at the legal rate upon all warrants from the date of the indorsement "not paid for want of funds" to the date of publishing or posting the notice of redemption;

(7) Shall arrange and keep his books so that the amount received and paid out on account of separate funds or specific appropriations shall be exhibited in separate accounts, as well as the whole receipts and expenditures by one general account;

(8) Shall keep his books, accounts, and vouchers open at all times to the inspection and examination of the board of county commissioners and the grand jury;

(9) Shall make a verified statement to the board of county commissioners at its July session showing the whole amount of his

collections during the preceding year (stating particularly the source of each portion of revenue) from all sources paid into the county treasury, the funds among which the same was distributed, together with the amount of each fund, the total amount of warrants certified to him by the county auditor, the total amount of warrants paid by him during the same time, the total amount of warrants remaining unpaid on the thirtieth day of June immediately preceding, the funds on which the same are drawn, and generally make a full and specific showing of the financial condition of the county;

(10) Shall make a complete settlement with the board of county commissioners, as required by law and shall, at the expiration of his term of office, deliver to his successor all public money, books, and papers in his possession. In the event of his death before the expiration of his term, his legal representatives must deliver up all official money, books, accounts, papers, and documents which come into their possession.

36.29.020 Custodian of moneys—Investment of funds not required for immediate expenditures, service fee. 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 county 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 and loan associations in accordance with the provisions of RCW 33.52.010, or in any short term United State government securities: *Provided*, Five percent of the interest or earnings, with a minimum of ten dollars or 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 county treasurer or other municipal corporation treasurer when such investment is terminated and the interest or earnings become available to the governing body.

36.29.025 Official seal. The county treasurer in each of the organized counties of the state of Washington, shall be by his county provided with a seal of office for the authentication of all tax deeds, papers, writing and documents required by law to be certified or authenticated by him. Such seal shall bear the device of crosskeys and the words: Official Seal Treasurer County, Washington; and an imprint of such seal, together with

the certificate of the county treasurer that such seal has been regularly adopted, shall be filed in the office of the county auditor of such county.

36.29.030 Order of redemption of warrants. All warrants drawn on the funds of the county shall be redeemed by the treasurer in the order of their issuance.

36.29.040 Interest on unpaid warrants. All county, school, city and town warrants, and taxing district warrants when not otherwise provided for by law, shall be paid according to their number, date and issue, and when not paid upon presentation shall draw interest from and after their presentation to the proper treasurers. No compound interest shall be paid directly or indirectly on any such warrants.

36.29.050 Interest to be noted on warrants. When the county treasurer redeems any warrant on which interest is due, he shall note thereon the amount of interest paid and shall enter on his account the amount of interest, distinct from the principal.

36.29.060 Warrant calls. Whenever the county treasurer has in his hands the sum of five hundred dollars belonging to any fund upon which warrants are outstanding, he shall make a call for such warrants to that amount in the order of their issue, and he shall cause such call to be published in some newspaper published in the county in the first issue of such newspaper after such sum has been accumulated, and if there is no such newspaper, the call shall be posted in three conspicuous places in the county. The call shall describe by number the warrants called, and specify the funds upon which they were drawn: *Provided*, That the board of county commissioners may prescribe a less sum than five hundred dollars, upon the accumulation of which the call shall be made as to any particular fund: *Provided further*, That if the warrant longest outstanding on any fund exceeds the sum of five hundred dollars, or exceeds the sum fixed by the board of county commissioners, no call need be made for warrants on such fund until the amount due on such warrant has accumulated. No more than two calls for the redemption of warrants shall be made by the treasurer in any month. The treasurer shall pay on demand, in the order of their issue, any warrants when there shall be in the treasury sufficient funds applicable to such payment.

36.29.070 Penalty for failure to call. Any treasurer who knowingly fails to call for or pay any warrant in accordance with the provisions of RCW 36.29.060 shall be deemed guilty of a misdemeanor, and on conviction thereof, be fined not less than twenty-five dollars nor more than five hundred dollars, and such conviction shall be sufficient cause for removal from office.

36.29.080 Quarterly settlement with commissioners. The county treasurer shall attend with his books and vouchers before the board of county commissioners at its regular quarterly sessions in January, April, July and October and settle his accounts before the board.

For all money received by him, he shall file a certified statement, showing under separate headings amounts received from each and every source.

For all money disbursed by him since the date of the last preceding settlement, the board shall allow the treasurer the following credits:

- (1) The amount of principal and interest paid on account of redemption of warrants issued upon the several funds of the county,
- (2) The amount paid the state treasurer since the last preceding settlement, as per vouchers,
- (3) The amount paid on account of redemption of warrants issued by the several school districts of the county,
- (4) All claims for credits or disbursements not above specified.

At such settlement he shall also present, together with the vouchers and claims for credits, a certified list of such vouchers and claims arranged numerically under the separate headings of the funds from which they have been paid or on which the claims have accrued, or are made, which list must be checked, compared and made to correspond with the treasurer's books and vouchers by the board of county commissioners and the auditor at the time of the settlement.

On completion of such comparison, the list, when found to be correct, shall be certified to by the chairman of the board and attested by the auditor, and shall, together with the vouchers and claims presented, be filed in the office of the auditor, and the county treasurer shall be given credit therefor in the record of proceedings of the board. The record shall show the amount credited on account of each fund, and whether for principal or interest. The auditor shall thereupon deliver to the county treasurer a transcript of the order and forthwith proceed to credit such officer with the sums therein specified.

36.29.090 Suspension of treasurer. Whenever an action based upon official misconduct is commenced against any county treasurer the county commissioners may suspend him from office until such suit is determined, and may appoint some person to fill the vacancy.

36.29.100 Ex officio collector of first class city taxes. The county treasurer of each county in which there is a city of the first class is ex officio collector of city taxes of such city, and before entering upon the duties of his office he shall execute in favor of the city

and file with the clerk thereof a good and sufficient bond, the penal sum to be fixed by the city council, such bond to be approved by the mayor of such city or other authority thereof by whom the bond of the city treasurer is required to be approved. All special assessments and special taxation for local improvements assessed on property benefited shall be collected by the city treasurer.

36.29.110 To account monthly for city taxes. All city taxes collected shall belong to the city and the county treasurer shall, on or before the tenth day of each month, turn over all such taxes so collected for the previous month to the city treasurer, and take a receipt therefor in duplicate, and at the same time he shall certify to the city comptroller the amounts of taxes so collected and turn over and deliver with such certificate one copy of the receipt of the city treasurer therefor. The county treasurer shall also render to the city comptroller, on or before the tenth day of each month, between the first day of January and the first day of May a statement of all taxes collected for such city during the preceding month.

36.29.120 Ex officio collector of other city taxes. For the purpose of collection of all taxes levied for cities and towns of other than the first class, the county treasurer of the county wherein such city or town is situated shall be ex officio tax collector.

36.29.130 Duty to collect taxes. The county treasurer, upon receipt of the tax roll, shall proceed to collect and receipt for the municipal taxes extended thereon at the same time and in the same manner as he proceeds in the collection of other taxes on such roll.

36.29.140 Monthly return. The county treasurer shall make a certified return at the end of each month to the city or town treasurer of the amounts collected by him on account of such taxes from the time he commences the collection thereof until the whole thereof collected are paid over.

36.29.150 First class city to pay clerk hire. Each city of the first class shall pay to the county one thousand dollars per annum for clerk hire.

36.29.160 Duty to segregate certified assessments and charges in public utility, sewer, water, and county road improvement districts. The county treasurer shall make segregation, collect, and receive from any owner or owners of any subdivision or portion of any lot, tract or parcel of land upon which assessments or charges have been made or may be made hereafter in public utility districts, sewer districts, water districts, or county road improvement districts, under the terms of Title 54, Title 56, Title 57, or chapter 36.88, such portion of the assessments or charges levied or to be levied against such lot, tract or parcel of land in payment of such assess-

ment or charges as the board of commissioners of the public utility district, sewer district, the water district commissioners or the board of county commissioners, respectively, shall certify to be chargeable to such subdivision, which certificate shall state that such property as segregated is sufficient security for the assessment or charges. Upon making collection upon any such subdivision the county treasurer shall note such payment upon his records and give receipt therefor.

36.29.170 Office at county seat. The county treasurer shall keep his office at the seat of justice of his county, and shall keep the same open for transaction of business during business hours; and he and his deputy are authorized to administer all oaths necessary in the discharge of the duties of his office.

36.29.180 Fees for handling, etc. funds of political subdivisions pursuant to assessment roll—Irrigation districts excepted. The county treasurer, in all instances where required by law to handle, collect, disburse and account for the funds collected pursuant to the assessment roll of any political subdivision within the county, may charge and collect a fee for his services according to but not to exceed the following schedule:

For up to a five year term assessment roll, a fee of two dollars per account;

For a six to ten year term assessment roll, a fee of three dollars per account;

For an eleven to fifteen year term assessment roll, a fee of four dollars per account;

For an assessment roll of over fifteen years, a fee of five dollars per account.

Such fees shall be a charge against the district, shall be included as a part of the cost of the improvement, and shall be credited to the county current expense fund by the county treasurer from moneys received following publication of the assessment roll. The provisions of this section shall not apply to irrigation district assessments.

Chapter 36.32

COUNTY COMMISSIONERS

36.32.010 Board of commissioners established—Quorum. There is established in each organized county in this state a board of county commissioners, to consist of three qualified electors, and two of said board of commissioners shall constitute a quorum to do business.

36.32.020 Commissioner districts. The board of county commissioners of each county shall divide their county into three commis-

sioner districts so that each district shall comprise as nearly as possible one-third of the population of the county: *Provided*, That the territory comprised in any voting precincts of such districts shall remain compact, and shall not be divided by the lines of said districts.

The lines of the districts shall not be changed oftener than once in four years and only when a full board of commissioners is present. The districts shall be designated as districts numbered one, two and three.

36.32.030 Terms of commissioners. The terms of office of county commissioners shall be four years and until their successors are elected and qualified. At the expiration of the present term of office of each county commissioner, each county commissioner thereafter shall be elected for a term of four years.

36.32.040 Nomination by districts. The qualified electors of each county commissioner district, and they only, shall nominate from among their own number, candidates for the office of county commissioner of such commissioner district to be voted for at the following general election. Such candidates shall be nominated in the same manner as candidates for other county and district offices are nominated in all other respects.

36.32.050 Elected by entire county. County commissioners shall be elected by the qualified voters of the county and the person receiving the highest number of votes for the office of commissioner for the district in which he resides shall be declared duly elected from that district.

36.32.060 Conditions of official bond. The bond of each county commissioner shall be payable to the county, and it shall be conditioned that the commissioner shall well and faithfully discharge the duties of his office, and not approve, audit, or order paid any illegal, unwarranted, or unjust claim against the county for personal services.

36.32.070 Vacancies on board. Whenever there is a vacancy in the board of county commissioners, it shall be filled as follows:

(1) If there are three vacancies, the governor of the state shall appoint two of the officers. The two commissioners thus appointed shall then meet and select the third commissioner. If the two appointed commissioners fail to agree upon selection of the third after the expiration of five days from the day they were appointed, the governor shall appoint the remaining commissioner.

(2) Whenever there are two vacancies in the office of county commissioner, the governor shall appoint one commissioner, and the two commissioners then in office shall appoint the third commissioner. If they fail to agree upon a selection after the expiration

of five days from the day of the governor's appointment, the governor shall appoint the third commissioner.

(3) Whenever there is one vacancy in the office of county commissioner, the two remaining commissioners shall fill the vacancy. If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the governor shall appoint the third commissioner.

36.32.080 Quarterly sessions. The board of county commissioners shall hold regular sessions at the county seat commencing on the first Mondays of January, April, July and October, at each of which it may transact any business required or permitted by law, and it may adjourn from time to time as deemed expedient or desirable in order to properly transact the business of the county.

36.32.090 Special sessions. The board of county commissioners may hold special sessions when the business of the county requires the same by ten days' notice from two of the commissioners to the third, or by the written consent of the three commissioners filed with the county auditor. No special session shall exceed three days. The notice thereof shall state the time of holding the session and the business to be transacted.

36.32.100 Chairman of board—Election, powers. The board of county commissioners at their first session after the general election shall elect one of its number to preside at its meetings. He shall sign all documents requiring the signature of the board, and his signature as chairman of the board shall be as legal and binding as if all members had affixed their names. In case the chairman is absent at any meeting of the board, all documents requiring the signature of the board shall be signed by both members present.

36.32.110 Clerk of board. The county auditor shall be the clerk of the board of county commissioners, and shall attend its meetings and keep a record of its proceedings.

36.32.120 Powers of board. The several boards of county commissioners shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferriage; grant grocery and other licenses authorized by law to be by them granted;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto: *Provided*, That there shall be filed in the county auditor's office three copies of such codes, compilations, and/or statutes ten days prior to their adoption by reference, and one copy shall also be filed with the city clerk of each city within the county, and shall provide that any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor: *Provided further*, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the board of county commissioners of which at least ten days' notice has been given. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed;

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

36.32.130 Postponement of action. When only two members are present at a meeting of the board, and a division takes place on any question, the matter under consideration shall be postponed to the next subsequent meeting.

36.32.135 Official seal. The county commissioners of each county

shall have and use a seal for the purpose of sealing their proceedings, and copies of the same when signed and sealed by the said county commissioners, and attested by their clerk, shall be admitted as evidence of such proceedings in the trial of any cause in any court in this state; and until such seal shall be provided, the private seal of the chairman of such board of county commissioners shall be adopted as a seal.

36.32.140 Record of proceedings. The board of county commissioners shall cause to be recorded, in a book kept for that purpose, all their proceedings and determinations touching all matters properly cognizable before it; and all books, accounts, vouchers, and papers, touching the business or property of the county shall be carefully kept by the clerk, and be open to public inspection.

36.32.150 Transcribing mutilated records. The county commissioners shall, when any of the county records become so mutilated that their handling becomes dangerous to the safety of such records, and when in the judgment of the county commissioners it may become necessary to, order the transcribing of said records at a sum not exceeding eight cents per folio of one hundred words, in books to be provided for that purpose by the county.

36.32.155 ———Prior transcribing validated. All records transcribed by order of any board of county commissioners in this state prior to the effective date of chapter 14, Laws of 1893, shall be and are hereby declared the legal records of said county the same as if transcribed under the provisions of RCW 36.32.150 through 36.32.170.

36.32.160 ———Auditor to direct transcribing, certify. The books containing the transcribed records shall be certified by the county auditor, under whose direction the transcribing was done, as being true copies of the original.

36.32.170 ———Original records to be preserved. All the original record books, after the transcribing thereof, shall be filed away in the auditor's office and only be used in case of contest on the correctness of the transcribed records.

36.32.180 Examination of accounts. At the July session, the board of county commissioners shall examine and compare the accounts and statements of the county auditor and county treasurer, aside from the regular settlement with the treasurer, and shall enter upon its record a summarized statement of the receipts and expenditures of the preceding year. At the January, April, July and October sessions, the board of county commissioners, together with the auditor, shall count the funds in the county treasury, and ascertain whether it contains the proper amount.

36.32.200 Special attorneys, employment of. It shall be unlawful for the board of county commissioners to employ, contract with, or pay any special attorney or counsel to perform any duty which the attorney general or any prosecuting attorney is authorized or required by law to perform, unless the contract of employment of such special attorney or counsel has been first reduced to writing and approved by the superior court judge of the county or a majority of the judges in writing endorsed thereon. This section shall not prohibit the appointment of deputy prosecuting attorneys in the manner provided by law.

36.32.210 Inventory of county personal property. Individual commissioner inventory statement—Contents. Each county commissioner of the several counties of the state of Washington shall on the first Monday of July of each year beginning with the year 1931, file with the auditor of the county wherein such commissioner resides a statement verified by oath of such county commissioner showing for the twelve months period ending June 30th of each year, the following:

(1) A full and complete inventory of all tools, machinery, equipment and appliances belonging to the district of such commissioner used or intended to be used in the repair or construction of any highway, road or any work within said county for which public funds are to be expended in whole or in part and which said inventory shall be segregated to show the following subheads:

(a) The equipment on hand, together with a statement of the date when acquired, the amount paid therefor, the present value, the estimated life thereof and a sufficient description to fully identify such property;

(b) All equipment of every kind or nature sold or disposed of in any manner during such preceding twelve months period, together with the name of the purchaser, the amount paid therefor, whether or not the same was sold at public or private sale, the reason for such disposal and a sufficient description to fully identify the same;

(c) All the equipment purchased during said period, together with the date of purchase, the amount paid therefor, whether or not the same was bought under competitive bidding, the price paid therefor and the probable life thereof, the reason for making the purchase and a sufficient description to fully identify such property;

(2) The exact amount of money derived from sources other than tax levy coming into possession or under the control of such commissioner for or on account of such district or of the commissioner making such statement; with the name of the party paying the same, the source from which derived, why so derived, and the date of its reception.

(3) The person to whom such money or any part thereof was paid and why so paid and the date of such payment.

Note: See also section 1, chapter 108, Laws of 1963.

36.32.213 ———Inventory by board. It shall be the duty of the board of county commissioners to make an inventory of all personal property of said county, bought out of the general fund, or any other fund of the county, which inventory shall contain the same information and be compiled in the same manner as provided in RCW 36.32.210 for the separate commissioner districts, provided that the same must be verified by all members of the board.

36.32.215 ———Filing and publication. Such inventories shall be filed with the county auditor as a public record and shall be open to the inspection of the public, provided further that such county auditor shall cause such inventory and/or inventories to be published once in the official newspaper of such county within five days after the filing thereof.

36.32.220 ———Penalty. Any county commissioner failing to file such statement or wilfully making any false or incorrect statement therein or aiding or abetting in the making of any false or incorrect statement shall be guilty of a gross misdemeanor.

36.32.225 ———Prosecutions. It is the duty of the prosecuting attorney of each county to within three days from the calling to his attention of any violation to institute proceedings against such offending official and in addition thereto to prosecute appropriate action to remove such commissioner from office.

36.32.230 ———Taxpayer's action. Any taxpayer of such county is hereby authorized to institute said action in conjunction with or independent of the action of the prosecuting attorney.

36.32.240 Competitive bids — Purchasing department. In any county the board of county commissioners may by resolution establish a county purchasing department and thereafter such department shall contract on a competitive basis for all public works and purchase on a competitive basis all supplies, materials, and equipment, for all departments of the county, exclusive of the county hospital, pursuant to the provisions hereof and under such rules as the board shall by resolution adopt, except for such contracts and purchases as shall be made pursuant to RCW 36.77.060, 36.77.070 and 36.82.130: *Provided*, That in all Class AA or Class A counties or in any county of the first class it shall be mandatory that a purchasing department be established.

36.32.250 ———Procedure in awarding contracts. No contract or purchase shall be entered into by the board of county commissioners or by any elected or appointed officer of such county

until after bids have been submitted to the board of county commissioners upon specifications therefor. Such specifications shall be in writing and shall be filed with the clerk of the board for public inspection, and an advertisement thereof stating the date after which bids will not be received, the character of the work to be done, or material, equipment, or service to be purchased, and that specifications therefor may be seen at the office of the clerk of the board, shall be published in the county official newspaper. Such advertisement shall be published not less than one time and as many additional publications as shall be determined by the board, and the time within which bids shall be received, shall not be less than five days after the last publication. The bids shall be in writing, shall be filed with the clerk, shall be opened and read in public at a meeting of the board on the date named therefor in said advertisement, and after being opened, shall be filed for public inspection. The contract for the public work or purchase shall be awarded to the lowest responsible bidder; taking into consideration the quality of the articles or equipment to be purchased. Any or all bids may be rejected for good cause. In the letting of any contract or purchase involving less than one thousand dollars advertisement and competitive bidding may be dispensed with on order of the board of county commissioners. Notice of intention to let contracts or to make purchases involving amounts exceeding one hundred dollars and less than one thousand dollars, shall be posted by the board of county commissioners on a bulletin board in its office not less than three days prior to making such purchase or contract. Wherever possible, supplies shall be purchased in quantities for a period of at least three months, and not to exceed one year. Supplies generally used throughout the various departments shall be standardized insofar as possible.

36.32.260 ———Purchasing agent. In any county having a purchasing department the board of county commissioners shall appoint a county purchasing agent, who shall be the head of such purchasing department. The county purchasing agent shall have had previous purchasing experience as purchasing agent of a commercial, industrial, institutional, or governmental plant or agency, and shall be placed under such bond as the board may require. The board may establish a central storeroom or storerooms in charge of the county purchasing agent in which supplies and equipment may be stored and issued upon proper requisition by department heads. The purchasing agent shall be responsible for maintaining perpetual inventories of supplies and equipment and shall at least yearly, or oftener when so required by the board, report to the county commissioners a balancing of the inventory record with the actual amount of supplies or equipment on hand.

36.32.270 ————**Emergency purchases.** In the event of an emergency when the public interest or property of the county would suffer material injury or damage by delay, upon resolution of the board of county commissioners declaring the existence of such emergency and reciting the facts constituting the same, the board may waive the requirements of this chapter with reference to any purchase or contract.

36.32.280 **Regulation of watercourses.** The state in the exercise of its sovereign and police power authorizes any county alone or acting jointly with any other county to regulate and control the flow of waters, both navigable and nonnavigable, within such county or counties, for the purpose of preventing floods which may threaten or cause damage, public or private.

36.32.290 ————**Removal of obstructions.** When the board of county commissioners of any county deems it essential to the public interest for flood prevention purposes it may remove drifts, jams, logs, debris, gravel, earth, stone or bars forming obstructions to the stream, or other material from the beds, channels, and banks of watercourses in any manner deemed expedient, including the deposit thereof on bars not forming obstructions to the stream, or on subsidiary or high water channels of such watercourses.

36.32.300 ————**Trees may be removed from river banks.** When any forest trees are situated upon the bank of any watercourse or so close thereto as to be in danger of falling into it, the owner or occupant of any of the premises shall be notified to remove them forthwith. The notice shall be based upon a resolution or order of the county commissioners and may be given by mail to the last known address of the owner or occupant. If the trees are not removed within ten days after the date of the notice, the county may thereupon fell them.

36.32.310 **Compensation for extra services.** Whenever a member of the board of county commissioners of any county has a claim for compensation for per diem and expenses for attendance upon any special session of the board or a claim for compensation for extra services or expenses incurred as such commissioners, including services performed as road commissioner, the claim shall be verified by him and after being approved by a majority of the board of county commissioners of the county shall be filed with the clerk of the superior court and be approved by a judge of the superior court of such county or any superior court judge holding court in such county. The judge may make such investigation as he deems necessary to determine the correctness of the claim and may, after such investigation, approve or reject any part of such

claim. If the judge so approve the claim or any part thereof the same shall be certified by the clerk under the seal of his office and be returned to the county auditor who shall draw a warrant therefor. The court shall not be required oftener than once in each month to pass upon such claims and it may fix a time in each month by general order filed with the clerk of the board of county commissioners on or before which such claims must be filed with the clerk of the court.

36.32.320 ——— Compensation as road overseers in certain counties. Each member of the board of county commissioners, in counties of the sixth, seventh, eighth and ninth classes, in addition to his duties as a member of the board of county commissioners and as ex officio road commissioner of the several road districts in his commissioner's district, shall oversee the construction and maintenance of all county and district roads and bridges in his commissioner district, and for time actually spent in the performance of such duties as overseer, he shall be entitled to compensation at the rate of ten dollars per diem: *Provided*, That as such compensation for overseeing the construction and maintenance of roads and bridges in his commissioner district he shall not receive more than one thousand two hundred dollars per year. All claims for such compensation must be approved by a majority of the board of county commissioners and the superior court as in other cases of extra compensation.

36.32.330 Appeals from board's action. Any person may appeal to the superior court from any decision or order of the board of county commissioners. Such appeal shall be taken within twenty days after the decision or order, and the appellant shall within that time serve notice of appeal on the county commissioners. The notice shall be in writing and shall be delivered to at least one of the county commissioners personally, or left with the county auditor. The appellant shall, within ten days after service of the notice of appeal give a bond to the county with one or more sureties, to be approved by the county auditor, conditioned for the payment of all costs which shall be adjudged against him on such appeal in the superior court. The practice regulating appeals from and writs of certiorari to justice's courts shall, insofar as applicable, govern in matters of appeal from a decision or order of the board of county commissioners.

Nothing herein contained shall be construed to prevent a party having a claim against any county in this state from enforcing the collection thereof by civil action in any court of competent jurisdiction after the same has been presented to and filed as provided by law and disallowed in whole or in part by the board of county

commissioners of the proper county. Such action must, however, be commenced within the time limitation provided in RCW 36.45.030.

36.32.335 Coordination of county administrative programs—Legislative declaration. The public necessity for the coordination of county administrative programs, especially in the fields of highways and social security, be and is hereby recognized.

36.32.340 ———Duties incident to. The county commissioners shall take such action as is necessary to effect coordination of their administrative programs, prepare reports annually on the operations of all departments under their jurisdiction, and submit biennially to the governor and the legislature their joint recommendations on procedural changes which would increase the efficiency of any department.

36.32.350 ———Coordinating agency—Agency reimbursement. County commissioners may designate the Washington State Association of County Commissioners as a coordinating agency in the execution of duties imposed by RCW 36.32.335 through 36.32.360 and reimburse the association from county current expense funds in the county commissioners' budget for the costs of any such services rendered: *Provided*, That the total of such reimbursements from any county in any calendar year shall not exceed a sum equal to the revenues of one-fiftieth of a mill levy against the assessed valuation of the county. Such reimbursement shall be paid on vouchers submitted to the county auditor and approved by the board of county commissioners in the manner provided for the disbursement of other current expense funds and the vouchers shall set forth the nature of the service rendered, supported by affidavit that the service has actually been performed.

36.32.360 ———Attendance at conventions authorized. County commissioners are hereby authorized to take such other and further action as may be deemed necessary to the compliance with the intent of RCW 36.32.335 through 36.32.360, including attendance at such state or district meetings as may be required to formulate the reports directed in RCW 36.32.340.

36.32.370 Land surveys. Except as otherwise provided in this title, the board of county commissioners, through a surveyor employed by it shall execute all surveys of land that may be required by the county. The certificate of the surveyor so employed of any survey made of lands within the county shall be presumptive evidence of the facts therein contained.

36.32.380 ———Record of surveys. Except as otherwise provided in this title, the board of county commissioners shall cause to be recorded in a suitable book all surveys except such as are

made for a temporary purpose. The record book shall be so constructed as to have one page for diagrams to be numbered progressively and the opposite page for notes and remarks; no diagram shall be so constructed as to scale less than one inch to twenty chains.

36.32.390 Nonmonthly employees, vacations and sick leaves. Each employee of any county in this state who is employed on an hourly or per diem basis, who shall have worked fifteen hundred hours or more in any one year may in the discretion of the board of county commissioners be given the same vacations and sick leaves as are provided for the employees of the county employed on a monthly basis.

36.32.400 Health care and group insurance. Any county by a majority vote of its board of county commissioners may enter into contracts to provide health care services and/or group insurance for the benefit of its employees, and may pay all or any part of the cost thereof. Any two or more counties, by a majority vote of their respective boards of county commissioners may, if deemed expedient, join in the procuring of such health care services and/or group insurance, and the board of county commissioners of each participating county may, by appropriate resolution, authorize their respective counties to pay all or any portion of the cost thereof.

Chapter 36.33

COUNTY FUNDS

36.33.010 Current expense fund. Every county shall maintain a current expense fund to which shall be credited all taxes levied for that purpose and all fees collected, fines assessed, and forfeitures adjudged in the county the proceeds of which have not been specifically allocated to any other purpose.

36.33.020 Cumulative reserve fund—Purposes—Election to allow other specified use. Any board of county commissioners may establish by resolution a cumulative reserve fund in general terms for several different county purposes as well as for a very specific county purpose, including that of buying any specified supplies, material or equipment, or the construction, alteration or repair of any public building or work, or the making of any public improvement. The resolution shall designate the fund as “cumulative reserve fund for (naming the purpose or purposes for which the fund is to be accumulated and expended).” The moneys in said fund may be allowed to accumulate from year to year until the board of county commissioners of the county shall determine to expend the moneys in the fund for the purpose or

purposes specified: *Provided*, That any moneys in said fund shall never be expended for any other purpose or purposes than those specified, without an approving vote by a majority of the electors of the county at a general or special election to allow other specified uses to be made of said fund.

36.33.030 ————**Accumulation of, current expense fund limits not to affect.** An item for said cumulative reserve fund may be included in the county's annual budget or estimate of amounts required to meet public expense for the ensuing year and a tax levy made within the limits and as authorized by law for said item; and said item and levy may be repeated from year to year until, in the judgment of the board of county commissioners of the county the amount required for the specified purpose or purposes has been raised or accumulated. The board of county commissioners may accept gifts or bequests for the cumulative reserve fund and may make transfers from the current expense fund to the cumulative reserve fund. Any moneys in said fund at the end of the fiscal year shall not lapse nor shall the same be a surplus available or which may be used for any other purpose or purposes than those specified, except as herein provided, nor shall moneys in said fund be considered when computing the limitations on cash balances set out in section 4, chapter 164, Laws of 1923 as last amended by section 1, chapter 145, Laws of 1943 and RCW 36.40.090.

36.33.040 ————**Permissible uses of funds in.** No money in any cumulative reserve fund shall be used for any purpose other than that for which the fund was created except:

(1) If the purpose of the creation of a cumulative reserve fund has been accomplished by the completion of the proposed building or improvement, the balance remaining in the fund may be transferred to any other cumulative reserve fund or to the county current expense fund by order of the board.

(2) If the purpose of the creation of a cumulative reserve fund ceases to exist or is abandoned, the fund or any part thereof, may be transferred to any other cumulative reserve fund or to the county current expense fund by order of the board after a public hearing thereon pursuant to a notice by publication: *Provided*, That if the amount to be transferred exceeds fifty thousand dollars, no transfer may be made until authorized by a majority of the voters of the county voting upon the question at an election.

36.33.060 **Salary fund — First class and higher classification counties.** There is created in Class AA and Class A counties and counties of the first class a fund to be known as the salary fund, which shall be used for paying the salaries and wages of all officials and employees. Said salary fund shall be reimbursed from any

county funds budgeted for salaries and wages. The deposits shall be made in the exact amount of the payroll or vouchers paid from the salary fund.

Any surplus in this fund which may accrue from the cancellation of warrants shall be transferred to the current expense fund.

36.33.070 Investment in warrants on tax refund fund. Whenever the county treasurer deems it expedient and for the best interests of the county he may invest any moneys in the county current expense fund in outstanding warrants on the county tax refund fund in the following manner: When he has determined the amount of moneys in the county current expense fund available for investment, he shall call, in the order of their issuance, a sufficient number of warrants drawn on the county tax refund fund as nearly as possible equalling in amount but not exceeding the moneys to be invested, and upon presentation and surrender thereof he shall pay to the holders of such warrants the face amount thereof and the accrued interest thereon out of moneys in the county current expense fund.

36.33.080 Procedure upon purchase—Interest on. Upon receipt of any such warrant on the tax refund fund the county treasurer shall enter the principal amount thereof, and accrued interest thereon, as a suspense credit upon his records, and shall hold the warrant until it with interest, if any, is paid in due course out of the county tax refund fund, and upon such payment, the amount thereof shall be restored to the county current expense fund. The refund warrants held by the county treasurer shall continue to draw interest until the payment thereof out of the county tax refund fund, which interest accruing subsequent to acquisition of the warrants by the county treasurer shall be paid into the county current expense fund.

36.33.090 Breaking of warrants authorized. Whenever it appears to the county treasurer that the face amount plus accrued interest of the tax refund warrant next eligible for investment exceeds by one hundred dollars the amount of moneys in the county current expense fund available for investment, the county treasurer may notify the warrant holder who shall thereupon apply to the county auditor for the breaking of the warrant and the county auditor upon such application shall take up the original warrant and reissue, as of the date which the original warrant bears, two new refund warrants one of which shall be in an amount approximately equalling, with accrued interest, the amount of moneys in the county current expense fund determined by the county treasurer to be available for investment. The new warrants when issued shall be callable and payable in the same order with

respect to other outstanding tax refund warrants as the original warrant in lieu of which the new warrants were issued.

36.33.100 ————**Purchased warrants as cash.** In making settlements of accounts between outgoing and incoming county treasurers, any county tax refund warrant in which money in the county current expense fund has been invested shall be deemed in every way the equivalent of cash and shall be receipted for by the incoming county treasurer as such.

36.33.110 **Distribution of forest reserve funds.** The state treasurer shall turn over to the treasurers of the counties within United States forest reserves, the amount of money belonging to them, received from the federal government from such reserves, in accordance with Title 16, section 500, United States Code. Where the reserve is situated in more than one county the money shall be distributed in proportion to the area of the counties interested, and to that end the state treasurer is authorized and required to obtain the necessary information to enable him to make the distribution on such basis.

County commissioners of the respective counties to which the money is distributed are authorized and directed to expend said money for the benefit of the public schools, including school maintenance and building purposes, and public roads thereof, and not otherwise.

36.33.120 **County lands assessment fund created—Levy for.** The boards of county commissioners may annually levy a tax upon all taxable property in the county, for the purpose of creating a fund to be known as “county lands assessment fund.”

36.33.130 ————**Purpose of fund.** The county lands assessment fund may be expended by the county commissioners to pay in full or in part, any assessment or installment of assessments of drainage improvement districts, diking improvement districts, or districts formed for the foregoing purposes, or assessments for road improvements, falling due against lands in the year when such lands are acquired by the county or while they are owned by the county, including lands acquired by the county for general purposes; also lands which have been acquired by the county by foreclosure of general taxes. Payment may be made of such assessments, or installments thereof, against such lands or classes of lands, and in such districts or classes of districts as the county commissioners deem advisable. No payment shall be made of any assessments or installments of assessments falling due prior to the year in which the lands were acquired by the county, nor shall any assessments be paid in advance of the time when they fall due. Assessments for maintenance and operation of dikes, drains, or other improve-

ments of districts falling due upon such lands while owned by the county, may be paid without the payment of assessments or installments thereof for construction of the improvements, if the county commissioners elect so to do.

36.33.140 ————**Amount of levy.** The amount of the levy in any year for the county lands assessment fund shall not exceed the estimated amount needed over and above all moneys on hand in the fund, to pay the aggregate amount of such assessments falling due against the lands in the ensuing year; and in no event shall the levy exceed one-half of one mill upon all taxable property in the county.

36.33.150 ————**Surplus from tax sales to go into fund.** Into the county lands assessment fund shall also be paid any surplus moneys from the sale by the county, pursuant to foreclosure of real estate taxes, of any lands lying in any district formed for diking or drainage purposes or for assessment of road improvements, over and above the amount necessary to redeem the general taxes and other assessments against them, as required by law. Any surplus from any county levy for the fund, unexpended in any year, shall be carried forward in the fund to the next year.

36.33.160 ————**List of lands to be furnished.** Upon request the county treasurer shall furnish to the board of county commissioners on or before the first day of May of each year, or at any other date that may be found advisable, a list of all lands owned by the county, together with the amounts levied as assessments and the district in or by which such assessments are levied, against each description of said lands, as it appears on the assessment roll of the district. On or before the first day of August of each year he shall furnish to the county commissioners a similar list of all land owned by the county and subject to any such assessments, together with the amounts of any installment of assessments falling due against any of such lands in the ensuing year and an estimate of any maintenance or other assessments to be made against same to fall due in the ensuing year; also an estimate of the amount of assessments to fall due in the ensuing year against lands that will be acquired by the county in such year.

36.33.170 ————**Rentals may be applied against assessments.** Moneys received as rentals of irrigated lands may be applied to the payment of current irrigation charges or assessments against the land.

36.33.180 ————**Investment of surplus funds in U. S. bonds.** The county treasurer of every county shall call the attention of the county finance committee to any inactive fund or funds in excess of the current needs of the county. The committee may by

order authorize him to invest such inactive or excess funds in bonds of the United States government, if prior to making the order, they have applied for and received from the state finance committee, its approval of such investment.

36.33.190 ————**Disposal of bonds.** The county treasurer shall cash any United States bonds owned by the county as they mature or, with the approval of the state finance committee and of the county finance committee, he may at any time sell them. In either event he must return the proceeds into the treasury.

36.33.200 Election reserve fund. The board of county commissioners may establish an election reserve fund for the payment of expenses of conducting regular and special state and county elections and compensation of election and registration officers and annually budget and levy a tax therefor. It may also make transfers into the election reserve fund from the current expense fund and receive funds for such purposes from cities, school districts and other subdivisions.

36.33.210 ————**Accumulation of fund—Transfers.** The limits placed upon the amount to be accumulated in the current expense fund shall not affect the election reserve fund nor shall the existence of the election reserve fund affect the amount which may be accumulated in the current expense fund, nor shall any unexpended balance in the election reserve fund at the end of any budget year revert to the current expense fund but shall be carried forward in the election reserve fund to be used for the purposes for which the fund was created: *Provided*, That at a regular session, the county commissioners may transfer any surplus in said fund to the current expense fund, if they deem it expedient to do so.

Chapter 36.34

COUNTY PROPERTY

36.34.010 Authority to sell—May sell timber, minerals separately—Mineral reservation. Whenever it appears to the board of county commissioners that it is for the best interests of the county and the taxing districts and the people thereof that any part or parcel, or portion of such part or parcel, of property, whether real, personal, or mixed, belonging to the county, including tax title land, should be sold, the board shall sell and convey such property, under the limitations and restrictions and in the manner hereinafter provided.

In making such sales the board of county commissioners may sell any timber, mineral, or other resources on any land owned by the county separate and apart from the land in the same manner

and upon the same terms and conditions as provided in this chapter for the sale of real property.

The board of county commissioners may reserve mineral rights in such land and, if such reservation is made, any conveyance of the land shall contain the following reservation:

"The party of the first part hereby expressly saves, excepts, and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, all oils, gases, coals, ores, minerals, gravel, timber, and fossils of every name, kind, or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coals, ores, minerals, gravel, timber and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, the right to enter by itself, its agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing, and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, gravel, timber, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, the right by it or its agents, servants, and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads and railroads, sink such shafts, remove such oil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors, and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved."

No rights shall be exercised under the foregoing reservation until provision has been made to pay to the owner of the land upon which the rights reserved are sought to be exercised, full payment for all damages sustained by reason of entering upon the land: *Provided*, That if the owner for any cause refuses or neglects to settle the damages, the county, its successors, or assigns, or any applicant for a lease or contract from the county for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situated, as may be necessary to determine the damages which the owner of the land may suffer. Any of the reserved minerals or other resources not exceeding two hundred dollars in value may be sold,

when the board deems it advisable, either with or without publication of notice of sale, and in such manner as the board may determine will be most beneficial to the county.

36.34.020 Publication of notice of intention to sell. Whenever the board of county commissioners desires to dispose of any county property except:

- (1) When selling to a governmental agency;
- (2) When personal property to be disposed of is to be traded in upon the purchase of a like article;
- (3) When the value of the property to be sold is less than two hundred dollars;
- (4) When the board by a resolution setting forth the facts has declared an emergency to exist; it shall publish notice of its intention so to do once each week during two successive weeks in three different legal newspapers published in the county, or if there are less than three in as many legal newspapers as are published in the county.

36.34.030 Requirements of notice—Posting. The notice of hearing on the proposal to dispose of any county property must particularly describe the property or portion thereof proposed to be sold and designate the place where and the day and hour when a hearing will be held thereon and be posted in a conspicuous place in the courthouse. Both posting and the date of first publication must be at least ten days before the day set for the hearing.

36.34.040 Public hearing. The board shall hold a public hearing upon a proposal to dispose of county property at the day and hour fixed in the notice at its usual place of business and admit evidence offered for and against the propriety and advisability of the proposed action. Any taxpayer in person or by counsel may submit evidence and submit an argument, but the board may limit the number to three on a side.

36.34.050 Findings and determination. Within three days after the hearing upon a proposal to dispose of county property, the board of county commissioners shall make its findings and determination thereon and cause them to be spread upon its minutes and made a matter of record.

36.34.060 Sales of personalty. Sales of personal property must be for cash except:

- (1) When property is transferred to a governmental agency;
- (2) When the county property is to be traded in on the purchase of a like article, in which case the proposed cash allowance for the trade-in must be part of the proposition to be submitted by the seller in the transaction.

36.34.070 Sales and purchases of equipment—Trade-ins. The board may advertise and sell used highway or other equipment belonging to the county or to any taxing division thereof subject to its jurisdiction in the manner prescribed for the sale of county property, or it may trade it in on the purchase of new equipment. If the board elects to trade in the used equipment it shall include in its call for bids on the new equipment a notice that the county has for sale or trade-in used equipment of a specified type and description which will be sold or traded in on the same day and hour that the bids on the new equipment are opened. Any bidder on the new equipment may include in his offer to sell, an offer to accept the used equipment as a part payment of the new equipment purchase price, setting forth the amount of such allowance.

In determining the lowest and best bid on the new equipment the board shall consider the net cost to the county of such new equipment after trade-in allowances have been deducted. The board may accept the new equipment bid of any bidder without trading in the used equipment but may not require any such bidder to purchase the used equipment without awarding the bidder the new equipment contract. Nothing in this section shall bar anyone from making an offer for the purchase of the used equipment independent of a bid on the new equipment and the board shall consider such offers in relation to the trade-in allowances offered to determine the net best sale and purchase combination for the county.

36.34.080 Place of sales—Public auction. All sales of county property ordered after a public hearing upon the proposal to dispose thereof must be made by the county treasurer at a designated place in the courthouse to the highest and best bidder at public auction.

36.34.090 Notice of sale. Whenever county property is to be sold at public auction, the county auditor shall publish notice thereof once during each of two successive calendar weeks in three different newspapers published in the county or if there are less than three, in as many newspapers as are published in the county. Notice thereof must also be posted in a conspicuous place in the courthouse. The posting and date of first publication must be at least ten days before the day fixed for the sale.

36.34.100 ———Requirements of. The notice of sale of county property must particularly describe the property to be sold and designate the day and hour and the place of sale. If real property is to be sold on terms, the terms must be stated in the notice.

36.34.110 Disposition of proceeds. The proceeds of sales of county property except in cases of trade-in allowances upon purchases of like property must be paid to the county treasurer who

must receipt therefor and execute the proper documents transferring title attested to by the county auditor. In no case shall the title be transferred until the purchase price has been fully paid.

36.34.120 Used equipment sales. Proceeds from the sale of used equipment must be credited to the fund from which the original purchase price was paid.

36.34.130 Intergovernmental sales. The board of county commissioners may dispose of county property to another governmental agency and may acquire property for the county from another governmental agency by means of private negotiation upon such terms as may be agreed upon and for such consideration as may be deemed by the board of county commissioners to be adequate.

36.34.140 Leases of county property—Airports. The board of county commissioners, if it appears that it is for the best interests of the county and the people thereof, that any county real property and its appurtenances should be leased for a year or a term of years, may lease such property under the limitations and restrictions and in the manner provided in this chapter, and, if it appears that it is for the best interests of the county and the people thereof, that any county real property and its appurtenances which is now being, or is to be devoted to airport or aeronautical purposes or purposes incidental thereto, should be leased for a year or a term of years, said board of county commissioners may lease such property under the limitations and restrictions and in the manner provided in this chapter, and said board of county commissioners shall have power to lease such county real property and its appurtenances whether such property was heretofore or hereafter acquired or whether heretofore or hereafter acquired by tax deed under tax foreclosure proceedings for nonpayment of taxes or whether held or acquired in any other manner. Any lease executed under the authority of the provisions hereof creates a vested interest and a contract binding upon the county and the lessee.

36.34.145 Leases in Class A counties to nonprofit corporations for agricultural fairs. The board of county commissioners of any Class A county owning property in or outside the limits of any city or town, or anywhere within the county, which is suitable for agricultural fair purposes may by negotiation lease such property for such purposes for a term not to exceed seventy-five years to any nonprofit organization that has demonstrated its qualification to conduct agricultural fairs. Such agricultural fair leases shall not be subject to any requirement of periodic rental adjustments, as provided in RCW 36.34.180, but shall provide for such fixed annual rental as shall appear reasonable, considering the benefit to be derived by the county in the promotion of the fair and in the improve-

ment of the property. The lessee may utilize or rent out such property at times other than during the fair season for nonfair purposes in order to obtain income for fair purposes, and during the fair season may sublease portions of the property for purposes and activities associated with such fair. No sublease shall be valid unless the same shall be approved in writing by the board of county commissioners: *Provided*, That failure of such lessee, except by act of God, war or other emergency beyond its control, to conduct an annual agricultural fair or exhibition, shall cause said lease to be subject to cancellation by the board of county commissioners.

36.34.150 Application to lease—Deposit. Any person desiring to lease county lands shall make application in writing to the board of county commissioners. Each application shall be accompanied by a deposit of not less than ten dollars or such other sum as the county commissioners may require, not to exceed twenty-five dollars. The deposit shall be in the form of a certified check or certificate of deposit on some bank in the county, or may be paid in cash. In case the lands applied for are leased at the time they are offered, the deposit shall be returned to the applicant, but if the party making application fails or refuses to comply with the terms of his application and to execute the lease, the deposit shall be forfeited to the county, and the board of county commissioners shall pay the deposit over to the county treasurer, who shall place it to the credit of the current expense fund.

36.34.160 Notice of intention to lease. When, in the judgment of the board of county commissioners, it is found desirable to lease the land applied for, it shall first give notice of its intention to make such lease by publishing a notice in a legal newspaper at least once a week for the term of three weeks, and shall also post a notice of such intention in a conspicuous place in the courthouse for the same length of time. The notice so published and posted shall designate and describe the property which is proposed to be leased, together with the improvements thereon and appurtenances thereto, and shall contain a notice that the board of county commissioners will meet at the county courthouse on a day and at an hour designated in the notice, for the purpose of leasing the property which day and hour shall be at a time not more than a week after the expiration of the time required for the publication of the notice.

36.34.170 Objections to leasing. Any person may appear at the meeting of the county commissioners or any adjourned meeting thereof, and make objection to the leasing of the property, which objection shall be stated in writing. In passing upon objections the board of county commissioners shall, in writing, briefly give its

reasons for accepting or rejecting the same, and such objections, and the reasons for accepting or refusing the application, shall be published by the board in the next subsequent weekly issue of the newspaper in which the notice of hearing was published.

36.34.180 Lease terms. At the day and hour designated in the notice or at any subsequent time to which the meeting may be adjourned by the board of county commissioners, but not more than thirty days after the day and hour designated for the meeting in the published notice, the board may lease the property in such notice described for a term of years and upon such terms and conditions as to the board may seem just and right in the premises. No lease shall be for a longer term in any one instance than ten years, and no renewal of a lease once executed and delivered shall be had, except by a re-leasing and re-letting of the property according to the terms and conditions of this chapter: *Provided*, That if a county owns property within or outside the corporate limits of any city or town or anywhere in the county suitable for municipal purposes, or for commercial buildings, or owns property suitable for manufacturing or industrial purposes or sites, or for military purposes, or for temporary or emergency housing, or for any requirement incidental to manufacturing, commercial, agricultural, housing, military, or governmental purposes, the board of county commissioners may lease it for such purposes for any period not to exceed thirty-five years: *Provided further*, Where the property involved is or is to be devoted to airport purposes and construction work or the installation of new facilities is contemplated, the board may lease said property for such period as may equal the estimated useful life of such work or facilities but not to exceed seventy-five years.

If property is leased for municipal purposes or for commercial buildings or manufacturing or industrial purposes the lessee shall prior to the execution of the lease file with the board of county commissioners general plans and specifications of the building or buildings to be erected thereon for such purposes. All leases when executed shall provide that they shall be canceled by failure of the lessee to construct such building or buildings or other improvements for such purposes within three years from date of the lease, and in case of failure so to do the lease and all improvements thereon including the rentals paid, shall thereby be forfeited to the county unless otherwise stipulated. No change or modification of the plans shall be made unless first approved by the board of county commissioners. If at any time during the life of the lease the lessee fails to use the property for the purposes leased, without first obtaining permission in writing from the board of county commissioners so to do, the lease shall be forfeited.

Any lease made for a longer period than ten years shall contain provisions requiring the lessee to permit the rentals for every five year period thereafter, or part thereof, at the commencement of such period, to be readjusted and fixed by the board of county commissioners. In the event that the lessee and the board cannot agree upon the rentals for said five year period, the lessee shall submit to have the disputed rentals for the subsequent period adjusted by arbitration. The lessee shall pick one arbitrator and the board one, and the two so chosen shall select a third. No board of arbitrators shall reduce the rentals below the sum fixed or agreed upon for the last preceding period. All buildings, factories, or other improvements made upon property leased shall belong to and become property of such county, unless otherwise stipulated, at the expiration of the lease.

No lease shall be assigned without the assignment being first authorized by resolution of the board of county commissioners and the consent in writing of at least two members of the board endorsed on the lease. All leases when drawn shall contain this provision.

This section shall not be construed to limit the power of the board of county commissioners to sell, lease, or by gift convey any property of the county to the United States or any of its governmental agencies to be used for federal government purposes.

36.34.190 Lease to highest responsible bidder. No lease shall be made by the county except to the highest responsible bidder at the time of the hearing set forth in the notice of intention to lease.

36.34.200 Execution of lease agreement. Upon the decision of the board of county commissioners to lease the lands applied for, a lease shall be executed in duplicate to the lessee by the chairman of the board and the county auditor, attested by his seal of office, which lease shall also be signed by the lessee. The lease shall refer to the order of the board directing the lease, with a description of the lands conveyed, the periods of payment, and the amounts to be paid for each period.

36.34.210 Forest lands may be conveyed to United States. The board of county commissioners of any county which acquires any lands through foreclosure of tax liens or otherwise, which by reason of their location, topography, or geological formation are chiefly valuable for the purpose of developing and growing timber, and which are situated within the boundaries of any national forest, may, upon application by the proper forest service official of the United States government, convey such lands to the United States government for national forest purposes under the national forest land exchange regulations, for such compensation as may be deemed equitable.

36.34.220 Lease or conveyance to United States for flood control, navigation and allied purposes. If the board of county commissioners of any county adjudges that it is desirable and for the general welfare and benefit of the people of the county and for the interest of the county to lease or convey property, real or personal, belonging to the county, however acquired, whether by tax foreclosure or in any other manner, to the United States for the purpose of flood control, navigation, power development, or for use in connection with federal projects within the scope of the federal reclamation act of June 17, 1902, and the act of congress of August 30, 1935, entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," and federal acts amendatory thereof and supplemental thereto, for the reclamation and irrigation of arid lands, the board, by majority vote, may lease or convey such property to the United States for flood control, navigation, and power development purposes, or for use in connection with federal projects for the reclamation and irrigation of arid lands. This property may be conveyed or leased by deed or other instrument of conveyance or lease without notice and upon such consideration, if any, as shall be determined by the board and the deed or lease may be signed by the county treasurer when authorized to do so by resolution of the board. Any deed issued heretofore by any county to the United States under authority of section 1, chapter 46, Laws of 1937 and the amendments thereto, is ratified and approved and declared to be valid.

36.34.230 ———State consents to conveyance. Pursuant to the Constitution and laws of the United States and the Constitution of this state, consent of the legislature is given to such conveyance by a county to the United States for such purposes.

36.34.240 ———Cession of jurisdiction. Pursuant to the Constitution and laws of the United States and the Constitution of this state, consent of the legislature is given to the exercise by the congress of the United States of exclusive legislation in all cases whatsoever on such tract or parcels of land so conveyed to it: *Provided*, That all civil process issued from the courts of the state and such criminal process as may issue under the authority of the state against any person charged with crime in cases arising outside of said tract may be served and executed thereon in the same manner as if such property were retained by the county.

36.34.250 Lease or conveyance to the state or to United States for military, housing and other purposes. The board of county commissioners of any county by a majority vote are hereby authorized to directly lease, sell, or convey by gift, all or any portion of real

estate, or any interest therein owned by the county, however acquired, by tax foreclosure or in any other manner, to the United States for the use and benefit of any branch of the army, navy, marine corps or air forces of the United States, or for enlarging or improving any military base thereof, or for any governmental housing project, or for the purpose of constructing and operating any federal power project, or to the state of Washington, without requiring competitive bids or notice to the public and at such price and terms as the board may deem for the best interests of the county. The property may be conveyed to the United States or to the state of Washington by deed or other instrument of conveyance and shall not require any consideration, if donated, other than the benefit which may be derived by the county on account of the use thereof and development of such property by the United States government or the state.

36.34.260 ————**Same.** In any county where the federal government owns and maintains property under the jurisdiction of the navy department or war department, or any other federal department, the board of county commissioners by majority vote may sell, lease or transfer to the United States government any real or personal property owned by said county, however acquired, for the use and benefit of any branch of the army, navy, marine corps or air forces thereof or for enlarging or improving any military base thereof, or for any other governmental housing project, or to the state of Washington, without requiring competitive bids or notice to the public and at such price and terms as the board may deem for the best interests of the county. This property may be conveyed to the government of the United States by bill of sale or other instrument of conveyance and need not require consideration other than the benefit which may be derived by the county on account of the use thereof and development of such property by the United States government. The state of Washington may buy and/or sell such property, or the state of Washington may buy and/or sell such property for the purposes herein stated; or mutually interchange or trade such property or purchase one from the other.

36.34.270 ————**Execution of instrument of transfer.** The resolution of the board of county commissioners to grant an option to purchase, contract to sell, lease, sell and convey, or donate, as provided, shall be entered by said board upon its journal, and any option to purchase, contract to sell, lease, sale and conveyance, or donation executed pursuant thereto, shall be signed on behalf of the county by the board of county commissioners, or a majority thereof, and shall be acknowledged in the manner prescribed by law.

36.34.280 **Conveyance to municipality.** Whenever any county

holds title to lands, for county purposes, acquired by grant, patent, or other conveyance from the United States executed under and pursuant to an act of congress, and the board of county commissioners of such county by resolution finds and determines that any portion thereof is not required for county purposes and that it would be for the best interest of the county to have such portion of the lands devoted to use by a municipality lying within the county, the board of county commissioners may, with the consent of the congress of the United States, by a proper instrument of conveyance executed by the board on behalf of the county, convey such lands to the municipality for municipal purposes, either with or without consideration, and shall not be required to advertise or offer such lands for sale or lease in the manner provided by law for the sale or lease of county property.

36.34.290 Dedication of county land for streets and alleys. The boards of county commissioners of the several counties may dedicate any county land to public use for public streets and alleys in any city or town.

36.34.300 ————Execution of dedication — Effective date. Whenever the board of county commissioners of any county deems it for the best interests of the public that any county land lying in any city or town should be dedicated to the public use for streets or alleys, it shall make and enter an order upon its records, designating the land so dedicated, and shall cause a certified copy of the order to be recorded in the auditor's office of the county in which the land is situated, and from and after entry of such order of dedication and the recording thereof as herein provided, such lands shall be thereby dedicated to the public use.

36.34.310 Long term leases to United States. Any county in the state may lease any property owned by it to the United States of America or to any agency thereof for a term not exceeding ninety-nine years upon such conditions as may be contained in a written agreement therefor executed on behalf of the county by its board of county commissioners, and by any person on behalf of the United States of America or any agency thereof who has been thereunto authorized: *Provided*, That any lease made for a longer period than ten years hereunder shall contain provisions requiring the lessee to permit the rentals for every five-year period thereafter, or part thereof, at the commencement of such period, to be readjusted upward and fixed by the board of county commissioners. In the event that the lessee and the board of county commissioners cannot agree upon the rentals for the five-year period, the lessee shall submit to have the disputed rentals for such subsequent period adjusted by arbitration. The lessee shall pick

one arbitrator and the board of county commissioners one, and the two so chosen shall select a third. No board of arbitrators shall reduce the rentals below the sum fixed or agreed upon for the last preceding period. All buildings, factories or other improvements made upon property leased under this proviso shall belong to and become property of the county, unless otherwise stipulated, at the expiration of the lease.

Chapter 36.37

AGRICULTURAL FAIRS AND POULTRY SHOWS

36.37.010 Fairs authorized — Declared county purpose. The holding of county fairs and agricultural exhibitions of stock, cereals, and agricultural produce of all kinds, including dairy produce, as well as arts and manufactures, by any county in the state, and the participation by any county in a district fair or agricultural exhibition, is declared to be in the interest of public good and a strictly county purpose.

36.37.020 Property may be acquired for fairs. The board of county commissioners of any county in the state may acquire by gift, devise, purchase, condemnation and purchase, or otherwise, lands, property rights, leases, easements, and all kinds of personal property and own and hold the same and construct and maintain temporary or permanent improvements suitable and necessary for the purpose of holding and maintaining county or district fairs for the exhibition of county or district resources and products.

36.37.040 Expenditure of funds—Revolving fund—Management of fairs. The board of county commissioners of any county may appropriate and expend each year such sums of money as they deem advisable and necessary for (1) acquisition of necessary grounds for fairs and world fairs, (2) construction, improvement and maintenance of buildings thereon, (3) payment of fair premiums, and (4) the general maintenance of such fair. The board of county commissioners of any county may also authorize the county auditor to provide a revolving fund to be used by the fair officials for the conduct of the fair. The board of county commissioners may employ persons to assist in the management of fairs or by resolution designate a nonprofit corporation as the exclusive agency to operate and manage such fairs.

36.37.050 District or multiple county fairs authorized. Each county is authorized to hold one county fair in each year, or, as an alternative, to participate with any other county or counties in the holding of a district fair. Where counties participate in the holding of a district fair, the boards of county commissioners of each of

participating counties may enter into mutual agreements setting forth the manner and extent of the participation by each county in the management and support of the district fair, subject to the limitations imposed on each respective county by the provisions of this chapter.

36.37.090 Poultry shows—Petition—Appropriation. Upon petition of twenty-five resident taxpayers of any county who are interested in the poultry industry, the board of county commissioners may set aside and include in its annual budget a sum equivalent to five percent of the assessed valuation of poultry in the county each year for the purpose of holding winter poultry shows, the said sum not to exceed five hundred dollars in any one year.

36.37.100 ———Open to public—Admission charge. All poultry shows shall be open to the public. Such admission charge may be made as is authorized by the board of county commissioners.

36.37.110 ———Conduct of shows. All such poultry shows shall be held under the rules of the American Poultry Association and only licensed poultry judges shall be employed thereat.

Chapter 36.38

ADMISSIONS TAX

36.38.010 Tax authorized—Exception as to schools. Any county may by ordinance enacted by its board of county commissioners, levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid for county purposes by persons who pay an admission charge to any place, including a tax on persons who are admitted free of charge or at reduced rates to any place for which other persons pay a charge or a regular higher charge for the same or similar privileges or accommodations; and require that one who receives any admission charge to any place shall collect and remit the tax to the county treasurer of the county: *Provided*, no county shall impose such tax on persons paying an admission to any activity of any elementary or secondary school.

As used in this chapter, the term "admission charge" includes a charge made for season tickets or subscriptions, a cover charge, or a charge made for use of seats and tables, reserved or otherwise, and other similar accommodations; a charge made for food and refreshments in any place where any free entertainment, recreation, or amusement is provided; a charge made for rental or use of equipment or facilities for purpose of recreation or amusement, and where the rental of the equipment or facilities is necessary to the enjoyment of a privilege for which a general admission is charged, the combined charges shall be considered as the admission charge. It shall also

include any automobile parking charge where the amount of such charge is determined according to the number of passengers in any automobile.

The tax herein authorized shall not be exclusive and shall not prevent any city or town within the taxing county, when authorized by law, from imposing within its corporate limits a tax of the same or similar kind: *Provided*, That whenever the same or similar kind of tax is imposed by any such city or town, no such tax shall be levied within the corporate limits of such city or town by the board of county commissioners.

36.38.020 Optional provisions in ordinance. 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; re-

quiring 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 "commission," the "tax commission," "any member of the commission," or "secretary of the tax commission"; (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 budget.”

36.38.030 Form of ordinance. The ordinance levying and fixing the tax shall be headed by a title expressing the subject thereof, and the style of the ordinance shall be: “Be it ordained by the Board of County Commissioners of County, State of Washington.” The ordinance shall be enacted by a majority vote of the board at a regular meeting thereof, and only after the form of such ordinance as ultimately enacted has been on file with the clerk of the board and open to public inspection for not less than ten days. The ordinance shall not become effective until thirty days following its enactment, and within five days following its enactment it shall be printed and published in a newspaper of general circulation in the county. The ordinance shall be signed by a majority of the board, attested by the clerk of the board, and shall be duly entered and recorded in the book wherein orders of the board are entered and recorded. The ordinance may be at any time amended or repealed by an ordinance enacted, published, and recorded in the same manner.

Chapter 36.39

ASSISTANCE AND RELIEF

36.39.030 Disposal of remains of indigent persons. The board of county commissioners of any county shall provide for the disposition of the remains of any indigent person including a recipient of public assistance who dies within the county and whose body is unclaimed by relatives or church organization.

36.39.040 Federal surplus commodities—County expenses—Handling commodities for certified persons—County program, cooperative program. 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. 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.

Chapter 36.40**BUDGET**

36.40.010 Estimates to be filed by county officials. On or before the second Monday in July of each year the county auditor shall notify in writing each county official, elective or appointive, in charge of an office, department, service, or institution of the county, to file with him on or before the second Monday in August thereafter detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by such office, department, service, or institution for the ensuing fiscal year.

36.40.020 Commissioners to file road and bridge estimate and estimate of future bond expenditures. The county commissioners shall submit to the auditor a detailed statement showing all new road and bridge construction to be financed from the county road fund, and from bond issues theretofore issued, if any, for the ensuing fiscal year, together with the cost thereof as computed by the county road engineer or for constructions in charge of a special engineer, then by such engineer, and such engineer shall prepare such estimates of cost for the county commissioners. They shall also submit a similar statement showing the road and bridge maintenance program, as near as can be estimated.

The county commissioners shall also submit to the auditor detailed estimates of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bonds or warrants not yet authorized.

36.40.030 Forms of estimates—Penalty for delay. The estimates required in RCW 36.40.010 and 36.40.020 shall be submitted on forms provided by the auditor and classified according to the classification established by the division of municipal corporations. The auditor shall provide such forms. He shall also prepare the estimates for interest and debt redemption requirements and any other estimates the preparation of which properly falls within the duties of his office.

Each such official shall file his estimates within the time and in the manner provided in the notice and form and the auditor shall deduct and withhold as a penalty from the salary of each official failing or refusing to file such estimates as herein provided, the sum of ten dollars for each day of delay: *Provided*, That the total penalty against any one official shall not exceed fifty dollars in any one year.

In the absence or disability of any official the duties required herein shall devolve upon the official or employee in charge of the

office, department, service, or institution for the time being. The notice shall contain a copy of this penalty clause.

36.40.040 Preliminary budget prepared by auditor. Upon receipt of the estimates the auditor shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, service, or institution for the ensuing fiscal year, the actual receipts for the first six months of the current fiscal year and the actual receipts for the last completed fiscal year, the estimated surplus at the close of the current fiscal year and the amount proposed to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year, the actual expenditures for the first six months of the current fiscal year including all contracts or other obligations against current appropriations, and the actual expenditures for the last completed fiscal year.

Such estimates, appropriations, and expenditures shall be classified under the general classes of (1) salaries and wages (2) maintenance and operation (3) capital outlay (4) interest and debt redemption, and (5) expenditures proposed to be made from bond or warrant issues not yet authorized.

Within the general class of "salaries and wages" each salary shall be set forth separately together with the title or position of the recipient. Wages for day labor may be given in totals according to the general purpose or object for which they are to be expended but the proposed rate per diem for each class or kind of labor shall be set forth. Expenditures coming under the general class of "maintenance and operation" shall be classified according to the standard classification established by the division of municipal corporations. Expenditures for "capital outlay" shall set forth and describe each object of expenditure separately. Under the general class of "interest and debt redemption" proposed expenditures for interest and for redemption of principal shall be set forth separately for each series or issue of bonds and warrant interest and redemption requirements shall be set out in a similar manner.

The county auditor shall set forth separately in the annual budget to be submitted to the board of county commissioners the total amount of emergency warrants issued during the preceding fiscal year, together with a statement showing the amount issued for each emergency, and the board shall include in the annual

tax levy, a levy sufficient to raise an amount equal to the total of such warrants: *Provided*, That the board may fund the warrants or any part thereof into bonds instead of including them in the budget levy.

36.40.050 Revision by county commissioners. The budget shall be submitted by the auditor to the board of county commissioners on or before the first Tuesday in September of each year. The board shall thereupon consider the same in detail, making any revisions or additions it deems advisable.

36.40.060 Notice of hearing on budget. The board shall then publish a notice stating that it has completed and placed on file its preliminary budget for the county for the ensuing fiscal year, a copy of which will be furnished any citizen who will call at its office for it, and that it will meet on the first Monday in October thereafter for the purpose of fixing the final budget and making tax levies, designating the time and place of such meeting, and that any taxpayer may appear thereat and be heard for or against any part of the budget. The notice shall be published once each week for two consecutive weeks immediately following adoption of the preliminary budget in the official newspaper of the county, or if there is none, in a legal newspaper in the county. The board shall provide a sufficient number of copies of the detailed and comparative preliminary budget to meet the reasonable demands of taxpayers therefor and the same shall be available for distribution not later than two weeks immediately preceding the first Monday in October.

36.40.070 Budget hearing. On the first Monday in October in each year the board of county commissioners shall meet at the time and place designated in the notice, whereat any taxpayer may appear and be heard for or against any part of the budget. The hearing may be continued from day to day until concluded but not to exceed a total of five days. The officials in charge of the several offices, departments, services, and institutions shall, at the time the estimates for their respective offices, departments, services or institutions are under consideration be called in and appear before such hearing by the board at the request of any taxpayer and may be questioned concerning such estimates by the commissioners or any taxpayer present.

36.40.080 Final budget to be fixed. Upon the conclusion of the budget hearing the board of county commissioners shall fix and determine each item of the budget separately and shall by resolution adopt the budget as so finally determined and enter the same in detail in the official minutes of the board, a copy of which budget shall be forwarded to the division of municipal corporations.

36.40.090 Taxes to be levied. The board of county commissioners shall then fix the amount of the levies necessary to raise the amount of the estimated expenditures as finally determined, less the total of the estimated revenues from sources other than taxation, including such portion of any available surplus as in the discretion of the board it shall be advisable to so use, and such expenditures as are to be met from bond or warrant issues: *Provided*, That no county shall retain an unbudgeted cash balance in the current expense fund in excess of a sum equal to the proceeds of a five mill levy against the assessed valuation of the county. All taxes shall be levied in specific sums and shall not exceed the amount specified in the preliminary budget.

36.40.100 Budget constitutes appropriations—Transfers. The estimates of expenditures itemized and classified as required in RCW 36.40.040 and as finally fixed and adopted in detail by the board of county commissioners shall constitute the appropriations for the county for the ensuing fiscal year; and the county commissioners and every other county official shall be limited in the making of expenditures or the incurring of liabilities to the amount of such detailed appropriation items or classes respectively: *Provided*, That upon a resolution formally adopted by the board at a regular or special meeting and entered upon the minutes, transfers or revisions within the general classes of "salaries and wages," "maintenance and operation" and "capital outlay" may be made: *Provided further*, That no salary class shall be increased above the total amount appropriated therefor. Transfers between the general classes provided in RCW 36.40.040 shall not be permitted, except that in the case of appropriations from the county road fund, any transfer between the general classes of (1) salaries and wages, (2) maintenance and operation, and (3) capital outlay may be made.

36.40.110 Additional limitation on road fund expenditures. In addition to the limitations set forth in RCW 36.40.100, neither the county commissioners nor any other county official shall make any expenditure or incur any liability, except for emergencies of the kind specified in RCW 36.40.180, for any purpose for which the county road fund may be properly expended in any amount in excess of eighty percent of the amount of the taxes levied for collection during the current fiscal year for such fund until the cash receipts from taxation or otherwise during the current fiscal year paid into the fund shall exceed such eighty percent of the tax levy by an amount not less than the amount of expenditure or liability in excess of such eighty percent of the tax levy sought to be made or incurred.

36.40.120 Limitation on use of borrowed money. Moneys received from borrowing shall be used for no other purpose than that for which borrowed except that if any surplus shall remain after the accomplishment of the purpose for which borrowed, it shall be used to redeem the county debt. Where the budget contains an expenditure program to be financed from a bond issue to be authorized thereafter no such expenditure shall be made or incurred until such bonds have been duly authorized.

36.40.130 County not liable on overexpenditure—Penalty against officials. Expenditures made, liabilities incurred, or warrants issued in excess of any of the detailed budget appropriations or as revised by transfer as in RCW 36.40.100, 36.40.110 or 36.40.120 provided shall not be a liability of the county, but the official making or incurring such expenditure or issuing such warrant shall be liable therefor personally and upon his official bond. The county auditor shall issue no warrant and the county commissioners shall approve no claim for any expenditure in excess of the detailed budget appropriations or as revised under the provisions of RCW 36.40.100 through 36.40.130, except upon an order of a court of competent jurisdiction, or for emergencies as hereinafter provided. Any county commissioner, or county auditor, approving any claim or issuing any warrant in excess of any such budget appropriation except as herein provided shall forfeit to the county fourfold the amount of such claim or warrant which shall be recovered by action against such county commissioner or auditor, or all of them, and the several sureties on their official bonds.

36.40.140 Emergencies subject to hearing. When a public emergency, other than such as are specifically described in RCW 36.40.180, and which could not reasonably have been foreseen at the time of making the budget, requires the expenditure of money not provided for in the budget, the board of county commissioners by unanimous vote of the commissioners present at any meeting the time and place of which all the commissioners have had reasonable notice, shall adopt and enter upon its minutes a resolution stating the facts constituting the emergency and the estimated amount of money required to meet it, and shall publish the same, together with a notice that a public hearing thereon will be held at the time and place designated therein, which shall not be less than one week after the date of publication, at which any taxpayer may appear and be heard for or against the expenditure of money for the alleged emergency. The resolution and notice shall be published once in the official county newspaper, or if there is none, in a legal newspaper in the county. Upon the conclusion of the hearing, if the board of county commissioners approves it, an order shall be made and entered upon its official minutes by a unanimous

vote of all the members of the board setting forth the facts constituting the emergency, together with the amount of expenditure authorized, which order, so entered, shall be lawful authorization to expend said amount for such purpose unless a review is applied for within five days thereafter.

36.40.150 ————**Right of taxpayer to review order.** No expenditure shall be made or liability incurred pursuant to the order until a period of five days, exclusive of the day of entry of the order, have elapsed, during which time any taxpayer or taxpayers of the county feeling aggrieved by the order may have the superior court of the county review it by filing with the clerk of such court a verified petition, a copy of which has been served upon the county auditor. The petition shall set forth in detail the objections of the petitioners to the order and the reasons why the alleged emergency does not exist.

36.40.160 ————**Petition for review suspends order.** The service and filing of the petition shall operate to suspend the emergency order and the authority to make any expenditure or incur any liability thereunder until final determination of the matter by the court.

36.40.170 ————**Court's power on review.** Upon the filing of a petition the court shall immediately fix a time for hearing it which shall be at the earliest convenient date. At such hearing the court shall hear the matter de novo and may take such testimony as it deems necessary. Its proceedings shall be summary and informal and its determination as to whether an emergency such as is contemplated within the meaning and purpose of this chapter exists or not and whether the expenditure authorized by said order is excessive or not shall be final.

36.40.180 ————**Nondebatable emergencies.** Upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection, or for the immediate preservation of order or of public health or for the restoration to a condition of usefulness of any public property the usefulness of which has been destroyed by accident, or for the relief of a stricken community overtaken by a calamity, or in settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of any public utility owned by the county, or to meet mandatory expenditures required by any law, the board of county commissioners may, upon the adoption by the unanimous vote of the commissioners present at any meeting the time and place of which all of such commissioners have had reasonable notice, of a resolution stating the facts constituting the emergency and

entering the same upon their minutes, make the expenditures necessary to meet such emergency without further notice or hearing.

36.40.190 Payment of emergency warrants. All emergency expenditures shall be paid for by the issuance of emergency warrants which shall be paid from any moneys on hand in the county treasury in the fund properly chargeable therewith and the county treasurer shall pay such warrants out of any moneys in the treasury in such fund. If at any time there are insufficient moneys on hand in the treasury to pay any of such warrants, they shall be registered, bear interest and be called in the manner provided by law for other county warrants.

36.40.200 Lapse of budget appropriations. All appropriations shall lapse at the end of the fiscal year: *Provided*, That the appropriation accounts shall remain open for a period of thirty days thereafter for the payment of claims incurred against such appropriations prior to the close of the fiscal year.

After such period has expired all appropriations shall become null and void and any claim presented thereafter against any such appropriation shall be provided for in the next ensuing budget: *Provided*, That this shall not prevent payments upon uncompleted improvements in progress at the close of the fiscal year.

36.40.210 Monthly report by auditor. On or before the twenty-fifth day of each month the auditor shall submit to the board of county commissioners a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding calendar month and like information for the whole of the current fiscal year to the first day of said month, together with the unexpended and unencumbered balance of each appropriation. He shall also set forth the receipts from taxes and from sources other than taxation for the same periods.

36.40.220 Rules, classifications and forms. The division of municipal corporations may make such rules, classifications, and forms as may be necessary to carry out the provisions in respect to county budgets, define what expenditures shall be chargeable to each budget account, and establish such accounting and cost systems as may be necessary to provide accurate budget information.

36.40.230 No new funds created. This chapter shall not be construed to create any new fund.

36.40.240 Penalty. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars nor more than five hundred dollars.

Chapter 36.43**BUILDING CODES AND FIRE REGULATIONS**

36.43.010 Authority to adopt. The boards of county commissioners may adopt standard building codes and standard fire regulations to be applied within their respective jurisdictions.

36.43.020 Area to which applicable. The building codes or fire regulations when adopted by the board of county commissioners shall be applicable to all the area of the county situated outside the corporate limits of any city or town, or to such portion thereof as may be prescribed in such building code or fire regulation.

36.43.030 Enforcement—Inspectors. The boards of county commissioners may appoint fire inspectors or other inspectors to enforce any building code or fire regulation adopted by them. The boards must enforce any building code or fire regulation adopted by them.

36.43.040 Penalty for violation of code or regulation. Any person violating the provisions of any building code or any fire regulation lawfully adopted by any board of county commissioners shall be guilty of a misdemeanor.

Chapter 36.45**CLAIMS AGAINST COUNTIES**

36.45.010 Time for filing. All claims for damages against any county must be presented before the board of county commissioners and filed with the clerk thereof within ninety days from the date that the damage occurred or the injury was sustained.

36.45.020 Requisites of claim. All such claims for damages must locate and describe the defect which caused the injury, describe the injury, and 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 accrued and be sworn to by the claimant: *Provided*, That if the claimant is incapacitated from verifying and filing his claim for damages within the time prescribed, or if the claimant is a minor, or in case the claim is for damages to real or personal property, and the owner of the property is a nonresident of the county or is absent therefrom during the time within which a claim for damages is required to be filed, the claim may be verified and presented on behalf of the claimant by any relative or attorney or agent representing the injured person or, in case of damages to property, representing the owner thereof.

36.45.030 Time for commencement of action. No action shall be maintained on any claim for damages until it has been presented to the board of county commissioners and sixty days have elapsed after such presentation, but such action must be commenced within three months after the sixty days have elapsed.

36.45.040 Labor and material claims. Whenever any county, by its board of county commissioners, has entered into a contract for the construction of any public improvement for the benefit of the county, whereby the contractor agreed to furnish all labor, material, and supplies necessary for the improvement, and the contractor has proceeded with such improvement and procured from other persons labor, material, or supplies and used the same in the construction of the improvement, but has failed to pay such persons therefor, and such persons have filed claims therefor against the county, and the claims have been audited in the manner provided by law and found to be just claims against the county, and valid obligations of the county except for the fact that they were not filed within the time provided by law; the board of county commissioners may provide funds sufficient therefor, and cause the payment, of such claims in the manner provided by law for the payment of valid claims against the county.

Chapter 36.47

COORDINATION OF ADMINISTRATIVE PROGRAMS

36.47.010 Declaration of necessity. The necessity and the desirability of coordinating the administrative programs of all of the counties in this state is recognized by this chapter.

36.47.020 Joint action by officers of each county—Joint reports to governor and legislature. It shall be the duty of the assessor, auditor, clerk, coroner, sheriff, superintendent of schools, treasurer, and prosecuting attorney of each county in the state to take such action as they jointly deem necessary to effect the coordination of the administrative programs of each county and to submit to the governor and the legislature biennially a joint report or joint reports containing recommendations for procedural changes which would increase the efficiency of the respective departments headed by such elected county officials.

36.47.030 State association of elected county officials may be coordinating agency. The elected county officials enumerated in RCW 36.47.020 are empowered to designate the Washington state association of elected county officials as a coordinating agency through which the duties imposed by RCW 36.47.020 may be performed, harmonized, or correlated.

36.47.040 ————Reimbursement for costs and expenses. Each county which designates the Washington state association of elected county officials as the agency through which the duties imposed by RCW 36.47.020 may be executed is authorized to reimburse the association from the county current expense fund for the cost of any such services rendered: *Provided*, That no reimbursement shall be made to the association for any expenses incurred under RCW 36.47.050 for travel, meals, or lodging of such elected county officials, or their representatives at such meetings, but such expenses may be paid by such official's respective county as other expenses are paid for county business. Such reimbursement shall be paid only on vouchers submitted to the county auditor and approved by the board of county commissioners of each county in the manner provided for the disbursement of other current expense funds. Each such voucher shall set forth the nature of the services rendered by the association, supported by affidavit that the services were actually performed. The total of such reimbursements for any county in any calendar year shall not exceed a sum equal to the revenues produced by a levy of one-hundredth of a mill against the assessed valuation of taxable property in such county.

36.47.050 Elected county officials—Further action authorized—Meetings. The elected county officials enumerated in RCW 36.47.020 are authorized to take such further action as they deem necessary to comply with the intent of this chapter, including attendance at state and district meetings which may be required to formulate the reports provided for in RCW 36.47.020.

36.47.060 Association financial records subject to audit by division of municipal corporations. The financial records of the Washington state association of elected county officials shall be subject to audit by the Washington state division of municipal corporations.

Chapter 36.48

DEPOSITARIES

36.48.010 Depositaries to be designated by treasurer. Each county treasurer shall annually on the second Monday in January, and at such other times as he deems necessary, designate one or more banks in the state as depository or depositaries of all public funds held and required to be kept by him as such treasurer, and such designation or designations shall be in writing, and shall be filed with the board of county commissioners of his county, and no county treasurer shall deposit any public money in banks, except as herein provided.

36.48.020 ————Bond—Collateral insurance—Federal deposit insurance. Before any such designation shall become effectual and entitle the treasurer to make deposits in such bank, the bank designated shall, within ten days after the designation has been filed, file with the county clerk of the county a surety bond to the county treasurer, properly executed by some reliable surety company qualified under the laws of the state to do business therein, in the maximum amount of deposits designated by the treasurer to be carried in the bank, conditioned for the prompt and faithful payment thereof on checks drawn by the treasurer.

The bond must be approved by the chairman of the board of county commissioners, the prosecuting attorney, and the county treasurer, or any two of such officers, before being filed with the county clerk, and unless so approved, it shall not be received or filed by the county clerk.

The depository may deposit with the county treasurer in lieu of the surety bond, any of the following enumerated securities if there has been no default in the payment of principal or interest thereon, the aggregate market value of which shall not be less than one hundred and ten percent of the amount of the funds deposited by the treasurer:

(1) Bonds, notes or other securities constituting the direct and general obligations of the United States or the bonds, notes, or other securities constituting the direct and general obligations of any instrumentality of the United States, the interest and principal of which is unconditionally guaranteed by the United States;

(2) Direct and general obligation bonds and warrants of the state;

(3) Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision in the state, having the power to levy general taxes.

In counties where the combined banking capital and surplus of all of the banks in the county is insufficient to carry the county funds the provision of this section with reference to the limit of the amount to be deposited in any one depository may be waived by the county finance committee.

In the event repayment of deposits in any such depository is insured by the Federal Deposit Insurance Corporation, or by any other corporation, agency, or instrumentality organized and acting under and pursuant to the laws of the United States, the execution and filing of a bond with the treasurer shall be required only for so much of the designated maximum amount of deposits as such designated maximum amount of deposits exceeds the amount of such insurance, and if the depository elects to deposit securities in lieu of the bond, it shall be required to deposit securities only

to the amount necessary to secure the excess of the moneys on deposit with it over the amount covered by such insurance.

36.48.030 ————**Contract as to interest.** Before any designation shall become effectual and entitle the treasurer to make deposits, the bank so designated shall also enter into a written contract with the county whose treasurer is to make the deposits, to pay to the county, to be credited to the current expense fund thereof, such rate of interest on the average daily balances of all moneys so deposited by the county treasurer in the bank, while acting as depositary, as shall be fixed from time to time by the county finance committee; such payments to be made monthly to the county while the deposits continue in the depositary. The contract shall be in such form as shall be approved by the county finance committee and the prosecuting attorney.

36.48.040 ————**Deposited funds deemed in county treasury.** The county treasurer shall deposit with any depositary, which has fully complied with all requirements of RCW 36.48.010 through 36.48.060, any county money in his hands or under his official control, and for the purpose of making the quarterly settlement and counting funds in the hands of the treasurer any sums so on deposit shall be deemed to be in the county treasury.

36.48.050 ————**Treasurer's liability and bond additional.** The provisions of RCW 36.48.010 through 36.48.060 shall in no way relieve or release the county treasurer from any liability upon his official bond as such treasurer, or any surety upon such bond, and shall in no way affect the duty of the several county treasurers to give bond as required by law.

36.48.060 ————**Bank defined.** The word "bank" whenever it occurs in RCW 36.48.010 through 36.48.050 includes all national, foreign, state, and private banks and trust companies doing business in the state.

36.48.070 **County finance committee created—Records, rules and regulations.** The county treasurer, the county auditor, and the chairman of the board of county commissioners, ex officio, shall constitute the county finance committee. The county treasurer shall act as chairman of the committee and the county auditor as secretary thereof, and the office of the committee shall be in the office of the county auditor. The committee shall keep a full and complete record of all its proceedings in appropriate books of record and all such records and all correspondence relating to the committee shall be kept in the office of the county auditor and shall be open to public inspection. The committee shall make appropriate rules and regulations for the carrying out of the provisions of RCW 36.48.010 through 36.48.060, not inconsistent with law.

36.48.080 County clerk's funds may be deposited. The county clerks of all the counties of the state shall deposit all funds in their custody, as clerk of the superior court of their respective counties, in one or more banks as they may elect.

36.48.090 ———Clerk's trust fund created. Whenever any person has in his custody as clerk of the superior court any funds held in trust for any litigant or for any purpose, they shall be deposited in a separate fund designated "clerk's trust fund," and shall not be commingled with any public funds, and in case any interest is paid upon a fund so deposited, it shall be paid to the beneficiary of such trust upon the termination thereof.

36.48.100 ———Clerk's depository bond or collateral—Federal deposit insurance as affecting. Upon depositing any public or trust funds the clerk shall demand and the depository bank shall furnish to the clerk, a surety bond, to be approved by the clerk and the prosecuting attorney of said county, in a sufficient amount to equal the maximum deposit of the clerk with such depository, conditioned for the prompt and faithful payment of said deposits upon demand, said surety bond shall not be canceled during the time for which it has been written by the surety company: *Provided*, That the depository may deposit with the county clerk in lieu of the surety bond herein provided for, securities to be approved by said county clerk and the prosecuting attorney of said county, of a market value in an amount not less than the amount of the maximum funds deposited: *Provided further*, That all depositories which have qualified for insured deposits under the Federal Deposit Insurance Act (12 United States Code Annotated, page 264) or any acts amendatory, supplemental, or substituted therefor, shall not be required to furnish bonds or securities, except for so much of said fund deposited not insured under the Federal Deposit Insurance Act.

36.48.110 Trustee for safekeeping of collateral. Any depository of county funds having bonds or securities pledged by it to such county as security for public funds deposited or to be deposited with it, may, by written notice, require the treasurer of such county to designate a trust company or bank exercising trust powers and located within the state as a trustee for the safekeeping of such bonds and securities, or any such depository may elect, by the giving of written notice to the treasurer of the county to designate a trust company or bank exercising trust powers located without the state as trustee under the terms and provisions of RCW 36.48.110 through 36.48.150 for the safekeeping of such bonds and securities. A trust company or bank so designated and located without the state shall have a combined actual paid-up capital and surplus of not less than one million dollars. The identity of the

trustee, the terms of the agreement between the trustee and the depository, and the character of the bonds or securities pledged, shall all be subject to the approval of the county treasurer.

36.48.120 ————**Trustee's receipt.** The receipt of the trustee describing the securities held and the purpose, terms, and conditions of such holding, shall be issued by the trustee in duplicate and one of such duplicates shall be delivered to the treasurer of the county to which such securities are pledged, and the other shall be delivered to the depository by whom such bonds or securities are pledged. Such receipt shall be accepted by all public officers of the state or of any city, county, town or municipality thereof as prima facie evidence of the facts therein stated.

36.48.130 ————**Procedure on insolvency of depository.** In the event of the insolvency or closing of the bank depositing such bonds or securities, the trustee shall upon demand deliver the same to the treasurer of the county to which they are pledged. Prior to any default of the depository the trustee shall, as the same mature and become payable, clip from all coupon bonds deposited with it, the interest coupons thereof and deliver them on demand to the depository by whom they were deposited.

36.48.140 ————**Compensation of trustee.** The charges or compensation of the trustee for keeping such securities shall be a charge against and shall be paid by the depository and shall not be chargeable to the county to which they are pledged nor to any treasurer thereof, nor shall such charges or compensation be a lien upon the bonds or securities in its custody.

36.48.150 ————**Bank cannot act as trustee of own collateral.** No bank or trust company shall act as trustee for the keeping of its own bonds or securities when pledged by it as a depository of public funds, but nothing herein shall prevent the treasurer of any county from keeping under his sole control in a safe or safe deposit box in the vault of any bank or trust company, bonds or securities pledged by such bank or trust company as a depository of public funds.

Chapter 36.49

DOG LICENSE TAX

36.49.010 Tax imposed — Rate—Tax optional with county. In each county which elects to proceed under the provisions of this chapter, which election shall be by the vote of its board of county commissioners, the county assessor annually, at the time of assessing personal property, shall make a list of all persons who own or keep a dog or dogs outside the corporate limits of any city and set opposite

the name of each owner or keeper the number of dogs owned or kept, stating whether male, sterilized female, or unsterilized female, and assess against every such owner or keeper a license tax as follows:

For each male dog	one dollar
For each sterilized female dog.....	one dollar
For each unsterilized female dog...	two and one-half dollars
For dogs kept in kennels for breeding, sale, or sporting purposes an individual license tax shall not be assessed, but the owner or keeper of such kennel shall be assessed a kennel license as follows:	
For twenty dogs, or less.....	ten dollars
For each additional twenty dogs, or fraction thereof	five dollars

36.49.020 Treasurer to collect—Tags. The county assessor shall turn over the list of dog owners to the county treasurer for collection of the taxes. Upon the payment of the license tax upon any dog or kennel the county treasurer shall deliver to the owner or keeper of such dog or kennel a license, and a metallic tag for each dog taxed and licensed or kept in such kennel. The license shall be dated and numbered and shall bear the name of the county issuing it, the name and address of the owner of the dog or kennel licensed; and if a dog license, a description of the dog including its breed, age, color, and markings; and if a kennel license, a description of the breed, number, and ages of the dogs kept in such kennel. The metallic tag shall bear the name of the county issuing it, a serial number corresponding with the number on the license, and the calendar year in which it is issued. Every owner or keeper of a dog shall keep a substantial collar on the dog and attached firmly thereto the license tag for the current year.

36.49.030 Application for license after assessor's list returned. Any person becoming the owner of a dog or kennel after the assessment has been returned by the assessor and any owner of a dog or kennel which for any reason the assessor has failed to assess, may at any time apply to the county treasurer, and upon the payment of the required fee procure a license and a metallic tag or tags.

36.49.040 Delinquent tax, how collected. If any person whose name appears upon the list prepared by the county assessor fails to pay the license tax to the county treasurer on or before the first day of August of the year in which the list is made, the county treasurer shall proceed to collect the delinquent license taxes in the manner provided by law for collection of delinquent personal property taxes.

36.49.050 "County dog license tax fund" created. All license taxes collected in accordance with the provisions of this chapter

shall be placed in a separate fund in the office of the county treasurer to be known as the "county dog license tax fund."

36.49.060 ————**Transfer of excess funds in.** On the first day of March of each year all moneys in the county dog license tax fund in excess of five hundred dollars shall be transferred and credited by the county treasurer to the current expense fund of the county.

36.49.070 **Penalty.** Any person or officer who refuses to comply with or enforce any of the provisions of this chapter shall be guilty of a misdemeanor.

36.49.080 **Fees payable out of county dog license tax fund.** The county treasurer shall allow two dollars for each witness and two dollars to a justice of the peace for each certificate of damage by a vicious dog as provided by RCW 16.08.010 filed by a justice of the peace with the county treasurer to be paid out of the county dog license tax fund.

Chapter 36.50

FARM AND HOME EXTENSION WORK

36.50.010 **Cooperative extension work in agriculture and home economics authorized.** The board of county commissioners of any county and the governing body of any municipality are authorized to establish and conduct extension work in agriculture and home economics in cooperation with Washington State University, upon such terms and conditions as may be agreed upon by any such board or governing body and the director of the extension service of Washington State University; and may employ such means and appropriate and expend such sums of money as may be necessary to effectively establish and carry on such work in agriculture and home economics in their respective counties and municipalities.

Chapter 36.53

FERRIES—PRIVATELY OWNED

36.53.010 **Grant of license—Term.** The board of county commissioners may grant a license to keep a ferry across any lake or stream within its county, upon being satisfied that a ferry is necessary at the point applied for, which license shall continue in force for a term to be fixed by the commissioners not exceeding five years.

36.53.020 **Licensing tax.** The board of county commissioners shall charge such sum as appears reasonable—not less than one dollar nor more than one hundred dollars per year—for such license, and the person to whom the license is granted shall pay to the

county treasurer the tax for one year in advance, taking his receipt therefor; and upon the production of such receipt the county auditor shall issue the license under the seal of his office.

36.53.030 To whom license granted—Notice of intention if non-owner. No license shall be granted to any person other than the owner of the land embracing or adjoining the lake or stream where the ferry is proposed to be kept, unless the owner neglects to apply therefor. Whenever application for a license is made by any person other than the owner, the board of county commissioners shall not grant it, unless proof is made that the applicant caused notice, in writing, of his intention to make such application to be given to such owner, if residing in the county, at least ten days before the session of the board of county commissioners at which application is made.

36.53.040 Notice of application to be posted. Every person intending to apply for a license to keep a ferry at any place shall give notice of his intention by posting up at least three notices in public places in the neighborhood where the ferry is proposed to be kept, twenty days prior to any regular session of the board of county commissioners at which the application is to be made.

36.53.050 Bond of licensee. Every person applying for a license to keep a ferry shall, before the same is issued, enter into a bond with one or more sureties, to be approved by the county auditor, in a sum not less than one hundred nor more than five hundred dollars, conditioned that such person will keep the ferry according to law and that if default at any time is made in the condition of the bond, damages, not exceeding the penalty, may be recovered by any person aggrieved, before any court having jurisdiction.

36.53.060 Duties of licensee. Every person obtaining a license to keep a ferry shall provide and keep in good and complete repair the necessary boat or boats for the safe conveyance of all persons and property, and furnish such boats at all times with suitable oars, setting poles, and other implements necessary for the service thereof, and shall keep a sufficient number of discreet and skillful men to attend and manage the same; and he shall also at all times keep the place of embarking and landing in good order and repair, by cutting away the bank of the stream so that persons and property may be embarked and landed without danger or unnecessary delay.

36.53.070 ———Duties as to ferriage—Liability for nonperformance. Every person obtaining a ferry license shall give constant and diligent attention to such ferry from daylight in the morning until dark in the evening of each day, and shall, moreover, at any hour in the night, if required, except in cases of imminent dan-

ger, give passage to all persons requiring the same on the payment of double rate of ferriage allowed to be taken in the daytime.

If he at any time neglects or refuses to give passage to any person or his property, he shall forfeit and pay to the party aggrieved for every such offense the sum of five dollars, to be recovered before any justice of the peace having jurisdiction; he shall, moreover, be liable in an action at law for any special damage which such person may have sustained in consequence of such neglect or refusal.

No forfeiture or damages shall be recovered for a failure or refusal to convey any person or property across the stream when it is manifestly hazardous to do so, by reason of any storm, flood, or ice; nor shall any keeper of a ferry be compelled to give passage to any person or property until the fare or toll chargeable by law has been fully paid or tendered.

36.53.080 Rates of ferriage. Whenever the board of county commissioners grants a license to keep a ferry across any lake or stream, it shall establish the rates of ferriage which may be lawfully demanded for the transportation of persons and property across the same, having due regard for the breadth and situation of the stream, and the dangers and difficulties incident thereto, and the publicity of the place at which the same is established, and every keeper of a ferry who at any time demands and receives more than the amount so designated for ferrying shall forfeit and pay to the party aggrieved, for every such offense, the sum of five dollars, over and above the amount which has been illegally received, to be recovered before any justice of the peace having jurisdiction.

36.53.090 Commissioners may fix and alter rates. The boards of county commissioners may fix, alter, and establish from time to time, the rates of ferriage to be levied and collected at all ferries established by law, within or bordering upon the county lines of any of the counties in this state.

36.53.100 Rates to be posted. Every person licensed to keep a ferry shall post up, in some conspicuous place near his ferry landing a list of the rates of ferriage which are chargeable by law at such ferry, which list of rates shall at all times be plain and legible and posted up so near the place where persons pass across the ferry that it may be easily read. If the keeper neglects or refuses to post and keep up such list, it shall not be lawful to charge or take any ferriage or compensation at the ferry, during the time of such delinquency.

36.53.110 Order of ferriage—Liability for nonperformance. All persons shall be received into the ferry boats and conveyed across the stream over which a ferry is established according to their arrival thereat, and if the keeper of a ferry acts contrary to this

regulation, he shall forfeit and pay to the party aggrieved the sum of ten dollars for every such offense, to be recovered before any justice of the peace having jurisdiction: *Provided*, That public officers on urgent business, post riders, couriers, physicians, surgeons, and midwives shall in all cases be first carried over, when all cannot go at the same time.

36.53.120 Grant exclusive. Every person licensed to keep a ferry under the provisions of RCW 36.53.010 through 36.53.140 shall have the exclusive privilege of transporting all persons and property over and across the stream where the ferry is established, and shall be entitled to all the fare arising by law therefrom: *Provided*, That any person may cross such stream at the ferry location in his own boat, or take in and carry over his neighbor, when done without fee or charge, and not with intent to injure the person licensed to keep a ferry.

36.53.130 Revocation of license. If any person licensed to keep a ferry fails to pay the taxes assessed thereon when due, or to provide and keep in good and complete repair the necessary boat or boats, with the oars, setting poles, and other necessary implements for the service thereof, or to employ a sufficient number of skilled and discreet ferrymen within three months from the time license is granted, or if the ferry is not at any time kept in good condition and repair, or if it is abandoned, disused, or unfrequented for the space of six months at any one time, the board of county commissioners, on complaint being made in writing, may summon the person licensed to keep such ferry, to show cause why his license should not be revoked. The board may revoke or not according to the testimony adduced and the laws of this state, the decision subject to review by the superior court: *Provided*, That if disuse resulted because the stream is fordable at certain seasons of the year, or because travel by that route is subject to periodical fluctuations, it shall not work a forfeiture within the meaning of this section.

36.53.140 Penalty for maintaining unlicensed ferry. Any person who maintains any ferry and receives ferrriage without first obtaining a license therefor shall pay a fine of ten dollars for each offense, to be collected for the use of the county, by suit before any justice of the peace having jurisdiction, and any person may bring such suit: *Provided*, That it shall not be unlawful for any person to transport any other person or his property over any stream for hire, when there is no ferry, or the ferry established at such place was not in actual operation at the time, or in sufficient repair to have afforded to such person or his property a safe and speedy passage.

36.53.150 Interstate ferry—County may contribute to—Grant of permit to operator. Whenever the board of county commissioners of any county determines that the construction or maintenance of a ferry in a state adjoining such county or connecting such county with the adjoining state is of necessity or convenience to the citizens of the county, the board may enter into a contract for the construction or maintenance of such ferry, or make such contribution as may be deemed advisable toward the construction or maintenance thereof, and may lease, or grant exclusive permits to use, any wharf or landing owned or leased by the board to any person, firm or corporation furnishing, or agreeing to furnish, ferry service between such county and the adjoining state.

Chapter 36.54

FERRIES—COUNTY OWNED—FERRY DISTRICTS

36.54.010 County may acquire, construct, maintain and operate ferry. Any county may construct, condemn, or purchase, operate and maintain ferries or wharves at any unfordable stream, lake, estuary or bay within or bordering on said county, or between portions of the county, or between such county and other counties, together with all the necessary boats, grounds, roads, approaches, and landings appertaining thereto under the direction and control of the board of county commissioners free or for toll and as the board shall by resolution determine.

36.54.020 Joint ferries—Generally. The board of county commissioners of any county may, severally or jointly with any other county, city or town, or the state of Washington, or any other state or any county, city or town of any other state, construct or acquire by purchase, gift, or condemnation, and operate any ferry necessary for continuation or connection of any county road across any navigable water. The procedure with respect to the exercise of the power herein granted shall be the same as provided for the joint erection or acquisition of bridges, trestles, or other structures. Any such ferries may be operated as free ferries or as toll ferries under the provisions of law of this state relating thereto.

36.54.030 Joint ferries over water boundary between two counties. Whenever a river, lake, or other body of water is on the boundary line between two counties, the boards of county commissioners of the counties adjoining such stream or body of water may construct, purchase, equip, maintain, and operate a ferry across such river, lake, or other body of water, when such ferry connects the county roads or other public highways of their respective counties. All costs and expenses of constructing, purchasing, maintaining, and operating such ferry shall be paid by the two counties,

each paying such proportion thereof as shall be agreed upon by the boards of county commissioners.

36.54.040 ———Joint board of commissioners to administer—Records kept. The boards of county commissioners of the two counties, participating in a joint ferry, shall meet in joint session at the county seat of one of the counties interested, and shall elect one of their members as chairman of the joint board of commissioners, who shall act as such chairman during the remainder of his term of office, and, at the expiration of his term of office, the two boards of county commissioners shall meet and elect a new chairman, who shall act as such chairman during his term of office as county commissioner, and they shall continue to elect a chairman in like manner thereafter. The county auditors of the counties shall be clerks of such joint commission, and the county auditor of the county where each meeting is held shall act as clerk of the commission at all meetings held in his county. Each county auditor, as soon as the joint commission is organized, shall procure a record book and enter therein a complete record of the proceedings of the commission, and immediately after each adjournment the county auditor of the county in which the meeting is held shall forward a complete copy of the minutes of the proceedings of the commission to the auditor of the other county to be entered by him in his record. Each county shall keep a complete record of the proceedings of the commission.

36.54.050 ———Commission authority—Expenses shared. The joint commission is authorized to transact all business necessary in carrying out the purposes of RCW 36.54.030 through 36.54.070 and its acts shall be binding upon the two counties, and one-half of all bills and obligations created by the commission shall be binding and a legal charge against the road fund of each county and the claims therefor shall be allowed and paid out of the county road fund the same as other claims against said fund are allowed and paid.

36.54.060 ———Audit and allowance of claims. All claims and accounts for the construction, operation and maintenance of a joint county ferry shall be presented to and audited by the joint commission: *Provided*, That items of expense connected with the operation of such ferry which do not exceed the sum of thirty dollars may be presented to the chairman of the joint commission and allowed by him and when allowed shall be a joint charge against the road fund of each of the counties operating such ferry.

36.54.070 ———County commissioner duties enumerated—Omission as ground for impeachment. The members of the board of county commissioners of each county shall be members of the joint commission and their refusal to act shall be ground for impeachment.

They shall provide for the maintenance and operation of the ferry until it is discontinued by a majority vote of the joint commission.

36.54.080 Ferry districts authorized—Procedure—Powers. The establishment of a ferry district is hereby authorized. Written application for the formation of such a district signed by at least twenty-five percent of the registered voters, who reside and own real estate in the proposed district, shall be filed with the board of county commissioners. The board shall immediately transmit the application to the proper registrar of voters for the proposed district who shall check the names, residence, and registration of the signers with the records of his office and shall, as soon as possible, certify to said board the number of qualified signers. If the requisite number of signers is so certified, the board shall thereupon place the proposition, "Shall a ferry district be established in the following area to operate ferries between the following termini: (describing the proposed district and ferry routes)?" upon the ballot for vote of the people of the proposed district at the next election, general or special. If sixty percent of the voters on such proposition vote in favor of the proposition, the board shall, by resolution, declare the district established. If the requisite number of qualified persons have not signed the application, further signatures may be added and certified until the requisite number have signed and the above procedure shall be thereafter followed.

The area of such district shall be the area within any island or group of islands outside incorporated cities and towns, or such portion or portions thereof as specifically defined in the application.

When established, a ferry district shall be a municipality as defined by the statutes of the state and entitled to all the powers conferred by law and exercised by municipal corporations in this state. A ferry district is hereby empowered to levy not more than five mills against the assessed valuation of the property lying within the district.

A ferry district shall have the right of eminent domain according to the laws of the state.

A ferry district is exempt and excepted from the provisions of the public service laws and is not subject to the control, rules and regulations of the Washington utilities and transportation commission; and it shall not be necessary for a ferry district to apply for or obtain a certificate of public convenience and necessity.

A ferry district may operate any vessel over its authorized routes upon any of the waters of the state that touch any of the area of the district.

36.54.090 ———Ferry district officers—Election, terms, vacancies, oath. The governing body of a ferry district shall be a board

of ferry commissioners consisting of three members. The first three commissioners shall be elected at the same election at which the proposition is submitted to the voters as to whether the ferry district shall be formed, and shall be elected to hold office respectively for the terms of one, two, and three years and until their respective successors are elected, the terms for each nominee for ferry commissioner to be expressed on the ballot. Thereafter there shall be held each year an election for a ferry commissioner to hold office for three years and until his successor is elected and qualified. No person shall be eligible to hold office as ferry commissioner unless he is a qualified voter and landowner in said ferry district. After the first election the time of the election shall be fixed by the ferry commissioners. Vacancies occurring may be filled by the remaining commissioners for the remainder of the unexpired term. Each commissioner shall take and file his oath in writing that he will honestly and to the best of his ability carry on the affairs of the ferry district.

36.54.100 ————**Construction of RCW 36.54.080 through 36.54.100—Landing facilities.** This section, RCW 36.54.080 and 36.54.090 shall be construed liberally, so far as may be necessary for the purpose of carrying out its general intent, which is, the creation of a ferry district for the purpose of owning and operating vessels for the public benefit and convenience of the district.

Nothing contained in this section, RCW 36.54.080 and 36.54.090 shall abridge or deny the right of a ferry district to acquire and maintain suitable landing facilities on the mainland.

Chapter 36.55

FRANCHISES ON ROADS AND BRIDGES

36.55.010 Pipe line and wire line franchises on county roads. Any board of county commissioners may grant franchises to persons or private or municipal corporations to use the right of way of county roads in their respective counties for the construction and maintenance of waterworks, gas pipes, telephone, telegraph, and electric light lines, sewers and any other such facilities.

36.55.020 Cattleguards, tramroad and railway rights. Any board of county commissioners may grant to any person the right to build and maintain tramroads and railway roads upon county roads under such regulations and conditions as the board may prescribe, and may grant to any person the right to build and maintain cattleguards across the entire right of way on any county road, under such regulations and conditions as the board may prescribe: *Provided*, That such tramroad or railway road shall not occupy more

than eight feet of the county road upon which the same is built and shall not be built upon the roadway of such county road nor in such a way as to interfere with the public travel thereon.

36.55.030 Franchises on county bridges. Any board of county commissioners may grant franchises upon bridges, trestles, or other structures constructed and maintained by it, severally or jointly with any other county or city or town of this state, or jointly with any other state or any county, city or town of any other state, in the same manner and under the same provisions as govern the granting of franchises on county roads.

36.55.040 Application—Notice of hearing. On application being made to the board of county commissioners for franchise, the board shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting notices in three public places in the county seat of the county at least fifteen days before the day fixed for the hearing. The board shall also publish a like notice two times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be not less than five days before the day fixed for the hearing. The notice shall state the name or names of the applicant or applicants, a description of the county roads by reference to section, township and range in which the county roads or portions thereof are physically located, to be included in the franchise for which the application is made, and the time and place fixed for the hearing.

36.55.050 Hearing—Order. The hearing may be adjourned from time to time by the order of the board of county commissioners. If, after the hearing, the board deems it to be for the public interest to grant the franchise in whole or in part, it may make and enter a resolution to that effect and may require the applicant to place his utility and its appurtenances in such location on or along the county road as the board finds will cause the least interference with other uses of the road.

36.55.060 Limitations upon grants. (1) Any person constructing or operating any utility on or along a county road shall be liable to the county for all necessary expense incurred in restoring the county road to a suitable condition for travel.

(2) No franchise shall be granted for a period of longer than fifty years.

(3) No exclusive franchise or privilege shall be granted.

(4) The facilities of the holder of any such franchise shall be removed at the expense of the holder thereof, to some other location on such county road in the event it is to be constructed, altered,

or improved or becomes a primary state highway and such removal is reasonably necessary for the construction, alteration, or improvement thereof.

36.55.070 Existing franchises validated. All rights, privileges, or franchises granted or attempted to be granted by the board of county commissioners of any county prior to April 1, 1937, when such board of county commissioners was in regular or special session and when the action of such board is shown by its records, to any person to erect, construct, maintain, or operate any railway or poles, pole lines, wires, or any other thing for the furnishing, transmission, delivery, enjoyment, or use of electric energy, electric power, electric light, and telephone connection therewith, or any other matter relating thereto; or to lay or maintain pipes for the distribution of water, or gas, or to or for any other such facilities in, upon, along, through or over any county roads, are confirmed and declared to be valid to the extent that such rights, privileges, or franchises specifically refer or apply to any county road or county roads, or to the extent that any such county road has prior to April 1, 1937, been actually occupied by the bona fide construction and operation of such utility, and such rights, privileges, and franchises hereby confirmed shall have the same force and effect as if the board of county commissioners prior to the time of granting said rights, privileges, and franchises, had been specifically authorized to grant them.

36.55.080 Record of franchises. The board of county commissioners shall cause to be recorded with the county auditor a complete record of all existing franchises upon the county roads of its county and the auditor shall keep and maintain a currently correct record of all franchises existing or granted with the information describing the holder of the franchise, the purpose thereof, the portion of county road over or along which granted, the date of granting, term for which granted, and date of expiration, and any other information with reference to any special provisions of such franchises.

Chapter 36.58

GARBAGE DISPOSAL

36.58.010 Acquisition of sites authorized. Any board of county commissioners may acquire by purchase or by gift, dedication, or donation, garbage sites for the use of the public in disposing of garbage and refuse.

36.58.020 Rules and regulations as to use—Penalty. Any board of county commissioners may make such rules and regulations as

may be deemed necessary for the use and occupation of such sites, and may provide for the maintenance and care thereof. Any person violating any of the rules and regulations made by the board relating to the use or occupation of any site owned or occupied by the county for garbage disposal purposes shall be guilty of a misdemeanor.

Chapter 36.59

HOMESITE LANDS

36.59.300 Definitions. The following words and phrases wherever used in this chapter shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary:

(1) "County commissioner." The duly elected, qualified and acting board of county commissioners of their respective counties.

(2) "County engineer." The duly appointed county road engineer, or such other county official as may be appointed by the board to carry out the duties prescribed for the county engineer under the provisions of this chapter.

(3) "Homesite or homesite lands." Any tract of land listed by the county commissioners and contained in the list certified by the county engineer to the county auditor.

(4) "Entryman." Any qualified person making and filing the application and affidavit herein required with the county auditor.

(5) "Settler." Any qualified person making and filing the application and affidavit herein required with the county auditor and having in accordance therewith settled upon a homesite tract.

(6) "Tract." Any piece or parcel of land separately described and listed by the county commissioners and by the county engineer filed with the county auditor.

36.59.310 Entry—Persons entitled. Every person who is the head of a family as defined by the laws of this state or who has arrived at the age of twenty-one years, is a citizen of the United States or who has filed his declaration of intention to become such as required by the naturalization laws of the United States, shall be entitled to enter upon eighty acres or a less quantity of land selected and designated by the county commissioners of any county in this state as county homesite lands.

36.59.320 Designation of homesite lands—Notice of opening for entry. The county commissioners may at any time designate and select the county owned lands as county homesite lands, subject to settlement and conveyance by the county as in this chapter provided. A list of county lands so selected shall be furnished to the county engineer whose duty it shall be to check the descriptions of

such listed lands, to approve the same and to file such list with the county auditor. Upon receiving such list from the county engineer the county auditor shall publish a notice by posting the same in three public places in his county and by publication thereof in at least three issues of the official county paper, stating that descriptions of the land in said list are on file in his office, are open to inspection by the public and at any time after thirty days from the date of the first publication of such notice said lands shall be open for entry as in this chapter provided.

36.59.330 Application for entry—Affidavit—Filing fee. Any person applying to enter land under the preceding sections shall first make and subscribe before a person authorized by the laws of the state of Washington to administer an oath and affidavit that he or she is the head of a family and that such application is honestly and in good faith made for the purpose of actual settlement and cultivation and not for the benefit of any person or corporation, and that he or she will faithfully and honestly endeavor to comply with all of the requirements of law as to settlement, residence and cultivation necessary to acquire title to the land applied for; that he or she is not acting as agent of any person, corporation or syndicate in making such entry nor in collusion with any person, corporation or syndicate to give them the benefit of the land entered or any part thereof or the timber thereon; that he or she does not apply to enter the same for the purpose of speculation but in good faith to obtain a home for himself or herself and that he or she has not directly or indirectly made and will not make any agreement or contract in any way or manner with any person or persons, corporation or syndicate, whatsoever, by which the title which he or she might acquire from the county should enure in whole or in part for the benefit of any person except himself or herself, and upon filing such affidavit with the county auditor, on payment of five dollars he or she will thereupon be permitted to enter the amount of land specified.

36.59.340 Forms to be furnished—Oaths administered free. The county auditor shall furnish forms of application and affidavit containing the statements herein required and shall administer the oath to any person making such application and affidavit, without any fee therefor.

36.59.350 Acreage of tracts. The county commissioners in selecting and designating such homesite properties shall have the right to determine the amount of acreage in any tract, not however to exceed eighty acres, and on the list of homesite properties as furnished by the engineer, filed in the office of the auditor as in this chapter provided, the approximate acreage of each tract shall be stated.

36.59.360 Record of entries. The county auditor shall note all applications under the provisions of this chapter on tract books and plats to be kept in his office and shall keep a ledger of all such entries and make return thereof to the board of county commissioners, together with the proof upon which they have been founded.

36.59.370 Certificate of entry. Upon an applicant entering land as in this chapter provided there shall be issued to him by the county auditor a certificate of entry showing the day, date and time of such entry, and the description of the property entered as substantially the same appears upon the list certified to the auditor by the county engineer.

36.59.380 Final proof—Permitted absences—Annual minimum requirements—Proof upon entryman's death. No conveyance of said property shall be given or issued therefor until the expiration of five years from the date of such entry, and if, at the expiration of such time or at any time within two years thereafter, the person making such entry, or if he be dead, his widow, or in the case of her death, his heirs and devisees, or in the case of a woman making such entry, her heirs, or devisees in case of her death, or if she be dead, her widower proves by himself and by two creditable witnesses that he, she or they, have a habitable house upon the land and have actually resided upon and have by the construction of such house and the clearing and/or cultivation of such land, improved the same to the extent of not less than five hundred dollars in value, and makes affidavit that no part of such land has been alienated, and that he, she or they, will bear true allegiance to the government of the United States, then, in that case, she, he or they, shall be entitled to a deed duly executed by the county commissioners as in other cases provided by law, conveying and transferring said lands to him, her or them: *Provided*, That upon filing in the office of the county auditor notice of the beginning of such absence the entryman shall be entitled to a continuous leave of absence from the land for a period not exceeding three months in each year after established residence and upon the termination of such absence the entryman shall file a notice of such termination in the office of the auditor: *Provided further*, That the county commissioners may, if they find just cause therefor, extend such leave of absence period, not however exceeding six months in any one year: *Provided further*, That when the person making entry dies before the offer of final proof, those succeeding to the entry must show that the entryman had complied with the law in all respects to the date of his death and that they have since complied with the law in all respects as would have been required of the entryman had he lived: *Provided further*, That the entryman shall, in order to comply with the requirements

of clearing and/or cultivation herein provided, cultivate not less than five percent of a homesite tract of forty or more acres, ten percent of a homesite tract containing twenty or more acres, and twenty percent of a homesite tract containing ten acres, more or less.

During the first year the entryman must either improve the property by constructing a habitable home thereon or do not less than ten percent of the clearing and/or cultivation required.

During the second year the entryman shall have constructed a habitable home upon the homesite tract and in addition thereto shall do not less than ten percent of the clearing and/or cultivation required. The entryman must during the remaining period do the balance of the clearing and/or cultivation required under this chapter but the county commissioners may, upon a satisfactory showing, reduce the required area to be cleared and/or cultivated.

36.59.390 Conflicting entries. Where two or more persons claim to be the first entryman to file on a homesite tract, or where said persons claim to have filed simultaneously upon the same homesite tract, it shall be the duty of the board of county commissioners and they are empowered to determine to what person the certificate of entry shall be issued. Before a final determination is made by the board of county commissioners they shall give each claimant notice of an opportunity to be heard at a stated time and place not less than five days from the time of service of such notice, such notice to be served as provided by law for the service of a summons in a civil action.

36.59.400 Marriage of entryman to entrywoman. The marriage of a homesite entryman to a homesite entrywoman, after each shall have fulfilled the requirements of this chapter for one year next preceding such marriage, shall not impair the right of either to a deed so long as they comply with the provisions of this chapter as to each homesite.

36.59.410 Reversion for nonresidence or abandonment—Board's discretionary power—Succession to right upon marital separation. If at any time after the filing of the application and affidavit as required in RCW 36.59.330, and before the expiration of the five years mentioned in RCW 36.59.380, it is proved, after due notice to the entryman to the satisfaction of the board of county commissioners that the person having filed such application and affidavit has failed to establish residence within six months after the date of entry or abandoned the land for more than six months at any time, then, and in that event, the land so entered shall revert to the county: *Provided*, That if, during the first year the entryman does the clearing and/or cultivation in this chapter required, it shall not be necessary for him to establish actual permanent resi-

dence upon the land during such year: *And provided further*, That where there may be climatic reasons, sickness, or other unavoidable cause, the board of county commissioners may, in their discretion, allow the settler reasonable additional time in which to commence his residence upon said land: *Providing*, Such entryman does the clearing and/or cultivation in this chapter required.

In any case of separation between husband and wife, after filing of a homesite entry, as in this chapter provided, either party may succeed to such right by agreement or by decree of a competent court and in such event, upon complying with the terms of this chapter, shall be entitled to the benefits thereof.

36.59.420 Transfer of entry rights. Any bona fide entryman may, with the consent of the board of county commissioners, sell and transfer his right as such entryman, to any person qualified under the terms of this chapter to have himself made such entry.

36.59.430 Reservation of mineral rights. The form of application which the county auditor is by this chapter required to furnish shall clearly state and each conveyance to land acquired under the terms of this chapter shall contain the following reservation which shall be effective from the time of entry:

“The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, all oils, gases, coals, ores, minerals and fossils of every name, kind or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals and fossils; and it also hereby expressly saves reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to and over, said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the com-

plete enjoyment of the property and the rights hereby expressly reserved. No rights shall be exercised under the foregoing reservation, by the county, its successors or assigns, until provision has been made by the county, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the county, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *Provided*, That if said owner from any cause whatever refuses or neglects to settle said damages, then the county, its successors or assigns, or any applicant for a lease or contract from the county for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situated, as may be necessary to determine the damages which said owner of said land may suffer."

Chapter 36.62

HOSPITALS

36.62.010 Authority to establish. The board of county commissioners of any county may establish, provide, and maintain hospitals for the care and treatment of the indigent, sick, injured, and maternity cases, and for this purpose the board may:

(1) Purchase or lease real property therefor or use for this purpose lands already owned by the county providing such site is first approved by the state board of health;

(2) Erect all necessary buildings, make all necessary improvements and repairs and alter any existing building for the use of said hospitals;

(3) Use county moneys, levy taxes, and issue bonds as authorized by law, to raise a sufficient amount of money to cover the cost of procuring the site, constructing and operating hospitals, and for the maintenance thereof and all other necessary and proper expenses;

(4) Appoint a board of trustees for said hospital;

(5) Accept and hold in trust for the county any grant of land, gift or bequest of money, or any donation for the benefit of the purposes of this chapter, and apply the same in accordance with the terms of the gift;

(6) Authorize said hospital to be a member of and maintain membership in any local, state, or national group or association organized and operated for the promotion of the public health and welfare or the advancement of the efficiency of hospital administra-

tion and in connection therewith to use tax funds for the payment of dues and fees.

For the purposes of this chapter the word "hospital" shall include almshouses.

36.62.020 Approval of board of health—Buildings separate from almshouses and infirmaries. Plans for buildings constructed or provided for county hospitals must be approved in advance by the state board of health and the buildings shall be separate and apart from those designated as almshouses and county infirmaries.

36.62.030 Hospital may be jointly owned and operated. Any number of counties or any county and any city in which the county seat of the county is situated may contract one with the other for the joint purchase, acquisition, ownership, control, and disposition of land and other property suitable as a site for a county hospital.

36.62.040 Contract for joint hospital. All contracts made in pursuance hereof shall be for such period of time and upon such terms and conditions as shall be agreed upon. The contract shall fully set forth the amount of money to be contributed by the county and city towards the acquisition of such site and the improvement thereof and the manner in which the property shall be improved and the character of the building or buildings to be erected thereon. It may provide for the amount of money to be contributed annually by the county and city for the upkeep and maintenance of the property and the building or buildings thereon, or it may provide for the relative proportion of such expense, which the county and city shall annually pay. The contract may specify the parts of such building or buildings which shall be set apart for the exclusive use and occupation of the county and city. The money to be contributed by the county or city may be raised by a sale of bonds of such county or city or by general taxation. Any such county or city now possessing funds or having funds available for a county or city hospital from a sale of bonds or otherwise may contract for the expenditure of such funds, as herein provided. Such contract shall be made only after a proper resolution of the board of county commissioners of the county and ordinance of the city have been passed specifically authorizing it. The contract when made shall be binding upon the county and city during its existence or until it is modified or abrogated by mutual consent evidenced by a proper resolution and ordinance. A site with or without buildings may be contributed in lieu of money at a valuation to be agreed upon.

36.62.050 Petition to establish—Beds limited. When it is proposed to establish such hospital, a petition shall be presented to the board of county commissioners, signed by three hundred or more resident taxpayers of the county, requesting the board to submit to

the electors the proposition to issue bonds for the purpose of procuring a site, and erecting, equipping, and maintaining such hospital, and specifying the amount of bonds proposed to be issued for that purpose and the number of hospital beds, which number shall not exceed one bed for each thousand population in counties of more than fifty thousand population.

36.62.060 Bond election. Upon presentation of the petition, the board of county commissioners, by order unanimously adopted, may submit to the voters of the county at the next general election the question of issuing bonds and levying a tax for such hospital.

36.62.070 Issuance of bonds—Terms. Should a majority of all the votes cast upon the proposition be in favor of establishing the hospital, the board of county commissioners shall proceed to issue bonds of the county not to exceed the amount specified in the proposition, in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest at a rate not to exceed six percent per year, and payable annually or semiannually. The bonds shall be serial bonds finally maturing in twenty years from date of issuance.

36.62.080 Sale of bonds—Price. The county treasurer shall dispose of the bonds in the same manner as other county bonds, and they shall not be sold for less than par with accrued interest.

36.62.090 Tax levy for maintenance. If the hospital is established, the board of county commissioners, at the time of levying general taxes, shall levy a tax at the rate voted, not to exceed two mills in any one year, for the maintenance of the hospital.

36.62.100 Admission of patients—Priority—Liability for support. Patients shall be admitted to such hospitals in accordance with rules to be established by the board of county commissioners, but such rules shall provide that preference in the admission of patients shall be given to those unable to pay for their care in private institutions. Whenever a patient has been admitted to the hospital from the county in which the hospital is situated, the superintendent shall cause inquiry to be made as to his circumstances, and of the relatives legally liable for his support. If he finds that the patient or the relatives legally liable for his support, are able to pay for his treatment in whole or in part, an order shall be made directing the patient, or his relatives, to pay to the county treasurer for his support, a specified sum per week, in proportion to their financial ability, but such sum shall not exceed that charged by private hospitals of similar size in the county for service of like character. The county commissioners may collect such sum from the patient or his estate, or from his relatives legally liable for his support.

If the superintendent finds that the patient, or his relatives, are not able to pay, either in whole or in part, for his care and treatment in such hospital, he shall be admitted free of charge.

36.62.110 Board of trustees for two hundred-or-more-bed-hospitals. Whenever any county, or any county and city jointly, or two or more counties jointly, establish a hospital of two hundred, or more, beds, for the care of the sick, injured, or infirm, under the provisions of this chapter, and such hospital is completed and ready for operation, the board of county commissioners of the county in which the institution is located shall appoint as trustees for the institution six secular persons, two to be from each county commissioner district, nominated by the county commissioner elected from each such district. The six trustees, together with the additional trustees, if any, and the general superintendent, shall constitute a board of trustees for such hospital.

36.62.120 ————Initial appointment—Terms of office. The first members of the board of trustees of such institution shall be appointed by the board of county commissioners within thirty days after March 23, 1931 in any county having such a hospital or institution, and thereafter within thirty days after the institution has been completed and is ready for operation. The members of the board of trustees first appointed shall be appointed for the respective terms of one, two, three, four, five, and six years from and after the fifteenth day of January following their appointment, and until their successors are appointed and qualified; and thereafter their successors shall be appointed for terms of six years and until their successors are appointed and qualified. If the board of county commissioners is unable to determine by unanimous vote the terms of the first appointees, such terms shall be determined by lot.

36.62.130 ————Additional trustees for joint hospital. In case two or more counties establish a hospital jointly, the six members of the board of trustees shall be chosen as provided from the county in which the institution is located and each board of county commissioners of the other county or counties which contributed to the establishment of the hospital shall appoint two additional members of the board of trustees. The regular term of each of the two additional members shall be six years and until their successors are appointed and qualified. Such additional members shall be residents of the respective counties from which they are appointed and shall otherwise possess the same qualifications as other trustees. The first term of office of the persons first appointed as additional members shall be fixed by the board of county commissioners of the county in which said hospital or institution is located, but shall not be for more than six years.

36.62.140 ————Qualifications of trustees. No person shall be eligible for appointment as a trustee unless he is at least thirty-five years of age and has been a resident of the county commissioner district from which he is appointed, or in the case of additional trustees, of the county he represents, for a period of at least two years immediately prior to his appointment. No trustee shall be actively engaged in the healing or nursing arts; and no person, except an ex officio member, shall be eligible for appointment as a trustee who is a clergyman of any denomination or who holds or has held any office with pay during the period of two years immediately prior to his appointment in any office, department, or branch of the county, township, or city or town governments of the county from which the appointment is to be made.

36.62.150 ————Removal of trustee. The board of county commissioners which appointed a member of the board of trustees may by unanimous vote remove him for misconduct or neglect of duty, but no such removal shall be made unless the board serves written notice upon him, setting forth specifically the charges of misconduct or neglect of duty and fixing a time and place for hearing thereon at which the trustee charged shall be given full opportunity to be present, meet the charges and be heard in his own defense. Any trustee so removed may appeal from the order of removal to the superior court of the county of the removing board of county commissioners within the time and in the manner provided in RCW 36.32.330, and thereupon such board of county commissioners shall certify to the court the causes upon which the order of removal was based, together with all records and files in the office of the board pertaining to the matter of removal. The court shall hear the matter de novo and enter an order affirming, or setting aside, the order of removal. If the court sets aside the order of removal, it shall give appellant judgment against the county for his costs and disbursements, including a reasonable attorney's fee.

36.62.160 ————Vacancies. Any vacancy in the board of trustees except that of an ex officio member shall be filled by appointment by the board making the original appointment, and such appointee shall hold office for the remainder of the term of the trustee in whose stead he is appointed.

36.62.170 ————Organization of board—Meetings—Quorum. Within ten days after their appointment, the appointees shall qualify by taking the oath of office required of county officers and shall meet and organize. The board of trustees shall elect from among its members a president and vice president. The board of trustees shall meet upon the call of the president, or upon call signed by three members of the board and served upon all members. The call

shall fix the time, place, and purpose of the meeting. Any meeting may be adjourned from time to time. A majority of the trustees shall constitute a quorum for the transaction of business.

36.62.180 ————**Obligatory duties of board.** The board of trustees shall:

(1) Have general supervision and care of such hospitals and institutions and the buildings and grounds thereof and power to do everything necessary to the proper maintenance thereof within the limits of the appropriations authorized;

(2) Prepare, in accordance with the provisions of the county budget law, and file with the county auditor or if the hospital has been established by more than one county, with the county auditor of each county, and if a city has contributed to the establishment of the hospital, with the official of the city charged by law with the preparation of the city budget, a detailed and itemized estimate, both of probable revenues from sources other than taxation and of all expenditures required from such county, counties, and city, as the case may be, by the hospital or institution for the ensuing fiscal year;

(3) File during the first week in January of each year with the board of county commissioners of each county and the city council or governing body of any city contributing to the establishment of such hospital, a report covering the proceedings of the board with reference to the hospital, and a statement of all receipts and expenditures during the preceding calendar year.

36.62.190 ————**Additional powers.** The board of trustees may:

(1) Adopt bylaws and rules for its own guidance and for the government of the hospital or institution;

(2) Establish and maintain in connection with the hospital or institution a training school for nurses;

(3) Establish as a department in connection with the hospital or institution a suitable building for the isolation and detention of persons afflicted with contagious diseases subject to quarantine;

(4) Determine whether or not, and if so upon what terms, it will extend the privilege of the hospital or institution to nonresidents of the county or counties establishing the same;

(5) Operate the hospital or institution as a general hospital and provide as a department thereof suitable accommodations and means for the care of persons afflicted with tuberculosis;

(6) Formulate rules and regulations for the government of tuberculosis patients and for the protection of other patients, nurses, and attendants from infection;

(7) Accept property by gift, devise, bequest, or otherwise for the use of such institution.

36.62.200 ———Trustees not compensated—Contract interest barred. No trustee, except the ex officio member, shall receive any compensation or emolument whatever for services as trustee; nor shall any trustee have or acquire any personal interest in any lease or contract whatsoever, made by the county or board of trustees with respect to such hospital or institution.

36.62.210 General superintendent for two hundred or more bed hospitals. The board of trustees shall employ and fix the salary of a general superintendent, who shall furnish a bond in such amount as may be fixed by the board and which shall be subject to approval of the board. The general superintendent shall become an ex officio member and secretary of the board of trustees, and shall devote his entire time exclusively to the management of the hospital and institution and shall not engage in any other business or profession of any nature whatsoever. After January 1, 1947, the general superintendent shall not be qualified for appointment unless he has not less than three years of experience as superintendent, or assistant superintendent, of a general hospital.

36.62.220 ———Removal. The general superintendent may be removed for misfeasance or malfeasance in the following manner: Written notice setting forth the specific acts constituting the charges shall be served upon the general superintendent, and shall fix a time and place for hearing on the charges. At such hearing the general superintendent shall be given an opportunity to be present and meet the charges and be heard in his defense. The charges shall be heard before a tribunal consisting of the chairman of the board of county commissioners, the prosecuting attorney and the county auditor of the county in which the hospital or institution is situated.

36.62.230 ———Duties. The general superintendent shall be the chief executive officer of the hospital or institution and shall perform all administrative services necessary to the efficient and economical conduct of the hospital or institution and the admission and proper care of persons properly entitled to the services thereof as provided by law or by the rules and regulations of the board of trustees.

36.62.240 Inspection of two hundred or more bed hospitals. 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 health 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.

36.62.252 County hospital fund — Established — Purpose — Monthly report. Every county which maintains a county hospital shall establish a "county hospital fund" into which fund shall be deposited moneys received from any source for hospital care including funds from the state department of public assistance to cover the total cost of providing medical care to recipients of public assistance and other persons without income and resources sufficient to secure them who are assigned by the department of public assistance to county hospital for treatment. Obligations incurred from such hospitalization shall be paid from the fund by the county treasurer in the same manner as general county obligations are paid. The county auditor shall furnish to the board of county commissioners and the state department of public assistance a monthly report of receipts and disbursements in the county hospital fund which report shall also show balance of cash on hand.

36.62.270 Supplementary budget. In the event that additional funds are needed for the operation of a county hospital, the board of county commissioners shall have authority to adopt a supplemental budget. Such supplemental budget shall set forth the amount and sources of funds and the items of expenditure involved. In the adoption of a supplemental budget the board of county commissioners shall follow the same procedure as required under the provisions of RCW 36.40.180.

36.62.280 Payments and advances from department of public assistance—Reimbursement. Payments from the state department of public assistance shall be made upon billing forms as prescribed by the department and shall be paid into the county hospital fund. Before the end of the 1959-1961 state fiscal biennium, each county which received an advance from the department of public assistance for the calendar year 1961 shall return the amount of such advance by county warrant or treasurer's check to the department. At the beginning of the 1961-63 state fiscal biennium and conditioned upon recovery of the advance made for the calendar year 1961, the state department of public assistance shall advance to the county an amount equal to the amount paid by the department to the county for the care of public assistance recipients in the county hospital for the preceding two months of February and March, which amount may be used to defray costs in the first month's operation of the state fiscal biennium.

At the beginning of each succeeding state fiscal biennium, the department will advance an amount approximating two months cost of operation as described in the preceding paragraph upon recovery in the preceding biennium of the amount advanced for that biennium. Reimbursements for the actual cost of operation

shall be made monthly by the state department of public assistance to the counties.

Chapter 36.63

JAILS

36.63.010 Establishment authorized. Counties may acquire, build, operate, and maintain jails, workhouses, workshops, stockades, and other places of detention and confinement at any place within their limits as may be designated by the board of county commissioners.

36.63.020 Jail as sheriff's charge—Rules and regulations. The sheriff shall have charge of the county jail of his county and of all persons by law confined therein and the sheriff shall conform to the rules and directions of the superior court of his county as provided by RCW 36.63.060 or which may from time to time by said court be made and communicated to him by the board of county commissioners.

36.63.030 Jailer to be deputy sheriff. The jailer or keeper of the jail, unless the sheriff elects to act as jailer in person, shall be a deputy appointed by the sheriff, and such jailer shall take the necessary oath before entering upon the duties of his office. The sheriff shall in all cases be liable for the negligence and misconduct of the jailer as of other deputies.

36.63.040 Sheriff to visit jail in person—Whitewashing. The sheriff shall visit the jail in person and examine into the condition of each prisoner at least once each month and it is hereby made his duty to cause all the cells and rooms used for the confinement of prisoners, to be thoroughly whitewashed at least three times in each year.

36.63.050 Jail register. The sheriff shall procure at the expense of the county a suitable book to be called the jail register, in which he, by himself or his jailer, shall enter:

(1) The name of each prisoner, with the date and cause of his commitment, together with a list and value of property taken from the prisoner, or delivered to the sheriff or other officer, at the time of the commitment;

(2) The date or manner of his discharge;

(3) What sickness, if any, has prevailed in the jail during the year, and if known, what was the cause thereof;

(4) Whether any or what labor has been performed by the prisoners, and the value thereof;

(5) The practice observed during the year of whitewashing and

cleaning the occupied cells or apartments, and the times and seasons of so doing;

(6) The habits of the prisoners as to personal cleanliness, diet, and order;

(7) The means furnished prisoners of literary, moral, and religious instruction;

(8) All other matters required by the rules or in the discretion of the sheriff deemed proper.

The sheriff shall carefully keep and preserve the jail register in the office of the jailer of his proper county, and at the expiration of his term shall deliver it to his successor.

36.63.060 Jail rules prescribed by superior judge. The judges of the superior courts of the several counties shall, from time to time, prescribe in writing, rules for the regulation and government of the jails, upon the following subjects:

(1) The cleanliness of the prisoners;

(2) The classification of prisoners in regard to sex;

(3) Bed and clothing for persons sentenced for felonies;

(4) Warming, lighting, and ventilation of the prison;

(5) The employment of medical and surgical aid, when necessary;

(6) Employment, temperance, and instruction of the prisoners;

(7) The supplying of each prisoner with a Bible;

(8) Communication between prisoners and their counsel and other persons;

(9) The punishment of prisoners for violation of the rules of the prison;

(10) Such other regulations as the judges deem necessary to promote the welfare of the prisoners: *Provided*, That such rules shall not be contrary to law.

36.63.070 Rules may be revised. The judges may, from time to time, as they deem necessary, revise, alter, or amend the rules, and the revised rules shall be printed and disposed of by the commissioners and sheriff, in the manner provided for in RCW 36.63.080 and 36.63.090.

36.63.080 Rules to be furnished officers. The judges shall cause a copy of the rules to be delivered to the board of county commissioners, which board shall forthwith cause them to be printed, and furnish the sheriff with a copy thereof for each room or cell of the jail, and also forward a copy to the secretary of state, who shall file and preserve it.

36.63.090 Sheriff to keep rules posted. The sheriff shall, on the receipt of the rules, cause a copy thereof to be posted up in some conspicuous place in each room or cell of the jail.

36.63.100 Grand jury informed of law, jail rules and regulations. The superior court shall give RCW 36.63.020 through 36.63.110, 36.63.130, 36.63.140 and 36.63.200 in charge of the grand jury once during each session of court, if a grand jury is in attendance, and lay before them any and all rules, plans, or regulations established by the superior judge relating to county jails and prison discipline which shall then be in force.

36.63.110 Grand jury, prosecutor and commissioners to visit jail. The grand jury of each county shall visit the jail of the county where the court is held, examine its state and condition; examine and inquire into the discipline and treatment of prisoners, their habits, diet, and accommodation; and it shall report to the court, in writing, whether the rules of the judges have been faithfully kept and observed, or whether any of the provisions of RCW 36.63.020 through 36.63.110, 36.63.130, 36.63.140 or 36.63.200 have been violated. The prosecuting attorney of each county shall also, once in each year, visit the jails not accessible to the grand jury, and he shall make a report to the superior court to the same effect as required of the grand jury. The county commissioners shall visit the jail of their county once during each of their regular meetings.

36.63.120 Price of prisoner's board. The board of county commissioners of each county in this state shall allow not to exceed one dollar and twenty cents per day for the boarding of each prisoner confined in the county jail.

36.63.130 Prisoner's hair may be cropped. The keeper of any prison may, upon the commitment of a person convicted of a felony punishable by imprisonment, cause the hair on the head of such prisoner to be closely cropped and so kept during his term of imprisonment.

36.63.140 Solitary confinement. Whenever any person committed to prison is unruly, or disobeys any of the regulations established for the management of prisons, the sheriff or keeper may order such prisoner in solitary confinement, and fed on bread and water only, unless other food is necessary for the preservation of his health, and no intercourse shall be allowed with the prisoner during such confinement, except for conveyance of food and other necessary purposes, but the period of confinement shall not exceed twenty days for each offense.

36.63.150 Joint county and city or town jails. Any county or any two or more counties acting jointly or under the provisions of a joint county jail district provision and any city within such county or counties may contract with each other for the joint acquisition, erection, ownership, control, and maintenance of any

place of detention of prisoners within the limits of the county or counties and for the custody and the employment upon public works, or as otherwise provided by law, of prisoners convicted of offenses against any statute or any ordinance of the contracting city punishable by a jail sentence.

36.63.160 ————Joint authority and powers. When such contract has been entered into by any city and county or counties or joint county jail district for the joint acquisition, ownership, control, and maintenance of any jail, or for the custody, and employment of any such person in a place of detention, the legislative authority of the city and the board of county commissioners of the county, acting under and by virtue of the sentence imposed by the court upon any person so convicted, may provide for the care, keep, and custody of such person in such place of detention, and provide for the employment of such person at or upon such public work, or as otherwise provided by law, as may be designated from time to time.

36.63.170 ————Unconvicted prisoner not to be worked. No person accused of an offense shall before conviction be put to any employment while confined in any place of detention.

36.63.180 Federal prisoners. County sheriffs or other officials having charge of jails shall receive and keep in their jail, where room is available, all prisoners committed thereto by process or order issued under the authority of the United States until discharged according to law, the same as if such prisoners had been committed under process issued under authority of the state if provision is made by the United States for the support of such prisoners, and for any extra guards or attendants required.

36.63.190 Temporary confinement of prisoners being moved. Any prisoner whom it may be necessary to convey to the place where the superior court is held, or to any place for an examination before the judge, if conveyed beyond the bounds of the county in which he is confined, shall be conveyed to and from his place of confinement by the sheriff of the county in which he is confined, or the sheriff of the county to which such prisoner belongs, at the expense, in the first instance, of the county to which he belongs; and such sheriff shall have a right to the custody of the prisoner within the limits of any county in this state through which he may pass; and for the temporary confinement of his prisoner may use the county jail of any county free of charge, except for board, which shall not exceed thirty cents a meal.

36.63.200 Annual report of sheriff. The sheriff shall, on or before the first day of October in each year, make out in writing from

the jail register a jail report, one copy of which he shall forthwith file in the office of the clerk of the superior court of his county, and one copy with the county auditor of his county for the use of the commissioners.

36.63.210 Farms and camps authorized. Each county of the state is authorized to establish and maintain, either within or without its territorial limits, farms or camps for confinement, care, treatment and employment of persons sentenced to the county jail as misdemeanants. The sheriff shall adopt reasonable rules and regulations for the transfer of such prisoners from the county jail to a farm or camp and shall also adopt reasonable rules and regulations for the management of such farms and camps.

36.63.220 Conviction and commitment deemed sentence to labor—Hours. Each person convicted of a criminal offense and by reason thereof committed to the county jail, or confined as such at a farm or camp, either as a punishment for such offense, or in satisfaction of any fine unpaid, or upon an order of probation, shall be deemed to have been sentenced or committed to labor. Such labor of not more than forty hours in any week may be performed by such persons upon the public streets, parks, or other public places of the county, or upon or in any farm or camp established under the provisions of this chapter or RCW 72.64.100 except in case of emergency, any provision of the laws of the state of Washington to the contrary notwithstanding.

36.63.230 Sheriff's order of transfer to farm or camp. Except as otherwise provided in RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110, whenever it appears to the sheriff of the county that the best interest of a person sentenced to the county jail will be best served by causing his period of confinement to be served at a farm or camp established hereunder, the sheriff shall order that said prisoner be transferred from the county jail to such farm or camp, and the confinement of such person on a farm or camp shall be a proper method of executing any order of the court directing that the person named in the commitment be confined in the county jail of such county: *Provided*, That the sheriff shall at no time cause to be transferred thereto a greater number of persons than can be reasonably accommodated thereon and furnished with constructive employment at such place of confinement.

36.63.240 Confinement in jail of another county. All persons judged guilty of an offense punishable by imprisonment in the county jail, may be confined in such jail located in another county to the same extent as if it were located in the county having jurisdiction of the offense.

36.63.250 Transfer to jail, farm, or camp maintained by state. Notwithstanding any other provisions of law, the sheriff of any county may, with the director of institutions approval, transfer prisoners committed to any jail of the county to any regional jail, industrial or agricultural farm, or any forestry camp maintained by the state.

36.63.260 Employment of prisoner—Conditions—Disposition of earnings—Diminution of term. (1) The provisions of this section shall be operative in any county in which the board of county commissioners finds by resolution, on the basis of employment conditions, the state of the county jail facilities, and other pertinent circumstances, that the operation of this section in that county is feasible.

(2) When a person is convicted of a misdemeanor and sentenced to the county jail, or is imprisoned therein for nonpayment of a fine, for contempt, or as a condition of probation for any criminal offense, the court may direct that such person be permitted, subject to good conduct, to continue in his regular employment if such person has been regularly employed, or may authorize the sheriff or other appropriate officer to make every effort to secure some suitable employment or may authorize the person to secure employment for himself in the county.

(3) If the court so directs the prisoner be permitted to continue in his regular employment, the sheriff shall arrange for a continuation of such employment insofar as possible. In no event may any such employment be permitted where there is a labor dispute in the establishment in which the prisoner is, or is to be, employed.

(4) Whenever the prisoner is not employed and between the hours or periods of employment, he shall be confined in the jail unless the court directs otherwise.

(5) The earnings of the prisoner shall be collected by the sheriff, or other appropriate officer. From such earnings the sheriff, or other appropriate officer, shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to the prisoner, and, to the extent directed by the court, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the sheriff may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(6) If approved by the court, the prisoner shall obtain a diminution of one-fourth of his term if his conduct, diligence and general attitude merits such diminution.

(7) In case of the violation of the conditions laid down for his

conduct, custody and employment, he shall be returned to the court, and it may then require that the balance of his sentence be spent in actual confinement and may cancel any earned diminution of his term.

36.63.270 Judge may designate jail of contiguous county if facilities inadequate. When there are not adequate jail facilities in a county, the judge of the superior court may, by written order filed with the county clerk, designate the jail of a contiguous county for the confinement of prisoners of his county, or any of them, and may at any time modify or vacate such order.

36.63.280 Districts for joint jails, farms and camps authorized. Any two or more counties may form a district for the purpose of establishing and operating a joint county jail, including jail farms and camps, to serve such counties.

36.63.290 Powers of district. Any district organized under RCW 36.63.150, 36.63.160 and 36.63.280 to 36.63.440 shall have and exercise the powers expressly granted in such sections of this chapter, together with such other powers as are reasonably implied therefrom and necessary and proper to carry out the objects and purposes of RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110.

36.63.300 County commissioners may initiate proceedings for joint district—Resolution of proposal. The board of commissioners of any county may initiate proceedings proposing the creation of a joint district for the purpose of maintaining a joint county jail under the provisions of RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110 to be composed of two or more counties by the adoption of a resolution reciting the following:

(1) That it will be beneficial to the public interest to create a joint district for the establishment or operation, or both, of a joint county jail to which persons from any of the counties proposed to be included in the proposed district may be committed.

(2) The names of the counties proposed to be included in the proposed district which will be benefited by the formation thereof.

(3) That it is proposed to create a joint district for the establishment or operation, or both, of a county jail under the provisions of RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110 for the counties so named.

36.63.310 Transmission of resolution for proposal of joint district to other counties concerned—Board of directors appointed. When adopted, certified copies of the resolution provided for in RCW 36.63.300, shall be transmitted to the several clerks of the boards

of commissioners in each of the counties named in the resolution other than that in which the proceedings are initiated.

Upon the adoption of the resolution provided for in RCW 36.63.300, the board of commissioners of the county adopting the same shall name and appoint two members of the board to represent the county upon the board of directors of the joint district proposed to be organized.

36.63.320 Resolution of other counties adopting or rejecting proposal for joint district—Transmission to initiating board. Upon receipt of the resolution adopted under RCW 36.63.300, the boards of commissioners of the counties affected and to whom the same may be directed shall consider the advisability of creating and organizing a joint district as proposed in said resolution and, upon determining the facts involved therein, shall severally adopt resolutions either rejecting or approving the proposal to create such joint district. Each resolution of approval shall, in addition to the matters otherwise required therein, also name and appoint the members of the board of commissioners of the county adopting the resolution qualified to represent such county upon the board of directors of the proposed joint district. A certified copy of the resolution of approval shall be forthwith transmitted to the clerk of the board of commissioners initiating the proceedings.

36.63.330 Resolution creating joint district—Filing with secretary of state. The board of commissioners of any county initiating proceedings for the creation of a joint district under this chapter shall, after the receipt of a copy of the resolution approving the proposal to form such district as provided in RCW 36.63.320 from the board of commissioners of each county proposed to be included within any such joint district, adopt a resolution declaring the creation and organization of said joint district and setting forth the names of the counties composing said district. A certified copy of the resolution shall be transmitted to and filed with the secretary of state, whereupon the joint district shall be deemed created and organized and shall exercise all the powers granted in this chapter and shall bear the name and designation of "Joint County Jail District No..... of the State of Washington."

36.63.340 Joint districts to be numbered by secretary of state. All districts organized under this chapter shall be numbered in the order of their creation, the number to be assigned to said district forthwith upon the organization thereof by the secretary of state, and the secretary of state shall keep and maintain in his office a list and register showing the joint county jail districts organized under this chapter.

36.63.350 Certificate of organization—First meeting of directors—Expenses of attending directors meetings. The secretary of state shall furnish and transmit to the clerk of the board of commissioners of the county adopting the initial resolution for the organization of any district under this chapter a certificate of the organization of the same. Upon receipt of the certificate the clerk shall within ten days send a certified copy of the certificate to each of the clerks of the several boards of commissioners of the counties constituting the district, and shall also within the time specified in this section notify each supervisor appointed as a member of the board of directors of the district of such fact and of the time and place of the first meeting of the board of directors of the district. The time and place of the meeting shall be fixed and determined by the clerk of the board adopting the initial resolution, but said time of meeting shall be within thirty days after the date of mailing notices thereof. The necessary expense incurred by commissioners in attending and in going to and coming from any meeting of the board of directors of the district shall constitute a county charge of their respective counties.

36.63.360 Designation as board of directors of joint district. The body formed under RCW 36.63.350 shall be called the board of directors of such district.

36.63.370 Agreement by directors of district to bind counties—Apportionment of costs. The members of the board of directors may enter into an agreement for and on behalf of the counties appointing them binding said counties to the joint enterprise provided for in RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64-.050, 72.64.060, 72.64.100 and 72.64.110 and apportioning the cost of establishing and maintaining a joint county jail.

36.63.380 Charges against county collectible by directors of joint district or by county commissioners—Civil action. All sums found due from any county according to the provisions of this chapter are a charge against said county, and may be collected in the manner provided by law by the board of directors of a district formed under this chapter, or, in its behalf by the board of commissioners of any county in the district by an action instituted and tried in any county in the district in which the same may be filed.

36.63.390 Directors may establish joint county jail—Conditions and standards. The board of directors may establish the joint county jail provided for in this chapter and shall provide for the feeding, care, and treatment of prisoners therein, and must conform to such standards for construction, feeding, clothing, bedding and programming as are imposed pursuant to law on county jails.

36.63.400 Cash revolving fund for joint county jail—Counties payments for expenses. Each county in a district formed under this chapter shall pay from its general fund its proportionate share to the board of directors of such amount as the board may designate to constitute a cash revolving fund to carry on the work and expense of maintaining such joint county jail. Each month a statement of the expense of the joint county jail shall be sent to the board of commissioners of each county in the district, together with a claim for its proportionate share of expenses. Amounts when received shall be paid into the cash revolving fund.

36.63.410 Commitments to joint county jail. Convicted persons may be committed to a joint county jail from a county comprising the district the same as if the commitment were to a jail maintained by that county alone.

36.63.420 Provisions of law applicable to joint county jails and superintendents. The provisions of RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110 shall, so far as appropriate, be applicable to a joint county jail established pursuant to this chapter, and the person appointed by the board of directors to superintend a joint county jail has such powers and duties as has a sheriff, with respect to county jails, under RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110.

36.63.430 Director's rules for joint county jails. The board of directors may make rules and regulations for the government of a joint county jail not inconsistent with law.

36.63.440 Dissolution of joint district. A joint county jail district formed under this chapter may be dissolved in the following manner:

(1) The board or boards of commissioners of a county or counties containing more than fifty percent of the population of the entire district shall by a unanimous vote adopt a resolution stating that the existence of a joint county jail is no longer desirable for the public welfare and announcing the intention to withdraw therefrom and to dissolve said district.

(2) The resolution or resolutions so adopted shall be communicated to the clerks of the board of commissioners of all the counties comprising the district and also to the secretary of state.

(3) If it appears that the resolution was unanimously adopted by the board or boards of commissioners in the counties desiring to withdraw, and that such county or counties contain more than two-thirds of the entire population in the district, the secretary of state shall thereupon certify to the clerks of the boards of commissioners of the counties composing the district that the district is dissolved.

(4) Thereupon the board of directors of the district shall within ninety days:

- (a) Abolish the joint county jail;
- (b) Return all prisoners therein to the custody of the sheriffs of their respective counties;
- (c) Dispose of all equipment belonging to said joint county jail and the district;
- (d) Render an accounting to the clerks of the boards of commissioners of the counties composing such district of all sums of money received and paid out since their last previous accounting, including the balance of revolving fund on hand at said last previous accounting;
- (e) Apportion and repay to said counties all sums of money then remaining in their hands, and they shall thereupon be relieved of further responsibility in said matter.

Chapter 36.64

JOINT GOVERNMENTAL ACTIVITIES

36.64.010 Joint courthouse and city hall. If the county seat of a county is in an incorporated city, the county and city may contract, one with the other, for the joint purchase, acquisition, leasing, ownership, control, and disposition of land and other property suitable as a site for a county courthouse and city hall and for the joint construction, ownership, control, and disposition of a building or buildings thereon for the use by such county and city as a county courthouse and city hall. Any county or city owning a site or any interest therein, or a site with buildings thereon, may, upon such terms as appear fair and just to the board of county commissioners of such county and to the legislative body of such city, contract with reference to the joint ownership, acquisition, leasing, control, improvement, and occupation of such property.

36.64.020 ————Terms of contract. A contract made in pursuance of RCW 36.64.010 shall fully set forth the amount of money to be contributed by each towards acquisition of the site and the improvement thereof and the manner in which such property shall be improved and the character of the building or buildings to be erected thereon. The contract may provide for the amount of money to be contributed annually by each for the upkeep and maintenance of the property and the building or buildings thereon, or it may provide for the relative proportion of such expense which such county and city shall annually pay. The contract shall specify the parts of such building or buildings which shall be set apart for the exclusive use and occupation of each.

36.64.030 ————**Approval of contract.** The contract between a county and a city shall be made only after a proper resolution of the board of county commissioners of the county and a proper ordinance of the city have been passed specifically authorizing it. The contract shall be binding upon the county and the city during the term thereof, or until it is modified or abrogated by mutual consent evidenced by a proper resolution and ordinance of the county and city.

36.64.040 ————**Funds, how provided.** The money to be contributed by a county or a city or both may be raised by a sale of its bonds, or by general taxation. Any county or city possessing funds or having funds available for a county courthouse or city hall from the sale of bonds or otherwise, may contract for the expenditure of such funds.

36.64.050 **Joint armory sites.** Any city or county in the state may expend money from its current expense funds in payment in whole or in part for an armory site whenever the legislature has authorized the construction of an armory within such city or county.

36.64.060 **Joint canal construction.** Whenever the board of county commissioners of a county of the first class deems it for the interest of the county to construct or to aid the United States in constructing a canal to connect any bodies of water within the county, such county may construct such canal or aid the United States in constructing it and incur indebtedness for such purpose to an amount not exceeding five hundred thousand dollars and issue its negotiable bonds therefor in the manner and form provided in RCW 36.67.020 through 36.67.060. Such construction or aid in construction is a county purpose.

Chapter 36.67

LIMITATION OF INDEBTEDNESS—COUNTY BONDS

36.67.010 **Limitation without vote of electors.** A county through its board of county commissioners may contract indebtedness for general county purposes, not exceeding in amount, together with the existing indebtedness of the county, one and one-half percent of the last assessed valuation of the taxable property in such county, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness.

36.67.020 **Additional indebtedness with vote of electors.** A county may contract indebtedness for strictly county purposes in excess of the amount named in RCW 36.67.010, but not exceeding in amount, together with the existing indebtedness, five percent of the last assessed valuation of the taxable property, to be ascertained

as provided in RCW 36.67.010, whenever three-fifths of the voters of the county assent thereto, at an election to be held for that purpose, consistent with the general election laws, which election may be either a special or general election.

36.67.030 Negotiable bonds may be issued. Whenever any debt is incurred under the provisions of either RCW 36.67.010 or 36.67.020 the board of commissioners of the county may issue its negotiable bonds in the name of the county for the purposes designated in the resolution or notice of election.

36.67.040 Content of bonds. The bonds shall be in denominations of not less than one hundred nor more than one thousand dollars. They shall bear the date of issue, shall be made payable to the bearer in not more than twenty years from date of issue, and bear interest at a rate not exceeding seven percent per year, payable annually, with coupons attached for each interest payment. Except as otherwise provided in RCW 39.44.100, the bonds and each coupon shall be signed by the chairman of the board of county commissioners, and shall be attested by the clerk of the board, and the seal of such board shall be affixed to each bond, but not to the coupon. Each bond shall be printed, engraved, or lithographed on good bond paper, and shall state on its face that it is issued in accordance and in strict compliance with this chapter. The bonds shall be payable in any city containing a national bank.

36.67.050 Bonds may be exchanged for warrants or sold. The bonds may be exchanged at not less than their par value and accrued interest for an equal amount of warrants of the county issuing them or they may be sold by the county commissioners at not less than their par value and accrued interest, in which event the proceeds shall be applied only for the purpose for which the bonds were issued.

36.67.060 Payment of principal and interest. Bonds issued under this chapter shall be serial in form and maturity and interest shall be paid and the principal of the bonds retired by an annual tax levy in accordance with the provisions of chapter 39.44 RCW.

37.67.070 Coupons considered county warrants. The coupons for the payment of interest on the bonds shall be considered for all purposes as warrants drawn upon the current expense fund of the county issuing bonds, and if when presented to the treasurer of the county no funds are in the treasury to pay them, the treasurer shall indorse the coupons as presented for payment, in the same manner as county warrants are indorsed, and thereafter they shall bear interest at the same rate as county warrants presented and unpaid.

36.67.080 Registry of bonds. Before the bonds are delivered to the purchaser they shall be presented to the county treasurer, who shall register them in a book kept for that purpose and known as the "bond register," in which register he shall enter the number of each bond, its date of issue and maturity, amount, rate of interest, to whom and when payable.

Chapter 36.68

PARKS AND RECREATIONAL FACILITIES

36.68.010 Counties may establish park and playground systems—Disposition of surplus park property. Counties may establish park and playground systems for public recreational purposes and for such purposes shall have the power to acquire lands, buildings and other facilities by gift, purchase, lease, devise, bequest and condemnation. A county may lease or sell any park property, buildings or facilities surplus to its needs, or no longer suitable for park purposes: *Provided*, That such park property shall be subject to the requirements and provisions of notice, hearing, bid or intergovernmental transfer as provided in chapter 36.34: *Provided further*, That nothing in this section shall be construed as authorizing any county to sell any property which such county acquired by condemnation for park or playground or other public recreational purposes on or after January 1, 1960, until held for five years or more after such acquisition: *Provided further*, That funds acquired from the lease or sale of any park property, buildings or facilities shall be placed in the park and recreation fund to be used for capital purposes.

36.68.020 Programs of public recreation. Counties may conduct programs of public recreation, and in any such program property or facilities owned by any individual, group or organization, whether public or private, may be utilized by consent of the owner.

36.68.030 Park and recreation board—Composition. Each county may form a county park and recreation board composed of seven members, of whom one shall be the county superintendent of schools and the remainder shall be appointed by the board of county commissioners to serve without compensation.

36.68.040 ————Terms of members. For the appointive positions on the county park and recreation board the initial terms shall be two years for two positions, four years for two positions, and six years for the remaining two positions plus the period in each instance to the next following June 30th; thereafter the term for each appointive position shall be six years and shall end on June 30th.

36.68.050 ————Removal of members—Vacancies. Any appointed county park and recreation board member may be removed

by a majority vote of the board of county commissioners either for cause or upon the joint written recommendation of five members of the county park and recreation board. Vacancies on the county park and recreation board shall be filled by appointment, made by the board of county commissioners for the unexpired portions of the terms vacated.

36.68.060 ————**Powers and duties.** The county park and recreation board:

(1) Shall elect its officers, including a chairman, vice chairman and secretary, and such other officers as it may determine it requires.

(2) Shall hold regular public meetings at least monthly.

(3) Shall adopt rules for transaction of business and shall keep a written record of its meetings, resolutions, transactions, findings and determinations, which record shall be a public record.

(4) Shall initiate, direct, and administer county recreational activities, and shall select and employ a county park and recreation superintendent and such other properly qualified employees as it may deem desirable.

(5) Shall improve, operate, and maintain parks, playgrounds, and other recreational facilities, together with all structures and equipment useful in connection therewith, and may recommend to the board of county commissioners acquisition of real property.

(6) Shall promulgate and enforce reasonable rules and regulations deemed necessary in the operation of parks, playgrounds, and other recreational facilities, and may recommend to the board of county commissioners adoption of any rules or regulations requiring enforcement by legal process which relate to parks, playgrounds, or other recreational facilities.

(7) Shall each year submit to the board of county commissioners for approval a proposed budget for the following year in the manner provided by law for the preparation and submission of budgets by election or appointive county officials.

(8) May, subject to the approval of the board of county commissioners, enter into contracts with any other municipal corporation, governmental or private agency for the conduct of park and recreational programs.

36.68.070 Park and recreation fund. In counties in which county park and recreation boards are formed, a county park and recreation fund shall be established. Into this fund shall be placed the allocation as the board of county commissioners annually appropriates thereto, together with miscellaneous revenues derived from the operation of parks, playgrounds, and other recreational facilities, as well as grants, gifts, and bequests for park or recreational pur-

poses. All expenditures shall be disbursed from this fund by the county park and recreation board, and all balances remaining in this fund at the end of any year shall be carried over in such fund to the succeeding year.

36.68.080 Penalty for violations of regulations. Any person violating any rules or regulations adopted by the board of county commissioners relating to parks, playgrounds, or other recreational facilities shall be guilty of a misdemeanor.

Chapter 36.69

RECREATION DISTRICTS ACT

36.69.010 Park and recreation districts authorized. Park and recreation districts are hereby authorized to be formed in Class AA counties and in counties of the second, fourth, eighth or ninth class as municipal corporations for the purpose of providing leisure time activities and facilities, including swimming pools, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

36.69.020 Formation of district by petition—Procedure. The formation of a park and recreation district in Class AA counties or in counties of the second, fourth, eighth or ninth class shall be initiated by a petition designating the boundaries thereof by metes and bounds, or by describing the land to be included therein by townships, ranges and legal subdivisions. Such petition shall set forth the object of the district and state that it will be conducive to the public welfare and convenience, and that it will be a benefit to the area therein. Such petition shall be signed by not less than fifteen percent of the registered voters within the area so described. No person signing the petition may withdraw his name therefrom after filing.

The petition shall be filed with the auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice provided for in RCW 36.69.040. The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency thereof; and for that purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the proposed district. Such books and records shall be prima facie evidence of the truth of the certificate.

If the petition is found to contain a sufficient number of signatures of qualified persons, the auditor shall transmit it, together with his certificate of sufficiency attached thereto, to the county

commissioners who shall by resolution entered upon their minutes, receive it and fix a day and hour when they will publicly hear the petition, as provided in RCW 36.69.040.

36.69.030 Area which may be included—Resolution of governing body of city or town. A park and recreation district in Class AA counties and in counties of the second, fourth, eighth or ninth class may include any unincorporated area in the state and, when any part of the proposed district lies within the corporate limits of any city or town, said petition shall be accompanied by a certified copy of a resolution of the governing body of said city or town, approving inclusion of the area within the corporate limits of the city or town.

36.69.040 Hearing on petition—Notice. The board of county commissioners shall set a time for a hearing on the petition for the formation of a park and recreation district to be held not more than sixty days following the receipt of such petition. Notice of hearing shall be given by publication three times, at intervals of not less than one week, in a newspaper of general circulation within the county. Such notice shall state the time and place of hearing and describe particularly the area proposed to be included within the district.

36.69.050 Boundaries—Name—Inclusion, exclusion of lands. The board of county commissioners shall designate a name for and fix the boundaries of the proposed district following such hearing. No land shall be included in the boundaries as fixed by the county commissioners which was not described in the petition, unless the owners of such land shall consent in writing thereto.

The board of county commissioners shall eliminate from the boundaries of the proposed district land which they find will not be benefited by inclusion therein.

36.69.060 District subdivisions—Candidates—Election for formation. The board of county commissioners, in addition to setting the boundaries of the proposed district, shall also divide it into five subdivisions and shall name five resident electors, no two of whom shall reside within the same subdivisions of said district, as candidates for election as the first park and recreation district commissioners of the district. The proposition for the formation of the proposed park and recreation district shall be submitted to the voters of such district for their approval or rejection at the next general election.

36.69.070 Elections—Procedure. All elections pursuant to this chapter regardless of county classification shall be conducted in accordance with the provisions of chapter 29.13 as for Class AA counties: *Provided*, That a special election for the formation of any park and recreation district may be held at such time as may be

ordered by the board of county commissioners. Notices of the election for the formation of the park and recreation district shall state generally and briefly the purpose thereof and shall give the boundaries of the proposed district, define the election precincts, designate the polling place of each, give the names of the five nominated park and recreation commissioner candidates of the proposed district, and name the day of the election and the hours during which the polls will be open. The proposition to be submitted to the voters shall be stated in such manner that the voters may indicate yes or no upon the proposition of forming the proposed park and recreation district. The ballot shall be so arranged that voters may vote for the five nominated candidates or may write in the names of other candidates.

36.69.080 Declaration of result of election. If a majority of all votes cast upon the proposition favors the formation of the district, the board of county commissioners shall, by resolution, declare the territory organized as a park and recreation district under the name theretofore designated, and shall declare the candidate from each subdivision receiving the highest number of votes for park and recreation commissioner the duly elected first park and recreation commissioner of the subdivision of the district.

36.69.090 Commissioners — Residence qualification — Terms — Election procedure. Elections for park and recreation district commissioners shall be held biennially in conjunction with the general election on the first Tuesday after the first Monday of November. Residence anywhere within the district shall qualify an elector for any position on the commission after the initial election. Following the initial election declarations of candidacy for the office of commissioner shall be filed with the county auditor not more than forty-five nor less than thirty days prior to said election. Any candidate may withdraw his declaration at any time within five days after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in a group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names. All commissioners shall serve until their successors are elected and qualified. The terms of office of all commissioners after the first commissioners shall begin on the first Monday in January following their respective elections. At the first election following the formation of the district, the candidate receiving the highest number of votes shall serve for a term of six years, the two candidates receiving the next highest number of votes shall serve for four years and the two candidates receiving the next highest number of votes

shall serve for two years. Thereafter all commissioners shall be elected for six year terms.

Note: See also section 18, chapter 200, Laws of 1963.

36.69.100 ————**Vacancies.** Vacancies on the board of park and recreation commissioners shall be filled by a majority vote of the remaining commissioners.

36.69.110 ————**Compensation, expenses.** The park and recreation commissioners shall receive no compensation for their services but shall receive necessary expenses in attending meetings of the board or when otherwise engaged on district business.

36.69.120 ————**Duties.** The park and recreation district board of commissioners shall:

- (1) Elect its officers including a chairman, vice chairman, secretary, and such other officers as it may determine it requires;
- (2) Hold regular public meetings at least monthly;
- (3) Adopt policies governing transaction of board business, keeping of records, resolutions, transactions, findings and determinations, which shall be of public record;
- (4) Initiate, direct and administer district park and recreation activities, and select and employ such properly qualified employees as it may deem necessary.

36.69.130 Powers of districts. Park and recreation districts in Class AA counties and in counties of the second, fourth, eighth or ninth class shall have such powers as are necessary to carry out the purpose for which they are created, including, but not being limited to, the power: (1) To acquire and hold real and personal property; (2) to dispose of real and personal property only by unanimous vote of the district commissioners; (3) to make contracts; (4) to sue and be sued; (5) to borrow money to the extent and in the manner authorized by this chapter; (6) to grant concessions; (7) to make charges for the use of facilities or for participation; (8) to make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon; (9) to contract with any municipal corporation, governmental, or private agencies for the conduct of park and recreation programs; (10) to operate jointly with other governmental units any facilities or property including participation in the acquisition; (11) to hold in trust or manage public property useful to the accomplishment of their objectives; (12) to establish cumulative reserve funds in the manner and for the purposes prescribed by law for cities; and, (13) to make improvements or to acquire property by the local improvement method in the manner prescribed by this chapter: *Provided*, That such improvement or acquisition is within the scope of the purposes granted to such park and recreation district.

36.69.140 Special levies authorized—Bonds. A park and recreation district in Class AA counties or in counties of the second, fourth, eighth or ninth class shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the district, in the manner prescribed for cities for the purpose of exceeding the limitations established by Article VII, section 2, as amended by Amendment 17, of the Constitution and by RCW 84.52.052. Such special, voted levy may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness equal to one and one-half percent of the assessed valuation of the taxable property within such district, and may provide for the retirement thereof by levies in excess of millage limitations in accordance with the provisions of RCW 84.52.056.

36.69.150 District treasurer—Warrants—Vouchers. The county treasurer of the county in which the district shall be located shall be the treasurer of the district, and expenditures shall be made upon warrants drawn by the county auditor pursuant to vouchers approved by the board of park and recreation commissioners.

36.69.160 Budget. The board of park and recreation commissioners of each park and recreation district shall annually compile a budget, in form prescribed by the state division of municipal corporations, for the ensuing calendar year, and which shall, to the extent that anticipated income is actually realized, constitute the appropriations for the district. The budget may include an amount to accumulate a reserve for a stated capital purpose. In compiling the budget, all available funds and anticipated income shall be taken into consideration, including contributions or contractual payments from school districts, cities or towns, county, or any other governmental unit; gifts and donations; special tax levy; assessments; fees and charges; proceeds of bond issues; cumulative reserve funds.

36.69.170 Expenditures. Expenditures shall be made solely in accordance with the budget, and should revenues accrue at a rate below the anticipated amounts, the board of park and recreation commissioners shall reduce expenditures accordingly: *Provided*, That the board may, by unanimous vote, authorize such expenditures, or authorize expenditures in excess of those budgeted, if sufficient revenue to pay such expenditures is derived by the levy of the district or if provided by other governmental agencies specifically for such purposes.

36.69.180 Violation of rules—Penalty. The violation of any of the rules or regulations of a park and recreation district adopted by its board for the preservation of order, control of traffic, protection of life or property or for the regulation of the use of park property shall constitute a misdemeanor.

36.69.190 Additional area may be added to district. After a park and recreation district in Class AA counties or in counties of the second, fourth, eighth or ninth class has been organized, an additional area may be added by the same procedure within the proposed additional area as is provided herein for the organization of a park and recreation district, except that no first commissioners shall be nominated by the board of county commissioners or elected, and all electors within both the organized park and recreation district and the proposed additional territory shall vote upon the proposition for enlargement.

36.69.200 L.I.D.'s — Authorization — Assessments, Warrants, Bonds—County treasurer's duties. Whenever the board of park and recreation commissioners of any district shall determine that any proposed capital improvement would be of special benefit to all or to any portion of the district, it may establish local improvement districts within its territory; levy special assessments under the mode of annual installments extending over a period not exceeding twenty years, on all property specially benefited by a local improvement, on the basis of special benefits to pay in whole or in part the damage or costs of any improvements ordered in the district; and issue local improvement bonds in the improvement district to be repaid by the collection of local improvement assessments. The method of establishment, levying, collection and enforcement of such assessments and issuance and redemption of local improvement warrants and bonds and the provisions regarding the conclusiveness of the assessment roll and the review by the superior court of any objections thereto shall be as provided for the levying, collection, and enforcement of local improvement assessments and the issuance of local improvement bonds by cities of the first class, including the restraints provided for in RCW 35.43.160 through 35.43.170, insofar as consistent herewith. The duties devolving upon the city treasurer are hereby imposed upon the county treasurer for the purposes hereof. The mode of assessment shall be determined by the board.

36.69.210 ————Initiation by resolution or petition. Local improvement districts may be initiated either (1) by resolution of the board of park and recreation commissioners, or, (2) by petition signed by the owners (according to the county auditor's records) of at least fifty-one percent of the area of land within the limits of the local improvement district to be created.

36.69.220 ————Procedure when by resolution. If the board of park and recreation commissioners desires to initiate the formation of a local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed local improvement district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

36.69.230 ————Procedure when by petition. Publication of notice of intent by either resolution or petition. If such local improvement district is initiated by petition, such petition shall set forth the nature and territorial extent of the proposed improvement requested to be ordered and the fact that the signers thereof are the owners (according to the records of the county auditor) of at least fifty-one percent of the area of land within the limits of the local improvement district to be created. Upon the filing of such petition the board of park and recreation commissioners shall determine whether it is sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from the petition after it has been filed with the board. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time and place for a public hearing on the formation of the proposed local district.

The resolution of intention, whether adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in at least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board.

36.69.240 ————Notice—Contents. Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon. The notice shall

refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date, time and place of the hearing before the board of park and recreation commissioners; and in the case of improvements initiated by resolution, the notice shall also state that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board before the time fixed for said public hearing.

36.69.250 ———Public hearing—Inclusion, exclusion of property. Whether the improvement is initiated by petition or resolution, the board of park and recreation commissioners shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in the plans for the proposed improvement as shall be deemed necessary: *Provided*, That the board may not change the boundaries of the district to include or exclude property not previously included or excluded without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

36.69.260 ———Protests—Procedure—Jurisdiction of board. After said hearing the board of park and recreation commissioners shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: *Provided*, That the jurisdiction of the board to proceed with any improvement initiated by resolution shall be divested by a protest filed with the secretary of the board prior to said public hearing for the improvement signed by the owners of the property within the proposed local improvement district which is subject to sixty percent or more of the cost of the improvement as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district.

36.69.270 ———Powers and duties of board upon formation. If the board of park and recreation commissioners finds that the district should be formed, it shall by resolution order the improvement, adopt detailed plans of the local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the park and recreation district such eminent domain proceedings

as may be necessary to entitle the district to proceed with the work. The board shall thereupon proceed with the work and file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

36.69.280 ————Assessment roll—Procedure for approval—Objections. Before approval of the roll a notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the local district, stating that the roll is on file and open to inspection in the office of the secretary, and fixing the time, not less than fifteen or more than thirty days from the date of the first publication of the notice within which protests must be filed with the secretary against any assessments shown thereon, and fixing a time when a hearing will be held by the board of park and recreation commissioners on the protests. Notice shall also be given by mailing, at least fifteen days before the hearing, a similar notice to the owners or reputed owners of the land in the local district as they appear on the books of the treasurer of the county in which the park and recreation district is located. At the hearing, or any adjournment thereof, the commissioners may correct, change or modify the roll, or any part thereof, or set aside the roll and order a new assessment, and may then by resolution approve it. If an assessment is raised a new notice similar to the first shall be given, after which final approval of the roll may be made. When property has been entered originally upon the roll and the assessment thereon is not raised, no objection thereto shall be considered by the commissioners or by any court on appeal unless the objection is made in writing at, or prior, to the date fixed for the original hearing upon the roll.

36.69.290 ————Segregation of assessments—Power of board. Whenever any land against which there has been levied any special assessment by any park and recreation district shall have been sold in part or subdivided, the board of park and recreation commissioners of such district shall have the power to order a segregation of the assessment.

36.69.300 ————Segregation of assessments—Procedure—Fee, charges. Any person desiring to have such a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the board of park and recreation commissioners of the park and recreation district which levied the assessment. If the board determines that a segregation should be made, it shall by resolution order the county treasurer to make segregation on the original assessment roll as directed in the resolution. The segre-

gation shall be made as nearly as possible on the same basis as the original assessment was levied, and the total of the segregated parts of the assessment shall equal the assessment before segregation. The resolution shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the resolution shall be delivered to the county treasurer who shall proceed to make the segregation ordered upon being tendered a fee of three dollars for each tract of land for which a segregation is to be made. In addition to such charge the board may require as a condition to the order of segregation that the person seeking it pay the district the reasonable engineering and clerical costs incident to making the segregation.

36.69.310 Dissolution. Any park and recreation district formed under the provisions of this chapter may be dissolved in the manner provided in chapter 53.48, relating to port districts.

36.69.900 Short title. This chapter may be cited as the "Recreation Districts Act for Class AA counties and for counties of the second, fourth, eighth or ninth class."

Chapter 36.70

PLANNING ENABLING ACT

36.70.010 Purpose and intent. The purpose and intent of this chapter is to provide the authority for, and the procedures to be followed in, guiding and regulating the physical development of a county or region through correlating both public and private projects and coordinating their execution with respect to all subject matters utilized in developing and servicing land, all to the end of assuring the highest standards of environment for living, and the operation of commerce, industry, agriculture and recreation, and assuring maximum economies and conserving the highest degree of public health, safety, morals and welfare.

36.70.015 Expenditure of funds declared public purpose. Regional planning under the provisions of this chapter is hereby declared to be a proper public purpose for the expenditure of the funds of counties, school districts, public utility districts, housing authorities, port districts, cities or towns or any other public organization interested in regional planning.

36.70.020 Definitions. The following words or terms as used in this chapter shall have the following meaning unless a different meaning is clearly indicated by the context:

(1) "Approval by motion" is a means by which a board, through

other than by ordinance, approves and records recognition of a comprehensive plan or amendments thereto.

(2) "Board" means the board of county commissioners.

(3) "Certification" means the affixing on any map or by adding to any document comprising all or any portion of a comprehensive plan a record of the dates of action thereon by the commission and by the board, together with the signatures of the officer or officers authorized by ordinance to so sign.

(4) "Commission" means a county or regional planning commission.

(5) "Commissioners" means members of a county or regional planning commission.

(6) "Comprehensive plan" means the policies and proposals approved and recommended by the planning agency or initiated by the board and approved by motion by the board (a) as a beginning step in planning for the physical development of the county; (b) as the means for coordinating county programs and services; (c) as a source of reference to aid in developing, correlating, and coordinating official regulations and controls; and (d) as a means for promoting the general welfare. Such plan shall consist of the required elements set forth in RCW 36.70.330 and may also include the optional elements set forth in RCW 36.70.350 which shall serve as a policy guide for the subsequent public and private development and official controls so as to present all proposed developments in a balanced and orderly relationship to existing physical features and governmental functions.

(7) "Conditional use" means a use listed among those classified in any given zone but permitted to locate only after review by the board of adjustment, or zoning adjustor if there be such, and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same vicinity and zone and assure against imposing excessive demands upon public utilities, provided the county ordinances specify the standards and criteria that shall be applied.

(8) "Department" means a planning department organized and functioning as any other department in any county.

(9) "Element" means one of the various categories of subjects, each of which constitutes a component part of the comprehensive plan.

(10) "Ex officio member" means a member of the commission who serves by virtue of his official position as head of a department specified in the ordinance creating the commission.

(11) "Official controls" means legislatively defined and enacted policies, standards, precise detailed maps and other criteria, all of which control the physical development of a county or any part

thereof or any detail thereof, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps.

(12) "Ordinance" means a legislative enactment by a board; in this chapter the word, "ordinance", is synonymous with the term "resolution", as representing a legislative enactment by a board of county commissioners.

(13) "Planning agency" means (a) a planning commission, together with its staff members, employees and consultants, or (b) a department organized and functioning as any other department in any county government together with its planning commission.

(14) "Variance". A variance is the means by which an adjustment is made in the application of the specific regulations of a zoning ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges.

36.70.030 Commission—Creation. By ordinance a board may create a planning commission and provide for the appointment by the commission of a director of planning.

36.70.040 Department—Creation—Creation of commission to assist department. By ordinance a board may, as an alternative to and in lieu of the creation of a planning commission as provided in RCW 36.70.030, create a planning department which shall be organized and function as any other department of the county. When such department is created, the board shall also create a planning commission which shall assist the planning department in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments thereto. To this end, the planning commission shall conduct such hearings as are required by this chapter and shall make findings and conclusions therefrom which shall be transmitted to the department which shall transmit the same on to the board with such comments and recommendations it deems necessary.

36.70.050 Authority for planning. Upon the creation of a planning agency as authorized in RCW 36.70.030 and 36.70.040, a county may engage in a planning program as defined by this chapter. Two or more counties may jointly engage in a planning program as defined herein for their combined areas.

36.70.060 Regional planning commission—Appointment and powers. A county or a city may join with one or more other counties, cities and towns, and/or with one or more school districts, public utility districts, private utilities, housing authorities, port districts, or any other private or public organizations interested in regional planning to form and organize a regional planning commission and provide for the administration of its affairs. Such regional planning commission may carry on a planning program involving the same subjects and procedures provided by this chapter for planning by counties, provided this authority shall not include enacting official controls other than by the individual participating municipal corporations. The authority to initiate a regional planning program, define the boundaries of the regional planning district, specify the number, method of appointment and terms of office of members of the regional planning commission and provide for allocating the cost of financing the work shall be vested individually in the governing bodies of the participating municipal corporations.

Any regional planning commission or municipal corporation participating in any regional planning district is authorized to receive grants-in-aid from, or enter into reasonable agreement with any department or agency of the government of the United States or of the state of Washington to arrange for the receipt of federal funds and state funds for planning in the interests of furthering the planning program.

36.70.070 Commission—Composition. Whenever a commission is created by a county, it shall consist of five, seven, or nine members as may be provided by ordinance: *Provided*, That where a commission, on June 10, 1959, is operating with more than nine members, no further appointments shall be made to fill vacancies for whatever cause until the membership of the commission is reduced to five, seven or nine, whichever is the number specified by the county ordinance under this chapter. Departments of a county may be represented on the commission by the head of such departments as are designated in the ordinance creating the commission, who shall serve in an ex officio capacity, but such ex officio members shall not exceed one of a five-member commission, two of a seven-member commission, or three of a nine-member commission. At no time shall there be more than three ex officio members serving on a commission: *Provided further*, That in lieu of one ex officio member, only, one employee of the county other than a department head may be appointed to serve as a member of the commission.

36.70.080 ———Appointment—County. The members of a commission shall be appointed by the chairman of the board with

the approval of a majority of the board: *Provided*, That each member of the board shall submit to the chairman a list of nominees residing in his commissioner district, and the chairman shall make his appointments from such lists so that as nearly as mathematically possible, each commissioner district shall be equally represented on the commission.

36.70.090 ———Membership—Terms—Existing commissions. When a commission is created after June 10, 1959, the first terms of the members of the commission consisting of five, seven, and nine members, respectively, other than ex officio members, shall be as follows:

(1) For a five-member commission—one, shall be appointed for one year; one, for two years; one, for three years; and two, for four years.

(2) For a seven-member commission—one, shall be appointed for one year; two, for two years; two, for three years; and two, for four years.

(3) For a nine-member commission—two, shall be appointed for one year; two, for two years; two, for three years; and three, for four years.

Thereafter, the successors to the first member shall be appointed for four year terms: *Provided*, That where the commission includes one ex officio member, the number of appointive members first appointed for a four year term shall be reduced by one; if there are to be two ex officio members, the number of appointive members for the three year and four year terms shall each be reduced by one; if there are to be three ex officio members, the number of appointive members for the four year term, the three year term, and the two year term shall each be reduced by one. The term of an ex officio member shall correspond to his official tenure: *Provided further*, That where a commission, on the effective date of this chapter, is operating with members appointed for longer than four year terms, such members shall serve out the full term for which they were appointed, but their successors, if any, shall be appointed for four year terms.

36.70.100 ———Vacancies. Vacancies occurring for any reason other than the expiration of the term shall be filled by appointment for the unexpired portion of the term except if, on June 10, 1959, the unexpired portion of a term is for more than four years the vacancy shall be filled for a period of time that will obtain the maximum staggered terms, but shall not exceed four years. Vacancies shall be filled from the same commissioner district as that of the vacating member.

36.70.110 ————Removal. After public hearing, any appointee member of a commission may be removed by the chairman of the board, with the approval of the board, for inefficiency, neglect of duty, or malfeasance in office.

36.70.120 ————Officers. Each commission shall elect its chairman and vice chairman from among the appointed members. The commission shall appoint a secretary who need not be a member of the commission.

36.70.130 Planning agency—Meetings. Each planning agency shall hold not less than one regular meeting in each month: *Provided*, That if no matters over which the planning agency has jurisdiction are pending upon its calendar, a meeting may be canceled.

36.70.140 ————Rules and records. Each planning agency shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings, and determinations.

36.70.150 ————Joint meetings. Two or more county planning agencies in any combination may hold joint meetings and by approval of their respective boards may have the same chairman.

36.70.160 Director—Appointment. If a director of planning is provided for, he shall be appointed:

(1) By the commission when a commission is created under RCW 36.70.030;

(2) If a planning department is established as provided in RCW 36.70.040, then he shall be appointed by the board.

36.70.170 Director—Employees. The director of planning shall be authorized to appoint such employees as are necessary to perform the duties assigned to him within the budget allowed.

36.70.180 Joint director. The boards of two or more counties or the legislative bodies of other political subdivisions or special districts may jointly engage a single director of planning and may authorize him to employ such other personnel as may be necessary to carry out the joint planning program.

36.70.190 Special services. Each planning agency, subject to the approval of the board, may employ or contract with the planning consultants or other specialists for such services as it requires.

36.70.200—Board of adjustment. Creation—Zoning adjustor. Whenever a board shall have created a planning agency, it shall also by ordinance, coincident with the enactment of a zoning ordinance, create a board of adjustment, and may establish the office of zoning adjustor: *Provided*, That any county that has prior to June 10, 1959, enacted a zoning ordinance, shall, within ninety days thereof, create a board of adjustment.

36.70.210 ————**Membership.** A board of adjustment shall consist of three or five members as may be provided by ordinance.

36.70.220 ————**Appointment — Appointment of zoning adjustor.** The members of a board of adjustment and the zoning adjustor shall be appointed in the same manner as provided for the appointment of commissioners in RCW 36.70.080. One member of the board of adjustment may be an appointee member of the commission.

36.70.230 ————**Terms.** If the board of adjustment is to consist of three members, when it is first appointed after June 10, 1959, the first terms shall be as follows: One shall be appointed for one year; one, for two years; and one, for three years. If it consists of five members, when it is first appointed after June 10, 1959, the first terms shall be as follows: One shall be appointed for one year; one, for two years; one, for three years; one, for four years; and one, for six years. Thereafter the terms shall be for six years and until their successors are appointed and qualified.

36.70.240 ————**Vacancies.** Vacancies in the board of adjustment shall be filled by appointment in the same manner in which the commissioners are appointed in RCW 36.70.080. Appointment shall be for the unexpired portion of the term.

36.70.250 ————**Removal.** Any member of the board of adjustment may be removed by the chairman of the board with the approval of the board for inefficiency, neglect of duty or malfeasance in office.

36.70.260 ————**Organization.** The board of adjustment shall elect a chairman and vice chairman from among its members. The board of adjustment shall appoint a secretary who need not be a member of the board.

36.70.270 ————**Meetings.** The board of adjustment shall hold not less than one regular meeting in each month of each year: *Provided*, That if no issues over which the board has jurisdiction are pending upon its calendar, a meeting may be canceled.

36.70.280 ————**Rules and Records.** The board of adjustment shall adopt rules for the transaction of its business and shall keep a public record of its transactions, findings and determinations.

36.70.290 **Appropriation for planning agency, board of adjustment.** The board shall provide the funds, equipment and accommodations necessary for the work of the planning agency. Such appropriations may include funds for joint ventures as set forth in RCW 36.70.180. The expenditures of the planning agency, exclusive of gifts, shall be within the amounts appropriated for the

respective purposes. The provisions herein for financing the work of the planning agencies shall also apply to the board of adjustment and the zoning adjustor.

36.70.300 Accept gifts. The planning agency of a county may accept gifts in behalf of the county to finance any planning work authorized by law.

36.70.310 Conference and travel expenses—Commission members and staff. Members of planning agencies shall inform themselves on matter affecting the functions and duties of planning agencies. For that purpose, and when authorized, such members may attend planning conferences, meetings of planning executives or of technical bodies; hearings on planning legislation or matters relating to the work of the planning agency. The reasonable travel expenses, registration fees and other costs incident to such attendance at such meetings and conferences shall be charges upon the funds allocated to the planning agency. In addition, members of a commission may also receive reasonable travel expenses to and from their usual place of business to the place of a regular meeting of the commission. The planning agency may, when authorized, pay dues for membership in organizations specializing in the subject of planning. The planning agency may, when authorized, subscribe to technical publications pertaining to planning.

36.70.320 Comprehensive plan. Each planning agency shall prepare a comprehensive plan for the orderly physical development of the county and may include any land outside its boundaries which, in the judgment of the planning agency, relates to planning for the county. The plan shall be referred to as the comprehensive plan and, after hearings by the commission and approval by motion of the board, shall be certified as the comprehensive plan. Amendments or additions to the comprehensive plan shall be similarly processed and certified.

36.70.330 ———Required elements. The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

(1) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan;

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

36.70.340 ————Amplification of required elements. When the comprehensive plan containing the mandatory subjects as set forth in RCW 36.70.330 shall have been approved by motion by the board and certified, it may thereafter be progressively amplified and augmented in scope by expanding and increasing the general provisions and proposals for all or any one of the required elements set forth in RCW 36.70.330 and by adding provisions and proposals for the optional elements set forth in RCW 36.70.350. The comprehensive plan may also be amplified and augmented in scope by progressively including more completely planned areas consisting of natural homogeneous communities, distinctive geographic areas, or other types of districts having unified interests within the total area of the county. In no case shall the comprehensive plan, whether in its entirety or area by area or subject by subject be considered to be other than in such form as to serve as a guide to the later development and adoption of official controls.

36.70.350 ————Optional elements. A comprehensive plan may include—

(1) a conservation element for the conservation, development and utilization of natural resources, including water and its hydraulic force, forests, water sheds, soils, rivers and other waters, harbors, fisheries, wild life, minerals and other natural resources,

(2) a recreation element showing a comprehensive system of areas and public sites for recreation, natural reservations, parks, parkways, beaches, playgrounds and other recreational areas, including their locations and proposed development,

(3) a transportation element showing a comprehensive system of transportation, including general locations of rights of way, terminals, viaducts and grade separations. This element of the plan may also include port, harbor, aviation and related facilities,

(4) a transit element as a special phase of transportation, showing proposed systems of rail transit lines, including rapid transit in any form, and related facilities,

(5) a public services and facilities element showing general plans for sewerage, refuse disposal, drainage and local utilities, and rights of way, easements and facilities for such services,

(6) a public buildings element, showing general locations, design and arrangements of civic and community centers, and showing locations of public schools, libraries, police and fire stations and all other public buildings,

(7) a housing element, consisting of surveys and reports upon housing conditions and needs as a means of establishing housing standards to be used as a guide in dealings with official controls related to land subdivision, zoning, traffic, and other related matters,

(8) a renewal and/or redevelopment element comprising surveys, locations, and reports for the elimination of slums and other blighted areas and for community renewal and/or redevelopment, including housing sites, business and industrial sites, public building sites and for other purposes authorized by law,

(9) a plan for financing a capital improvement program,

(10) as a part of a comprehensive plan the commission may prepare, receive and approve additional elements and studies dealing with other subjects which, in its judgment, relate to the physical development of the county.

36.70.360 ———Cooperation with affected agencies. During the formulation of the comprehensive plan, and especially in developing a specialized element of such comprehensive plan, the planning agency may cooperate to the extent it deems necessary with such authorities, departments or agencies as may have jurisdiction over the territory or facilities for which plans are being made, to the end that maximum correlation and coordination of plans may be secured and properly located sites for all public purposes may be indicated on the comprehensive plan.

36.70.370 ———Filing of copies. Whenever a planning agency has developed a comprehensive plan, or any addition or amendment thereto, covering any land outside of the boundaries of the county as provided in RCW 36.70.320, copies of any features of the comprehensive plan extending into an adjoining jurisdiction shall for purposes of information be filed with such adjoining jurisdiction.

36.70.380 ———Public hearing required. Before approving all or any part of the comprehensive plan or any amendment, extension or addition thereto, the commission shall hold at least one public hearing and may hold additional hearings at the discretion of the commission.

36.70.390 ———Notice of hearing. Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing.

36.70.400 ————**Approval—Required vote—Record.** The approval of the comprehensive plan, or of any amendment, extension or addition thereto, shall be by the affirmative vote of not less than a majority of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action and the motion shall refer expressly to the maps, descriptive, and other matters intended by the commission to constitute the plan or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chairman and the secretary of the commission and of such others as the commission in its rules may designate.

36.70.410 ————**Amendment.** When changed conditions or further studies by the planning agency indicate a need, the commission may amend, extend or add to all or part of the comprehensive plan in the manner provided herein for approval in the first instance.

36.70.420 ————**Referral to board.** A copy of a comprehensive plan or any part, amendment, extension of or addition thereto, together with the motion of the planning agency approving the same, shall be transmitted to the board for the purpose of being approved by motion and certified as provided in this chapter.

36.70.430 ————**Board may initiate or change—Notice.** When it deems it to be for the public interest, or when it considers a change in the recommendations of the planning agency to be necessary, the board may initiate consideration of a comprehensive plan, or any element or part thereof, or any change in or addition to such plan or recommendation. The board shall first refer the proposed plan, change or addition to the planning agency for a report and recommendation. Before making a report and recommendation, the commission shall hold at least one public hearing on the proposed plan, change or addition. Notice of the time and place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing.

36.70.440 ————**Board may approve or change—Notice.** After the receipt of the report and recommendations of the planning agency on the matters referred to in RCW 36.70.430, or after the lapse of the prescribed time for the rendering of such report and recommendation by the commission, the board may approve by motion and certify such plan, change or addition without further reference to the commission: *Provided*, That the plan, change or addition conforms either to the proposal as initiated by the county or the recommendation thereon by the commission: *Provided fur-*

ther, That if the planning agency has failed to report within a ninety day period, the board shall hold at least one public hearing on the proposed plan, change or addition. Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county, at least ten days before the hearing. Thereafter, the board may proceed to approve by motion and certify the proposed comprehensive plan or any part, amendment or addition thereto.

36.70.450 Planning agency—Relating projects to comprehensive plan. After a board has approved by motion and certified all or parts of a comprehensive plan for a county or for any part of a county, the planning agency shall use such plan as the basic source of reference and as a guide in reporting upon or recommending any proposed project, public or private, as to its purpose, location, form, alignment and timing. The report of the planning agency on any project shall indicate wherein the proposed project does or does not conform to the purpose of the comprehensive plan and may include proposals which, if effected, would make the project conform. If the planning agency finds that a proposed project reveals the justification or necessity for amending the comprehensive plan or any part of it, it may institute proceedings to accomplish such amendment, and in its report to the board on the project shall note that appropriate amendments to the comprehensive plan, or part thereof, are being initiated.

36.70.460 ———Annual report. After all or part of the comprehensive plan of a county has been approved by motion and certified, the planning agency shall render an annual report to the board on the status of the plan and accomplishments thereunder.

36.70.470 ———Promotion of public interest in plan. Each planning agency shall endeavor to promote public interest in, and understanding of, the comprehensive plan and its purpose, and of the official controls related to it.

36.70.480 ———Cooperation with agencies. Each planning agency shall, to the extent it deems necessary, cooperate with officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens generally with relation to carrying out the purpose of the comprehensive plan.

36.70.490 Information to be furnished agency. Upon request, all public officials or agencies shall furnish to the planning agency within a reasonable time such available information as is required for the work of the planning agency.

36.70.500 Right of entry—Commission or planning staff. In the performance of their functions and duties, duly authorized members of a commission or planning staff may enter upon any land and make examinations and surveys: *Provided*, That such entries, examinations and surveys do not damage or interfere with the use of the land by those persons lawfully entitled to the possession thereof.

36.70.510 Special referred matters—Reports. By general or special rule the board creating a planning agency may provide that other matters shall be referred to the planning agency before final action is taken thereupon by the board or officer having final authority on the matter, and final action thereon shall not be taken upon the matter so referred until the planning agency has submitted its report within such period of time as the board shall designate. In reporting upon the matters referred to in this section the planning agency may make such investigations, maps, reports and recommendations as it deems desirable.

36.70.520 Required submission of capital expenditure projects. At least five months before the end of each fiscal year each county officer, department, board or commission and each governmental body whose jurisdiction lies entirely within the county, except incorporated cities and towns, whose functions include preparing and recommending plans for, or constructing major public works, shall submit to the respective planning agency a list of the proposed public works being recommended for initiation or construction during the ensuing fiscal year.

36.70.530 Relating capital expenditure projects to comprehensive plan. The planning agency shall list all such matters referred to in RCW 36.70.520 and shall prepare for and submit a report to the board which report shall set forth how each proposed project relates to all other proposed projects on the list and to all features in the comprehensive plan both as to location and timing. The planning agency shall report to the board through the planning director if there be such.

36.70.540 Referral procedure—Reports. Whenever a board has approved by motion and certified all or part of a comprehensive plan, no street, square, park or other public ground or open space shall be acquired by dedication or otherwise, no street shall be disposed of, closed or abandoned, and no public building or structure shall be constructed or authorized to be constructed in the area to which the comprehensive plan applies until its location, purpose and extent has been submitted to and reported upon by the planning agency. The report by the planning agency shall set forth the manner and the degree to which the proposed project does or does

not conform to the objectives of the comprehensive plan. If final authority is vested by law in some governmental officer or body other than the board, such officer or governmental body shall report the project to the planning agency and the planning agency shall render its report to such officer or governmental body. In both cases the report of the planning agency shall be advisory only. Failure of the planning agency to report on such matter so referred to it within forty days or such longer time as the board or other governmental officer or body may indicate, shall be deemed to be approval.

36.70.550 Official controls. From time to time, the planning agency may, or if so requested by the board shall, cause to be prepared official controls which, when adopted by ordinance by the board, will further the objectives and goals of the comprehensive plan. The planning agency may also draft such regulations, programs and legislation as may, in its judgment, be required to preserve the integrity of the comprehensive plan and assure its systematic execution, and the planning agency may recommend such plans, regulations, programs and legislation to the board for adoption.

36.70.560 ———Forms of controls. Official controls may include:

(1) Maps showing the exact boundaries of zones within each of which separate controls over the type and degree of permissible land uses are defined;

(2) Maps for streets showing the exact alignment, gradients, dimensions and other pertinent features, and including specific controls with reference to protecting such accurately defined future rights of way against encroachment by buildings, other physical structures or facilities;

(3) Maps for other public facilities, such as parks, playgrounds, civic centers, etc., showing exact location, size, boundaries and other related features, including appropriate regulations protecting such future sites against encroachment by buildings and other physical structures or facilities;

(4) Specific regulations and controls pertaining to other subjects incorporated in the comprehensive plan or establishing standards and procedures to be employed in land development including, but not limited to, subdividing of land and the approval of land plats and the preservation of streets and lands for other public purposes requiring future dedication or acquisition and general design of physical improvements.

36.70.570 ————**Adoption.** Official controls shall be adopted by ordinance and shall further the purpose and objectives of a comprehensive plan and parts thereof.

36.70.580 ————**Public hearing by commission.** Before recommending an official control or amendment to the board for adoption, the commission shall hold at least one public hearing.

36.70.590 ————**Notice of hearing.** Notice of the time, place and purpose of the hearing shall be given by one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county at least ten days before the hearing. The board may prescribe additional methods for providing notice.

36.70.600 ————**Recommendation to board—Required vote.** The recommendation to the board of any official control or amendments thereto by the planning agency shall be by the affirmative vote of not less than a majority of the total members of the commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the commission and the reasons for its action and the motion shall refer expressly to the maps, descriptive and other matters intended by the commission to constitute the plan, or amendment, addition or extension thereto. The indication of approval by the commission shall be recorded on the map and descriptive matter by the signatures of the chairman and the secretary of the commission and of such others as the commission in its rules may designate.

36.70.610 ————**Reference to board.** A copy of any official control or amendment recommended pursuant to RCW 36.70.550, 36.70.560, 36.70.570 and 36.70.580 shall be submitted to the board not later than fourteen days following the action by the commission and shall be accompanied by the motion of the planning agency approving the same, together with a statement setting forth the factors considered at the hearing, and analysis of findings considered by the commission to be controlling.

36.70.620 ————**Action by board.** Upon receipt of any recommended official control or amendment thereto, the board shall at its next regular public meeting set the date for a public meeting where it may, by ordinance, adopt or reject the official control or amendment.

36.70.630 ————**Board to conduct hearing, adopt findings prior to incorporating changes in recommended control.** If after considering the matter at a public meeting as provided in RCW 36.70.620 the board deems a change in the recommendations of the planning agency to be necessary, the change shall not be incorporated in the recommended control until the board shall conduct its own public

hearing, giving notice thereof as provided in RCW 36.70.590, and it shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling.

36.70.640 ————**Board may initiate.** When it deems it to be for the public interest, the board may initiate consideration of an ordinance establishing an official control, or amendments to an existing official control, including those specified in RCW 36.70.560. The board shall first refer the proposed official control or amendment to the planning agency for report which shall, thereafter, be considered and processed in the same manner as that set forth in RCW 36.70.630 regarding a change in the recommendation of the planning agency.

36.70.650 Board final authority. The report and recommendation by the planning agency, whether on a proposed control initiated by it, whether on a matter referred back to it by the board for further report, or whether on a matter initiated by the board, shall be advisory only and the final determination shall rest with the board.

36.70.660 Procedures for adoption of controls limited to planning matters. The provisions of this chapter with references to the procedures to be followed in the adoption of official controls shall apply only to establishing official controls pertaining to subjects set forth in RCW 36.70.560.

36.70.670 Enforcement—Official controls. The board may determine and establish administrative rules and procedures for the application and enforcement of official controls, and may assign or delegate such administrative functions, powers and duties to such department or official as may be appropriate.

36.70.680 Subdividing and platting. The planning agency shall review all proposed land plats and subdivisions and make recommendations to the board thereon with reference to approving, or recommending any modifications necessary to assure conformance to the general purposes of the comprehensive plan and to standards and specifications established by state law or local controls.

36.70.690 County improvements. No county shall improve any street or lay or authorize the laying of sewers or connections or other improvements to be laid in any street within any territory for which the board has adopted an official control in the form of precise street map or maps, until the matter has been referred to the planning agency by the department or official having jurisdiction for a report thereon and a copy of the report has been filed

with the department or official making the reference unless one of the following conditions apply:

(1) The street has been accepted, opened, or has otherwise received legal status of a public street;

(2) it corresponds with and conforms to streets shown on the official controls applicable to the subject;

(3) it corresponds with and conforms to streets shown on a subdivision (land plat) approved by the board.

36.70.700 Planning agency—Time limit for report. Failure of the planning agency to report on the matters referred to in RCW 36.70.690 within forty days after the reference, or such longer period as may be designated by the board, department or official making the reference, shall be deemed to be approval of such matter.

36.70.710 Final authority. Reports and recommendations by the planning agency on all matters shall be advisory only, and final determination shall rest with the administrative body, official, or the board whichever has authority to decide under applicable law.

36.70.720 Prerequisite for zoning. Zoning maps as an official control may be adopted only for areas covered by a comprehensive plan containing not less than a land use element and a circulation element. Zoning ordinances and maps adopted prior to June 10, 1959, are hereby validated, provided only that at the time of their enactment the comprehensive plan for the county existed according to law applicable at that time.

36.70.730 Text without map. The text of a zoning ordinance may be prepared and adopted in the absence of a comprehensive plan providing no zoning map or portion of a zoning map may be adopted thereunder until there has been compliance with the provisions of RCW 36.70.720.

36.70.740 Zoning map—Progressive adoption. Because of practical considerations, the total area of a county to be brought under the control of zoning may be divided into areas possessing geographical, topographical or urban identity and such divisions may be progressively and separately officially mapped.

36.70.750 Zoning—Types of regulations. Any board, by ordinance, may establish classifications, within each of which, specific controls are identified, and which will:

(1) Regulate the use of buildings, structures, and land as between agriculture, industry, business, residence, and other purposes;

(2) regulate location, height, bulk, number of stories and size of buildings and structures; the size of yards, courts, and other open spaces; the density of population; the percentage of a lot which

may be occupied by buildings and structures; and the area required to provide off-street facilities for the parking of motor vehicles.

36.70.760 Establishing zones. For the purpose set forth in RCW 36.70.750 the county may divide a county, or portions thereof, into zones which, by number, shape, area and classification are deemed to be best suited to carry out the purposes of this chapter.

36.70.770 All regulations shall be uniform in each zone. All regulations shall be uniform in each zone, but the regulations in one zone may differ from those in other zones.

36.70.780 Classifying unmapped areas. After the adoption of the first map provided for in RCW 36.70.740, and pending the time that all property within a county can be precisely zoned through the medium of a zoning map, all properties not so precisely zoned by map shall be given a classification affording said properties such broad protective controls as may be deemed appropriate and necessary to serve public and private interests. Such controls shall be clearly set forth in the zoning ordinance in the form of a zone classification, and such classification shall apply to such areas until they shall have been included in the detailed zoning map in the manner provided for the adoption of a zoning map.

36.70.790 Interim zoning. If the planning agency in good faith, is conducting or intends to conduct studies within a reasonable time for the purpose of, or is holding a hearing for the purpose of, or has held a hearing and has recommended to the board the adoption of any zoning map or amendment or addition thereto, or in the event that new territory for which no zoning may have been adopted as set forth in RCW 36.70.800 may be annexed to a county, the board, in order to protect the public safety, health and general welfare may, after report from the commission, adopt as an emergency measure a temporary interim zoning map the purpose of which shall be to so classify or regulate uses and related matters as constitute the emergency.

36.70.800 Procedural amendments—Zoning ordinance. An amendment to the text of a zoning ordinance which does not impose, remove or modify any regulation theretofore existing and affecting the zoning status of land shall be processed in the same manner prescribed by this chapter for the adoption of an official control except that no public hearing shall be required either by the commission or the board.

36.70.810 Board of adjustment—Authority. The board of adjustment, subject to appropriate conditions and safeguards as provided by the zoning ordinance or the ordinance establishing the board of adjustment, if there be such, shall hear and decide:

(1) Applications for conditional uses or other permits when the zoning ordinance sets forth the specific uses to be made subject to conditional use permits and establishes criteria for determining the conditions to be imposed;

(2) Application for variances from the terms of the zoning ordinance: *Provided*, That any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated, and that the following circumstances are found to apply;

(a) because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification;

(b) that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.

(3) Appeals, where it is alleged by the applicant that there is error in any order, requirement, permit, decision, or determination made by an administrative official in the administration or enforcement of this chapter or any ordinance adopted pursuant to it.

36.70.820 ————**Quasi judicial powers.** The board of adjustment may also exercise such other quasi judicial powers as may be granted by county ordinance.

36.70.830 ————**Appeals—Time limit.** Appeals may be taken to the board of adjustment by any person aggrieved, or by any officer, department, board or bureau of the county affected by any decision of an administrative official. Such appeals shall be filed in writing in duplicate with the board of adjustment within twenty days of the date of the action being appealed.

36.70.840 ————**Notice of time and place of hearing on conditional permit.** Upon the filing of an application for a conditional use permit or a variance as set forth in RCW 36.70.810, the board of adjustment shall set the time and place for a public hearing on such matter, and written notice thereof shall be addressed through the United States mail to all property owners of record within a radius of three hundred feet of the exterior boundaries of subject property. The written notice shall be mailed not less than twelve days prior to the hearing.

36.70.850 ————**Appeal—Notice of time and place.** Upon the filing of an appeal from an administrative determination, or from

the action of the zoning adjustor, the board of adjustment shall set the time and place at which the matter will be considered. At least a ten day notice of such time and place together with one copy of the written appeal, shall be given to the official whose decision is being appealed. At least ten days notice of the time and place shall also be given to the adverse parties of record in the case. The officer from whom the appeal is being taken shall forthwith transmit to the board of adjustment all of the records pertaining to the decision being appealed from, together with such additional written report as he deems pertinent.

36.70.860 ————**Scope of authority on appeal.** In exercising the powers granted by RCW 36.70.810 and 36.70.820, the board of adjustment may, in conformity with this chapter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned.

36.70.870 Zoning adjustor—Powers and duties. If the office of zoning adjustor is established as provided in this chapter, all of the provisions of this chapter defining the powers, duties, and procedures of the board of adjustment shall also apply to the zoning adjustor.

36.70.880 ————**Action final unless appealed.** The action by the zoning adjustor on all matters coming before him shall be final and conclusive unless within ten days after the zoning adjustor has made his order, requirement, decision or determination, an appeal in writing is filed with the board of adjustment. Such an appeal may be taken by the original applicant, or by opponents of record in the case.

36.70.890 Board of adjustment—Action final—Writs. The action by the board of adjustment on an application for a conditional use permit or a variance, or on an appeal from the decision of the zoning adjustor or an administrative officer shall be final and conclusive unless within ten days from the date of said action the original applicant or an adverse party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition or a writ of mandamus.

36.70.900 Inclusion of findings of fact. Both the board of adjustment and the zoning adjustor shall, in making an order, requirement, decision or determination, include in a written record of the case the findings of fact upon which the action is based.

36.70.910 Short title. This chapter shall be known as the "Planning Enabling Act of the State of Washington".

36.70.920 Duties and responsibilities imposed by other acts. Any duties and responsibilities which by other acts are imposed upon a planning commission shall, after June 10, 1959, be performed by a planning agency however constituted.

36.70.930 Chapter alternative method. This chapter shall not repeal, amend, or modify any other law providing for planning methods but shall be deemed an alternative method providing for such purpose.

36.70.940 Elective adoption. Any county or counties presently operating under the provisions of chapter 35.63 may elect to operate henceforth under the provisions of this chapter. Such election shall be effected by the adoption of an ordinance under the procedure prescribed by RCW 36.32.120(7), and by compliance with the provisions of this chapter.

Chapter 36.71

PEDDLERS' AND HAWKERS' LICENSES

36.71.010 Peddlers' license—"Peddler" defined. The term "peddler" for the purpose of this chapter includes all persons, both principals and agents, who go from place to place and house to house, carrying for sale and offering for sale or exposal for sale, goods, wares, or merchandise except agricultural, horticultural, or farm products, which they may grow or raise, and except vendors of books, periodicals, or newspapers: *Provided*, That nothing in this chapter shall apply to peddlers within the limits of any city or town which by ordinance regulates the sale of goods, wares, or merchandise by peddlers.

36.71.020 ———Application for and issuance of license. Every peddler, before commencing business in any county of the state, shall apply in writing and under oath to the county treasurer of the county in which he proposes to operate for a county license. The application must state the names and residences of the owners or parties in whose interest the business is to be conducted, and shall state the number of horses and/or vehicles to be used. Applicant at the same time shall file a true statement under oath of the quantity and value of the stock of goods, wares, and merchandise that is in the county for sale or to be kept or exposed for sale in the county, make a special deposit of five hundred dollars with the county treasurer, and pay the treasurer the county license fee as follows:

- (1) Peddler on foot, one hundred dollars.

(2) Peddler with one horse and a wagon, one hundred fifty dollars.

(3) Peddler with two horses and a wagon, two hundred fifty dollars.

(4) Peddler with any other conveyance, three hundred dollars.

The county treasurer shall thereupon issue to the applicant a peddler's license, authorizing him to do business in the county for the term of one year from the date thereof. Every county license shall contain a copy of the application therefor, shall not be transferable, and shall not authorize more than one person to sell goods as a peddler, either by agent or clerk, or in any other way than his own proper person.

36.71.030 ————**Record of applications.** The county treasurer of each county shall keep on file all applications for peddlers' licenses that are issued. All files and records of the county treasurer shall be in convenient form and open to public inspection.

36.71.040 ————**Cancellation of license.** Upon the expiration and return of a county license, the county treasurer shall cancel it, indorse thereon the cancellation, and place it on file. After holding the special deposit of the licensee for a period of ninety days from the date of cancellation, he shall return the deposit or such portion as may remain in his hands after satisfying the claims made against it.

36.71.050 ————**Liability of deposit—Lien on.** Each deposit made with the county treasurer shall be subject to all taxes legally chargeable thereto, to attachment and execution on behalf of the creditors of the licensee whose claims arise in connection with the business done under his license, and the treasurer may be held to answer as trustee in any civil action in contract or tort brought against any licensee, and shall pay over, under order of the court or upon execution, such amount of money as the licensee may be chargeable with upon the final determination of the case. Such deposit shall also be subject to the payment of any and all fines and penalties incurred by the licensee through violations of the provisions of RCW 36.71.010, 36.71.020, 36.71.030, 36.71.040 and 36.71.060, which shall be a lien upon the deposit and shall be collected in the manner provided by law.

36.71.060 ————**Penalty for peddling without license.** Every peddler who sells or offers for sale or exposes for sale, at public or private sale any goods, wares, or merchandise without a county license, shall be punished by imprisonment for not less than thirty days nor more than ninety days or by fine of not less than fifty dollars nor more than two hundred dollars or by both.

36.71.070 Hawkers, auctioneers and barterers must procure license—Exceptions. If any person sells any goods, wares, or merchandise, at auction or public outcry, or barterers goods, wares or merchandise from traveling boats, wagons, carts or vehicles of any kind, or from any pack, basket or other package carried on foot without first having obtained a license therefor from the board of county commissioners of the county in which such goods are sold or bartered, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than fifty dollars, and shall stand committed to the county jail of the county in which the conviction is had until such fine and cost of prosecution are paid, or discharged by due course of law: *Provided*, That this section shall not be construed as to apply to any seagoing craft or to administrators or executors selling property of deceased persons, or to private individuals selling their household property, or furniture, or farming tools, implements, or livestock, or any produce grown or raised by them, either at public auction or private sale.

36.71.080 ————Issuance of license. The board of county commissioners may, by its order, direct the county auditor to issue a license to any person to do any business designated in RCW 36.71.070 for such sum not exceeding twenty-five dollars per year as it deems proper and expedient.

36.71.090 Farmers, gardeners, etc., peddling own produce exempt from license requirements. It shall be lawful for any farmer, gardener, or other person, without license, to sell, deliver, or peddle any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats, or any farm produce or edibles raised, caught, produced, or manufactured by such person in any place in this state, each and every day except Sundays, and no city or town shall pass or enforce any ordinance prohibiting the sale by or requiring license from the producers and manufacturers of farm produce and edibles as herein defined, and all city or town ordinances in violation hereof are hereby declared void: *Provided*, That this section shall not prohibit the sale or delivery of dairy products on Sunday.

Chapter 36.72

PRINTING

36.72.010 Official county paper. In all counties where two or more weekly, semiweekly or daily newspapers are published, the board of county commissioners, at its April meeting each year, shall let the advertising and official publication of all notices to the publisher thereof who is the best and lowest responsible bidder. The board of county commissioners shall consider the question of

circulation in awarding the county printing contract, with a view to giving such printing the widest publicity; and no newspaper shall be eligible as a competitor nor shall a contract be let to any newspaper, unless it has been established, published, and circulated in the county for at least six months, and has a general and bona fide circulation throughout the county in which it is published.

36.72.020 Procedure where county has no newspaper. In counties where no newspaper is published, the commissioners shall cause the printing of the county to be done in some newspaper in the state, of general circulation in the county, and the newspaper to which such contract is let, shall be designated as the official newspaper of the county.

36.72.030 ————Bond. The board of county commissioners shall require a bond in double the amount involved in the contract, for the correct and faithful performance of all contracts and the work to be done thereunder.

36.72.040 ————Term of contract. The term of the successful bidder shall not commence until the first day of July succeeding the letting of the contract.

36.72.050 ————Advertisement for proposals for printing. The county auditor, at least five weeks, but not more than eight weeks, before the meeting of the board of county commissioners in April of each year, shall advertise for proposals for the public printing, for the term of one year, beginning on the first day of July following, which advertisement shall be inserted for four consecutive weeks in the official newspaper of the county, or if there is no official newspaper, then in some other newspaper published in the county, or in a county adjacent to such county, and having a general circulation therein.

The board of county commissioners shall not be compelled in any event to accept any bid for a greater price than two dollars and forty cents per folio of one hundred words for the first insertion, and one dollar and eighty cents per folio of one hundred words for each subsequent insertion, or its equivalent in number of words.

36.72.060 ————Specifications. The county auditor, when calling for bids, shall state how the matter shall be set, what kind of type, and whether solid or leaded.

36.72.070 All county officers to use official paper. All county officers shall cause all legal notices and delinquent tax lists to be advertised in the official paper designated by the board of county commissioners.

36.72.080 Forms for public blanks, compilation of. The state auditor, with the aid and advice of the attorney general shall com-

pile the forms for all public blanks used in the counties of this state in conformity with the general statutes thereof. The various blanks shall be uniform throughout the state.

36.72.090 ————**Material to be provided by state.** The material used in such blank forms and the printing and binding thereof shall be provided for by the state in the same manner and under the same rules and regulations as other public printing is now provided for under the general statutes of this state.

Chapter 36.75

ROADS AND BRIDGES—GENERAL PROVISIONS

36.75.010 Definitions. Terms used in this title, with relation to roads and bridges, mean:

(1) "Alley," a public highway not designed for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Board," the board of county commissioners;

(3) "Center line," the line, marked or unmarked, parallel to and equidistant from the sides of the roadway of a public highway;

(4) "City street," every public highway or part thereof, located within the limits of incorporated cities and towns, except alleys;

(5) "County road," every public highway or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway;

(6) "Department," the department of highways of the state, or such state agency as may succeed to its powers and duties;

(7) "Director," the acting director of the department of highways or his duly authorized assistant;

(8) "Highway commission," the state highway commission as provided for in chapter 47.01 RCW;

(9) "Pedestrian," any person afoot;

(10) "Private road or driveway," every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

(11) "Public highway," every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(12) "Railroad," a carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

(13) "Roadway," the paved, improved or proper driving portion

of a public highway designed, or ordinarily used for vehicular travel;

(14) "Sidewalk," property between the curb lines or the lateral lines of a roadway, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians;

(15) "State highway," includes every primary and secondary state highway or part thereof.

36.75.020 County commissioners as agents of state. All of the county roads in each of the several counties shall be established, laid out, constructed, altered, repaired, improved, and maintained by the board of county commissioners of the respective counties as agents of the state.

36.75.030 State and county cooperation. The state highway commission and the governing officials of any county may enter into reciprocal public highway improvement and maintenance agreements, providing for cooperation either in the county assisting the highway commission in the improvement or maintenance of state highways, or the highway commission assisting the county in the improvement or maintenance of county roads, under any circumstance where a necessity appears therefor or where economy in public highway improvement and maintenance will be best served.

36.75.040 Powers of county commissioners. The board of county commissioners of each county, in relation to roads and bridges, shall have the power and it shall be its duty to:

(1) Acquire in the manner provided by law property real and personal and acquire or erect structures necessary for the administration of the county roads of such county;

(2) Maintain a county engineering office and keep record of all proceedings and orders pertaining to the county roads of such county;

(3) Acquire land for county road purposes by purchase, gift, or condemnation, and exercise the right of eminent domain as by law provided for the taking of land for public use by counties of this state;

(4) Perform all acts necessary and proper for the administration of the county roads of such county as by law provided.

36.75.045 Powers—Transfer of duties of prior elective county engineer to county commissioners. At the general election in the year 1938 and thereafter no county engineer shall be elected in any county of the state. The board of county commissioners of each county shall exercise all the powers and perform all the duties

that have been or now are or shall be by law vested in the county engineer.

36.75.050 Powers—How exercised. The powers and duties vested in or imposed upon the boards with respect to establishing, examining, surveying, constructing, altering, repairing, improving, and maintaining county roads, shall be exercised under the supervision and direction of the county road engineer.

The board shall by resolution, and not otherwise, order the survey, establishment, construction, alteration, or improvement of county roads; the county road engineer shall prepare all necessary maps, plans, and specifications therefor, showing the right of way widths, the alignments, gradients, and standards of construction.

36.75.060 County road districts. For the purpose of administration of the county roads of each county the board may, but not more than once in each year, form their respective counties, or any part thereof, into suitable and convenient road districts, not exceeding nine in number, and cause a description thereof to be entered upon their records.

Unless the board decides otherwise by unanimous vote, there shall be at least one road district in each county commissioner's district embracing territory outside of cities and towns and no road district shall extend into more than one county commissioner's district.

Each county commissioner shall prepare and file with the county auditor on or before the second Monday in August in each year, detailed and itemized estimates of all expenditures required in each road district in his commissioner's district for the ensuing fiscal year, as provided by law.

36.75.070 Highways worked seven years are county roads. All public highways in this state, outside incorporated cities and towns and not designated as state highways, which have been used as public highways for a period of not less than seven years, where they have been worked and kept up at the expense of the public, are county roads.

36.75.080 Highways used ten years are county roads. All public highways in this state, outside incorporated cities and towns and not designated as state highways which have been used as public highways for a period of not less than ten years are county roads: *Provided*, That no duty to maintain such public highway nor any liability for any injury or damage for failure to maintain such public highway or any road signs thereon shall attach to the county until the same shall have been adopted as a part of the county road system by resolution of the county commissioners.

36.75.090 Abandoned state highways. All public highways in this state which have been a part of the route of a state highway and have been or may hereafter be no longer necessary as such, if situated outside of the limits of incorporated cities or towns, shall, upon certification thereof by the state highway commission to the board of the county in which any portion of such highway is located, be and become a county road of such county, and if situated within the corporate limits of any city or town shall upon certification thereof by the state highway commission to the mayor of the city or town in which any portion of such highway is located be and become a street of such city or town, and upon such certification the state highway commission may certify to the governor the abandonment of such highways, giving a description thereof and the governor may execute and the secretary of state shall attest and deliver to the county or city as the case may be a deed of conveyance on behalf of the state to such abandoned highways or portions thereof.

36.75.100 Informalities not fatal. No informalities in the records in laying out, establishing, or altering any public highways existing on file in the offices of the various county auditors of this state or in the records of the department or highway commission, shall be construed to invalidate or vacate such public highways.

36.75.110 True locations to be determined—Survey. Whenever the board declares by resolution that the true location, course, or width of any county road is uncertain and that the same should be determined, it shall direct the county road engineer to make examination and survey thereof.

This shall embrace an examination and survey of the original petition, report, and field notes on the establishment of such road; a survey of the present traveled roadway; all topography within a reasonable distance and having a bearing on the true location of such road; the distance from the center line of the traveled roadway to the nearest section and quarter section corners; a map of sufficient scale accurately showing the above with field notes thereon; a map on the same scale showing the original field notes, such field notes to be transposed and the same meridian used on both maps.

36.75.120 Action to determine true location. When the true location, course, or width of a county road, which was prior thereto uncertain, has been reported by the examining engineer, the board shall file an action in the superior court of such county for the determination thereof. All persons affected by the determination of the true location, course, or width insofar as the same may vary from the originally established location, course, or width shall

be made parties defendant in such action and service had and return made as in the case of civil actions. Upon the hearing the court shall consider the survey, maps, and all data with reference to the investigation of the examining engineer and may demand such further examination as it may deem necessary and any objection of any party defendant may be heard and considered. The court shall determine the true location, course, and width of the road and may in its discretion assess the cost of such action against the county to be paid from the county road fund.

36.75.130 Approaches to county roads. No person shall be permitted to build or construct any approach to any county road without first obtaining permission therefor from the board.

36.75.140 ———Rules regarding construction. The boards of the several counties of the state may adopt reasonable rules for the construction of approaches which, when complied with, shall entitle a person to build or construct an approach from any abutting property to any county road. The rules may include provisions for the construction of culverts under the approaches, the depth of fills over the culverts and for such other drainage facilities as the board deems necessary. The construction of approaches, culverts, fills, or such other drainage facilities as may be required, shall be under the supervision of the board, and all such construction shall be at the expense of the person benefited by the construction.

36.75.150 ———Penalty. Any person violating any of the provisions of RCW 36.75.130 and 36.75.140 shall be guilty of a misdemeanor.

36.75.160 Power of county commissioners as to roads, bridges and other structures crossing boundary lines. The board of county commissioners of any county may erect and construct or acquire by purchase, gift, or condemnation, any bridge, trestle, or any other structure which crosses any stream, body of water, gulch, navigable water, swamp or other topographical formation requiring such structure for the continuation or connection of any county road if such topographical formation constitutes the boundary of a city, town, another county or the state of Washington or another state or a county, city or town of such other state.

The board of such county may join with such city, town, other county, the state of Washington, or other state, or a county, city or town of such other state in paying for, erecting, constructing, acquiring by purchase, gift, or condemnation any such bridge, trestle, or other structure, and the purchase or condemnation of right of way therefor.

The board of any county may construct, maintain, and operate

any county road which forms the boundary line between another county within the state or another county in any other state or which through its meandering crosses and recrosses such boundary; and acquire by purchase or condemnation any lands or rights within this state, either within or without its county, necessary for such boundary road; and enter into joint contracts with authorities of adjoining counties for the construction, operation, and maintenance of such boundary roads. The power of condemnation herein granted may be exercised jointly by two counties in the manner provided in RCW 36.75.170 for bridges, or it may be exercised by a single county in the manner authorized by law.

36.75.170 ———Resolution to acquire or construct. The board may by original resolution entered upon its minutes declare its intention to pay for and erect or construct, or acquire by purchase, gift, or condemnation, any bridge, trestle, or other structure upon any county road which crosses any stream, body of water, gulch, navigable water, swamp or other topographical formation constituting a boundary, or to join therein with any other county, city or town, or with this state, or with any other state, or with any county, city or town of any other state, in the erection, or construction, or acquisition of any such structure, and declare that the same is a public necessity, and direct the county road engineer to report upon such project, dividing any just proportional cost thereof.

In the event two counties or any county and any city wish to join in paying for the erection or acquisition of any such structure, the resolution provided in this section shall be a joint resolution of the governing authorities of the counties and cities and they shall further, by such resolution, designate an engineer employed by one county to report upon the proposed erection or acquisition.

36.75.180 ———Freeholders' petition to acquire or construct. Ten or more freeholders of any county may petition the board for the erection and construction or acquisition by purchase, gift, or condemnation of any bridge, trestle, or any other structure in the vicinity of their residence, and upon any county road which crosses any stream, body of water, gulch, navigable waters, swamp or other topographical formation constituting a boundary by joining with any other county, city or town, or the state of Washington, or with any other state or with any county, city or town of any other state, setting forth and describing the location proposed for the erection of such bridge, trestle, or other structure, and stating that the same is a public necessity. The petition shall be accompanied by a bond with the same requirements, conditions, and amount and in the same manner as in case of a freeholders' petition for the establishing of a county road. Upon the filing of such petition and bond and being satisfied that the petition has been signed by freeholders

residing in the vicinity of such proposed bridge, trestle, or other structure, the board shall direct the county road engineer to report upon the project, dividing any just proportional cost thereof.

In the event two counties or any county and any city or town are petitioned to join in paying for the erection or acquisition of such structure, the board of county commissioners of the counties or the board of county commissioners of the county and governing authorities of the city or town shall act jointly in the selection of the engineer who shall report upon such acquisition or erection.

36.75.190 Engineer's report—Hearing—Order. Upon report by the examining engineer for the erection and construction upon any county road, or for acquisition by purchase, gift or condemnation of any bridge, trestle, or any other structure crossing any stream, body of water, gulch, navigable water, swamp or other topographical formation, which constitutes a boundary, publication shall be made and joint hearing had upon such report in the same manner and upon the same procedure as in the case of resolution or petition for the laying out and establishing of county roads. If upon the hearing the governing authorities jointly order the erection and construction or acquisition of such bridge, trestle, or other structure, they may jointly acquire land necessary therefor by purchase, gift, or condemnation in the manner as provided for acquiring land for county roads, and shall advertise calls for bids, require contractor's deposit and bond, award contracts, and supervise construction as by law provided and in the same manner as required in the case of the construction of county roads.

Any such bridges, trestles or other structures may be operated free, or may be operated as toll bridges, trestles, or other structures under the provisions of the laws of this state relating thereto.

36.75.200 Bridges on city or town streets. The boards of the several counties may expend funds from the county road fund for the construction, improvement, repair, and maintenance of any bridge upon any city street within any city or town in such county where such city street and bridge are essential to the continuation of the county road system of the county. Such construction, improvement, repair, or maintenance shall be ordered by resolution and proceedings conducted in respect thereto in the same manner as provided for the laying out and establishing of county roads by counties, and for the preparation of maps, plans, and specifications, advertising and award of contracts therefor.

36.75.205 Street as extension of road in town of less than one thousand. Whenever any street in any town, having a population of less than one thousand persons, forms an extension of a county road of the county in which such town is located, and

where the board of county commissioners of such county and the governing body of such town, prior to the commencement of any work, have mutually agreed and each adopted a resolution setting forth the nature and scope of the work to be performed and the share of the cost or labor which each shall bear, such county may expend county road funds for construction, improvement, repair, or maintenance of such street.

36.75.210 Roads crossing and recrossing boundaries. Whenever a county road is established within any county, and such county road crosses the boundary of the county and again enters the county, the board of the county within which the major portion of the road is located may expend the county road fund of such county in laying out, establishing, constructing, altering, repairing, improving, and maintaining that portion of the road lying outside the county, in the manner provided by law for the expenditure of county funds for the construction, alteration, repair, improvement, and maintenance of county roads within the county.

The board of any county may construct, maintain, and operate any county road which forms the boundary line between another county within the state or another county in any other state or which through its meandering crosses and recrosses such boundary; and acquire by purchase or condemnation any lands or rights within this state, either within or without its county, necessary for such boundary road; and enter into joint contracts with authorities of adjoining counties for the construction, operation, and maintenance of such boundary roads. The power of condemnation herein granted may be exercised jointly by two counties in the manner provided for bridges, or it may be exercised by a single county in the manner authorized by law.

36.75.220 Connecting road across segment of third county. Whenever two counties are separated by an intervening portion of a third county not exceeding one mile in width, and each of such counties has constructed or shall construct a county road to the boundary thereof, and the boards of the two counties deem it beneficial to such counties to connect the county roads by the construction and maintenance of a county road across the intervening portion of the third county, it shall be lawful for the boards of the two counties to expend jointly the county road funds of their respective counties in acquiring right of way for the construction, improvement, repair, and maintenance of such connecting county road and any necessary bridges thereon, in the manner provided by law for the expenditure of county road funds for the construction, improvement, repair, and maintenance of county roads lying within a county.

36.75.230 Acquisition of land under RCW 36.75.210 and 36.75.220. For the purpose of carrying into effect RCW 36.75.210 and 36.75.220 and under the circumstances therein set out the boards may acquire land necessary for the right of way for any portion of a county road lying outside such county or counties by gift or purchase or by condemnation in the manner provided for the taking of property for public use by counties.

36.75.240 Sidewalks and paths. The boards may expend funds credited to the county road fund from any county or road district tax levied for the construction of county roads for the construction of sidewalks and pedestrian allocated paths or walks, or either, parallel and adjacent to any county road.

36.75.250 State may intervene if maintenance neglected. If by any agreement with the federal government or any agency thereof or with the state or any agency thereof, a county has agreed to maintain certain county roads or any portion thereof and such maintenance is not being performed to the satisfaction of the federal government or the highway commission, reasonably consistent with original construction, notice thereof may be given by the highway commission to the board of such county and if the board of such county does not within ten days provide for such maintenance, the highway commission may perform such maintenance and the state treasurer shall pay the cost thereof on vouchers submitted by the highway commission and deduct the cost thereof from any sums in the motor vehicle fund credited or to be credited to the county in which such county road is located.

36.75.260 Annual report to director of highways. The board of each county shall on or before February 1st of each year submit such records and reports to the director, on forms furnished by the highway commission, as are necessary to enable the director to compile an annual report on county highway operations.

36.75.270 Limitation of type or weight of vehicles authorized—Penalty. The board of county commissioners of each county may by resolution limit or prohibit classes or types of vehicles on any county road or bridge and may limit the weight of vehicles which may travel thereon. Any such resolution shall be effective for a definite period of time which shall be stated in the resolution. If such resolution is published at least once in a newspaper of general circulation in the county and if signs indicating such closure or limitation of traffic have been posted on such road or bridge, any person violating such resolution shall be guilty of a misdemeanor.

36.75.280 Centralized repair and storage of machinery, equipment, supplies, etc. All county road machinery, equipment, stores, and supplies, excepting stockpiles and other road building material,

shall while not in use be stored and repaired at one centralized point in each county: *Provided*, That if the geography, topography, distance, or other valid economic considerations require more than one place for storage or repairs, the county commissioners may, by unanimous vote, authorize the same.

36.75.290 General penalty. It shall be a misdemeanor for any person to violate any of the provisions of this title relating to county roads and bridges unless such violation is by this title or other law of this state declared to be a felony or gross misdemeanor.

Chapter 36.76

ROADS AND BRIDGES—BONDS ACT OF 1890

36.76.010 Election to authorize issuance. The board of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the board shall be authorized to issue coupon bonds in an amount not exceeding five percent of the assessed valuation of the taxable property in the county, bearing a rate of interest not exceeding six percent per year, and payable and redeemable at a time fixed by the board, for the purpose of making a new road or roads, or bridge or bridges, or improving established roads or bridges within the county.

36.76.020 How to be held—Ballots—Issuance of bonds. The election may be held at the times and in the manner provided for holding general elections in this state, and it may be held as a special election at such time as the board of county commissioners may designate. The ballots used must contain the words "Bonds, Yes," and "Bonds, No." If three-fifths of the legal ballots cast on the question of issuing bonds for the improvement contemplated in RCW 36.76.010 are in favor of bonds, the commissioners must issue the bonds in due and legal form, and negotiate them to the best advantage of the county, at not less than par value. The bonds must bear the signature of the chairman of the board of county commissioners, and be countersigned by the county auditor of the county in whose name they are issued, with the seal of the county thereunto attached; the coupons also must be signed by said chairman and said county auditor, and the bonds must be registered by the treasurer as other county bonds.

36.76.030 Notice of election. The board must give notice in some newspaper, having a general circulation in the county for a period of at least four weeks next preceding the date of election, setting forth the proposition as to amount, duration, and terms of the bonds to be issued and the roads or bridges to be built or improved.

36.76.040 Disposition of proceeds of bonds. When the bonds are sold, the money arising therefrom shall be immediately paid into the treasury of the county, and shall be used only for the improvement for which they were issued.

36.76.050 Tax levy to meet interest and principal. The board must ascertain and levy annually the tax necessary to pay the interest on the bonds when due, and to meet the various annual maturities of the bonds. The tax is a lien upon all property within the county, and must be collected in the same manner as other taxes are collected.

36.76.060 Form of bonds. The bonds shall be serial in form and maturity and in their issuance the county shall comply with the applicable provisions of Title 39.

36.76.070 Payment of interest. The county treasurer must pay out of any moneys belonging to the fund created by the annual tax levy the interest upon any bonds issued under this chapter when it becomes due, upon the presentation at his office of the proper coupon, which must show the amount due and the number of the bond to which it belongs; and all coupons so paid must be reported to the county commissioners at their first meeting thereafter.

ACT OF 1913

36.76.080 Bonds authorized—Election. The board of any county may, whenever a majority thereof so decides, submit to the voters of their county the question whether the board shall be authorized to issue negotiable coupon road bonds of the county in an amount not exceeding five percent of the assessed valuation of the taxable property in the county for the purpose of constructing a new road or roads, or improving established roads within the county, or for aiding in so doing, as herein prescribed.

The word "improvement" wherever used in this act shall embrace any undertaking for any or all of such purposes. The word "road" shall embrace all highways, roads, streets, avenues, bridges, and other public ways.

The provisions of this act shall apply not only to roads which are or shall be under the general control of the county, but also to all parts of state roads in such county and to all roads which are situated or are to be constructed wholly or partly within the limits of any incorporated city or town therein, provided the board of county commissioners finds that they form or will become a part of the public highway system of the county, and will connect the existing roads therein. Such finding may be made by the board of county commissioners at any stage of the proceedings before the actual delivery of the bonds.

The constructing or improving of any and all such roads, or the aiding therein, is declared to be a county purpose.

The question of the issuance of bonds for any undertaking which relates to a number of different roads or parts thereof, whether intended to supply the whole expenditure or to aid therein, may be submitted to the voters as a single proposition in all cases where such course is consistent with the provisions of the state Constitution. If the county commissioners, in submitting a proposition relating to different roads or parts thereof, find that such proposition has for its object the furtherance and accomplishment of the construction of a system of public and county highways in such county, and constitutes and has for its object a single purpose, such finding shall be presumed to be correct, and upon the issuance of the bonds the presumption shall become conclusive.

No proposition for bonds shall be submitted which proposes that more than forty percent of the proceeds thereof shall be expended within any city or town or within any number of cities and towns.

36.76.090 How to be held—Ballots—Issuance of bonds—Form.

The election may be held at such times and in the manner provided for holding general elections in this state, or it may be held as a special election at such time as the board may designate. The ballots used must contain the words, "Bonds, Yes," and "Bonds, No." If three-fifths of the legal ballots cast on the question of issuing bonds for the improvement contemplated in RCW 36.76.080 are in favor of bonds, the board must issue negotiable bonds in due and legal form, and negotiate them in such manner as they may deem to the best advantage of the county, at not less than par value. The bonds authorized by this section shall be issued in the name of the county, in denominations of not less than one hundred nor more than one thousand dollars; they shall be payable either (1) to some person or corporation (named therein) or the bearer, or (2) simply to the bearer, at such time as shall be stated therein, not more than twenty years after the date of issue and bear interest at a rate not exceeding six percent per year, payable semiannually. They may be made payable in any city of the United States containing a national bank. They shall bear the signature of the chairman of the board, and be countersigned by the county auditor of the county with the seal of the county thereunto attached, and the interest coupons shall be signed by said chairman and said county auditor, and each bond so issued must be registered in the office of the county treasurer in a book provided for that purpose, which must show the date, number and amount of the bond, date of maturity, rate of interest, and the name and address of the person to whom issued. The county seal need not be affixed to the coupons. Each coupon must show the

number of the bond to which it belongs. The bonds and coupons shall be printed, engraved or lithographed on good bond paper.

36.76.100 Notice of election. The board must give notice in some newspaper having a general circulation in the county for a period of at least four weeks next preceding the date of the election, setting forth the proposition as to amount and duration of the bonds to be issued, and the rate of interest thereon which is not to be exceeded, and stating the road or roads to be built or improved. The notice need not describe the road or roads with particularity, but it shall be sufficient either to describe them by termini and with a general statement as to their course, or to use any other appropriate language sufficient to show the purpose intended to be accomplished. The commissioners may, at their option, give such other or further notice as they may deem advisable. When the bonds are issued they may be made to bear the rate of interest stated in the notice or any less rate.

36.76.110 Disposition of proceeds—City assistance. When the bonds are sold, the money arising therefrom shall be immediately paid into the treasury of the county, and shall be drawn only for the improvement for which they were issued, under the general direction of the board: *Provided*, That if the improvement includes in whole or in part the constructing or improving of one or more roads, or any part or parts thereof, within the limits of an incorporated city or town, and if the county commissioners find that the amount of the proceeds of the bonds intended to be expended for the improvements within such corporate limits will probably not be sufficient to defray the entire expense of the improvement therein, and if they further find it to be equitable that the city or town should bear the remainder of the expense, they may postpone any expenditure therefor from the proceeds of the bonds until the city or town makes provision by ordinance for proceeding with the improvement within its corporate limits at its own expense insofar as concerns the cost thereof over and above the amount of bond proceeds available therefor.

In such case it shall be lawful for the county commissioners to consent, under such general directions as they shall impose, that the proper authorities of the city or town shall have actual charge of making the proposed improvement within the corporate limits. The city or town shall acquire any needed property or rights and do the work by contract or otherwise in accordance with its charter or ordinances, but the same shall be subject to the approval of the county commissioners insofar as concerns any payment therefor from the proceeds of the bonds.

In such case, as the work progresses and money is needed to pay therefor, the county commissioners shall, from time to time, by

proper order, specifying the amount and purpose, direct the county treasurer to turn over to the city or town treasurer such part or parts of the proceeds of the bonds as may be justly applicable to such improvement or part thereof within such city or town, and any money so received by the city or town treasurer shall be inviolably applied to the purpose specified. When that portion of the entire improvement which lies within any such city or town can readily be separated into parts, the procedure authorized by this section may be pursued separately as to any one or more of such parts of the general improvement.

Nothing contained in this section shall be construed to render the county liable for any greater part of the expense of any improvement or part thereof within any city or town than the proper amount of the proceeds of such bonds, or to prevent the city or town from raising any part of the cost of any such improvement or part thereof, over and above the amount arising from the proceeds of the bonds, by assessment upon property benefited, or by contribution from any of its general or special funds in accordance with the provisions of the charter or laws governing such city or town. The provisions of this section, other than the direction for the payment into the county treasury of the money arising from the sale of the bonds, need not be complied with until after the issuance of the bonds and the validity of the bonds shall not be dependent upon such compliance.

36.76.120 Payment of principal and interest. The county commissioners must ascertain and levy annually a tax sufficient to pay the interest on all such bonds whenever it becomes due and to meet the annual maturities of principal as required by Title 39. All taxes levied either for interest or principal shall be a lien upon all property within the county and must be collected in the same manner as other taxes are collected. The county treasurer must pay out of any money accumulated from the taxes levied to pay the interest as aforesaid, the interest upon all such bonds when it becomes due upon presentation at the place of payment of the proper coupon. All coupons so paid must be reported to the county commissioners at their first meeting thereafter. Whenever the coupons are payable at any place other than the city in which the county treasurer keeps his office, the county treasurer shall seasonably remit to the state fiscal agent the amount of money required for the payment of any coupons which are about to fall due. When any such bonds or coupons are paid, the county treasurer shall suitably and indelibly cancel them.

36.76.130 Act cumulative. This act shall not be construed as repealing or affecting any other act relating to the issuance of bonds for road or other purposes, but shall be construed as conferring additional power and authority.

36.76.140 Toll bridge bonds authorized—Adjoining counties.

The board of a county may, by majority vote, and by submission to the voters under the same procedure required in RCW 36.76.090 and 36.76.100, issue general obligation bonds for the purpose of contributing money, or the bonds themselves, to the Washington toll bridge authority to help finance the construction of toll bridges across topographical formations constituting boundaries between the county and an adjoining county, or a toll bridge across topographical formation located wholly within an adjoining county, which in the discretion of the board, directly or indirectly benefits the county. Such bonds may be transferred to the Washington toll bridge authority to be sold by the authority for the purposes outlined herein: *Provided*, That in no event shall bonds be issued in excess of the limitations in chapter 36.67.

Chapter 36.77**ROADS AND BRIDGES—CONSTRUCTION**

36.77.010 Maps, plans and specifications. Whenever it is ordered by resolution of the board that any county road shall be laid out and established and altered, widened, or otherwise constructed or improved, the county road engineer employed by the county shall prepare such maps, plans, and specifications as shall be necessary and sufficient. A copy of such maps, plans, and specifications shall be approved by the board of county commissioners with its approval endorsed thereon, and such copy shall be filed with the clerk of the board.

36.77.020 Approval—Call for bids. Upon approval of such maps, plans, and specifications and the filing thereof the board shall, if it determines that the work shall be done by contract, advertise a call for bids upon such construction work by publication in the official county paper and also one trade paper of general circulation in the county, in one issue of each such paper at least once in each week for two consecutive weeks prior to the time set in the call for bids for the opening of bids. All bids shall be submitted under sealed cover before the time set for the opening of bids.

36.77.030 Opening of bids—Deposit. At the time fixed in the call for bids the board shall proceed to publicly open and read such bids as have been submitted, in the board room at the county seat. No bid shall be considered unless it is accompanied by a bid deposit in the form of a surety bond, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

36.77.040 Award of contract—Bond. The board shall proceed to award the contract to the lowest and best bidder but may reject any

or all bids if in its opinion good cause exists therefor. The board shall require from the successful bidder a contractor's bond in the amount and with the conditions imposed by law. Should the bidder to whom the contract is awarded fail to enter into the contract and furnish the contractor's bond as required within ten days after notice of the award, exclusive of the day of notice, the amount of the bid deposit shall be forfeited to the county and placed in the county road fund and the contract awarded to the next lowest and best bidder. The bid deposit of all unsuccessful bidders shall be returned after the contract is awarded and the required contractor's bond given by the successful bidder is accepted by the board.

36.77.050 Limitation on award of contract. No contract shall be awarded for the construction or improvement of any county road, the total amount of the bid proposal for which or the contract for which exceeds the estimate of the engineer by more than ten percent thereof.

36.77.060 Minor projects by day labor. The board may cause any county road to be constructed or improved by day labor in an amount not to exceed twenty-five thousand dollars on any one project. This section shall be construed to mean a complete project and shall not be construed to allow or permit the construction of any project by day labor by division thereof into units of work or classes of work. All construction work to be performed at a cost in excess of twenty-five thousand dollars shall be performed by contract as in this chapter provided.

36.77.070 Publication of information on day labor projects—Penalty—Prosecution under RCW 36.77.060, 36.77.070. If the board determines that any construction should be performed by day labor, and the estimated cost of the work exceeds twenty-five hundred dollars, it shall cause to be published in one issue of a newspaper of general circulation in the county, a brief description of the work to be done and the county road engineer's estimate of the cost thereof. At the completion of such construction, the board shall cause to be published in one issue of such a newspaper a similar brief description of the work together with an accurate statement of the true and complete cost of performing such construction by day labor.

Failure to make the required publication shall subject each county commissioner to a fine of one hundred dollars for which he shall be liable individually and upon his official bond and the prosecuting attorney shall prosecute for violation of the provisions of this section and RCW 36.77.060.

Chapter 36.80**ROADS AND BRIDGES—ENGINEER**

36.80.010 Employment of road engineer. The board shall employ a full time county road engineer residing in the county.

36.80.015 Office at county seat. The county road engineer shall keep his office at the county seat in such room or rooms as are provided by the county, and he shall be furnished with all necessary cases and other suitable articles, and also with all blank books and blanks necessary to the proper discharge of his official duties. The records and books in the county road engineer's office shall be public records, and shall at all proper times be open to the inspection and examination of the public.

36.80.020 Qualifications. He shall be a registered and licensed professional civil engineer under the laws of this state, duly qualified and experienced in highway and road engineering and construction. He shall serve at the pleasure of the board. He shall have supervision, under the direction of the board, of establishing, laying out, constructing, altering, improving, repairing, and maintaining all county roads of the county.

36.80.030 Duties of engineer—Bond. The county road engineer shall examine and certify to the board all estimates and all bills for labor, materials, provisions, and supplies with respect to county roads, prepare standards of construction of roads and bridges, and perform such other duties as may be required by order of the board.

Every county road engineer, before entering upon his employment, shall give an official bond to the county, in such amount as the board shall determine, conditioned that he will faithfully perform all the duties of his employment and account for all property of the county entrusted to his care.

Each construction or improvement project shall be numbered and accurate records shall be kept of such work by the county road engineer.

36.80.040 Records to be kept. The office of elective county engineer shall be one of record; the county road engineer shall record and file in his office, all matters concerning the public roads, highways, bridges, ditches, or other surveys of his county, with the original papers, documents, petitions, surveys, repairs, and other papers, in order to have the complete history of any such road, highway, bridge, ditch, or other survey.

36.80.050 Highway plat book. He shall keep a highway plat book in his office in which he shall have accurately platted all public roads and highways established by the board.

36.80.060 Engineer to maintain record of road equipment, rental, etc. The county road engineer shall maintain in his office complete and accurate records of all expenditures for (1) overhead and operations, (2) bond and warrant retirement, (3) maintenance, (4) construction, and (5) purchase of road equipment, and shall maintain a true and complete inventory of all road equipment. He shall also maintain accurate and current records of the amounts expended for or properly chargeable to each commissioner's district for construction, special maintenance, maintenance, and equipment rental. He shall also maintain such other records as may be necessary or proper for the efficient conduct of the county's road work. Equipment rental shall be charged to the respective road operations or projects for each day the equipment is in use on such work, or is held idle in the district when demanded elsewhere, at the rates fixed by the county commissioners. The division of municipal corporations, with the advice and assistance of the highway commission, shall prescribe forms and types of records to be maintained by the county road engineers. No county commissioner shall maintain official records which duplicate the records of the county road engineer or any part thereof.

36.80.070 Plans and specifications to be prepared—Supervision of maintenance. All road construction work, except minor construction work, which by its nature does not require plans and specifications, whether performed pursuant to contract or by day labor, shall be in accordance with plans and specifications prepared therefor by or under direct supervision of the county road engineer. All maintenance work on county roads shall be performed under supervision of the county road engineer.

36.80.080 Cost-audit examination by division of municipal corporations—Expense. The division of municipal corporations shall annually make a cost-audit examination of the books and records of the county road engineer and make a written report thereon to the board of county commissioners. The expense of such examination shall be paid out of that portion of the motor vehicle fund allocated to the several counties and withheld for use of the director of highways under the terms of RCW 46.68.120(1). The state auditor shall certify the expense of such examination to the highway commission.

Chapter 36.81

ROADS AND BRIDGES—ESTABLISHMENT

36.81.010 Resolution of intention and necessity. The board may by original resolution entered upon its minutes declare its intention to establish any county road in the county and declare that it is

a public necessity and direct the county road engineer to report upon such project.

36.81.020 Freeholders' petition—Bond. Ten or more freeholders of any county may petition the board for the establishment of a county road in the vicinity of their residence, setting forth and describing the general course and terminal points of the proposed improvement and stating that the same is a public necessity. The petition must be accompanied by a bond in the penal sum of three hundred dollars, payable to the county, executed by one or more persons as principal or principals, with two or more sufficient sureties, conditioned that the petitioners will pay into the county road fund of the county all costs and expenses incurred by the county in examining and surveying the proposed road and in the proceedings thereon in case the road is not established by reason of its being impracticable or there not being funds therefor.

36.81.030 Deeds and waivers. The board may require the petitioners to secure deeds and waivers of damages for the right of way from the landowners, and, in such case, before an examination or survey by the county road engineer is ordered, such deeds and waivers shall be filed with the board.

36.81.040 Action on petition. Upon the filing of the petition and bond and being satisfied that the petition has been signed by freeholders residing in the vicinity of the proposed road, the board shall direct the county road engineer to report upon the project.

36.81.050 Engineer's report. Whenever directed by the board to report upon the establishment of a county road the engineer shall make an examination of the road and if necessary a survey thereof. After examination, if the engineer deems the road to be impracticable, he shall so report to the board without making any survey, or he may examine or examine and survey any other practicable route which would serve such purpose. Whenever he considers any road as proposed or modified as practicable, he shall report thereon in writing to the board giving his opinion: (1) As to the necessity of the road; (2) as to the proper terminal points, general course and length thereof; (3) as to the proper width of right of way therefor; (4) as to the estimated cost of construction, including all necessary bridges, culverts, clearing, grubbing, drainage, and grading; (5) and such other facts as he may deem of importance to be considered by the board.

36.81.060 Survey map, field notes and profiles. The county road engineer shall file with his report a correctly prepared map of the road as surveyed, which map must show the tracts of land over which the road passes, with the names, if known, of the several

owners thereof, and he shall file therewith his field notes and profiles of such survey.

36.81.070 Notice of hearing on report. The board shall fix a time and place for hearing the report of the engineer and cause notice thereof to be published once a week for two successive weeks in the county official newspaper and to be posted for at least twenty days at each termini of the proposed road.

The notice shall set forth the termini of the road as set out in the resolution of the board, or the freeholders' petition, as the case may be, and shall state that all persons interested may appear and be heard at such hearing upon the report and recommendation of the engineer either to proceed or not to proceed with establishing the road.

36.81.080 Hearing—Road established by resolution. On the day fixed for the hearing or any day to which the hearing has been adjourned, upon proof to its satisfaction made by affidavit of due publication and posting of the notice of hearing, the board shall consider the report and any and all evidence relative thereto, and if the board finds that the proposed county road is a public necessity and practicable it may establish it by proper resolution.

36.81.090 Expense of proceedings. The cost and expense of the road, together with cost of proceedings thereon and of right of way and any quarries or other land acquired therefor, and the maintenance of the road shall be paid out of the county road fund. When the costs are assessed against the principals on the bond given in connection with a petition for the improvement, the county auditor shall file a cost bill with the county treasurer who shall proceed to collect it.

36.81.100 County road on or over dikes. The board of any county may establish county roads over, across or along any dike maintained by any diking, or diking and drainage, district in the manner provided by law for establishing county roads over or across private property, and shall determine and offer the amount of damages, if any, to the district and to the owners of the land upon which the dike is constructed and maintained: *Provided*, That every such county road must be so constructed, maintained, and used as not to impair the use of the dike.

36.81.110 ————Condemnation for dike roads. If any offer of damages to any diking, or diking and drainage, district is not accepted in the manner provided by law, it shall be deemed rejected, and the board by order, shall direct condemnation proceedings to procure the right of way to be instituted in the superior court of the county by the prosecuting attorney in the manner provided by

law for the taking of private property for public use, and to that end the board may institute and maintain in the name of the county such proceedings against the diking, or diking and drainage, district and the owners of any land on which the dike is located and that have failed to accept the offer of damages made by the board: *Provided*, That no taxes or assessments shall be charged or collected by any diking, or diking and drainage, district for any county road as provided in this section.

36.81.121 Perpetual advanced plans for coordinated road program. Prior to January 1, 1962, the board of county commissioners of each county with the advice and assistance of the county road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six years and shall file the same with the director of highways not more than thirty days after its adoption by the board. Biennially thereafter each board shall review the work accomplished under the program and determine current county road needs. Based on these findings each board shall prepare and after public hearing thereon adopt a revised and extended comprehensive road program, and each two-year extension and revision shall be filed with the director of highways not more than thirty days after its adoption by the board. The purpose of this section shall be to assure that perpetually each county shall have available advanced plans, looking to the future for not less than four years as a guide in carrying out a coordinated road construction program. Such program may at any time be revised by a majority of the board but only after a public hearing thereon.

36.81.130 Procedure specified for establishment, construction and maintenance. The laying out, construction, and maintenance of all county roads shall hereafter be in accordance with the following procedure:

On or before the first Monday in July of each year each county road engineer shall file with the board of county commissioners a recommended plan for the laying out, construction, maintenance, and special maintenance of county roads for the ensuing fiscal year. Such recommended plan need not be limited to but shall include the following items: Recommended projects and their priority; the estimated cost of all work, including labor and materials for each project recommended; a statement as to whether such work is to be done by the county forces or by publicly advertised contract; a list of all recommended repairs to and purchases of road equipment, together with the estimated costs thereof. Amounts to be expended for maintenance and special maintenance shall be recommended, but details of these proposed expenditures shall not be

made. The recommended plan shall conform as nearly as practicable to the county's long range road program.

Within two weeks after the filing of the road engineer's recommended plan, the board of county commissioners shall consider the same. Revisions and changes may be made until a plan which is agreeable to a majority of the commissioners has been adopted: *Provided*, That such revisions shall conform as nearly as practicable to the county's long range road program. Any appropriations contained in the county road budget shall be void unless the county's road plan was adopted prior to such appropriation.

The final road plan for the fiscal year shall not thereafter be changed except by unanimous vote of the county commissioners.

36.81.140 Columbia basin project road systems—Establishment by plat. When plats or blocks of farm units have been or are filed under the provisions of chapter 89.12 which contain a system of county roads, or when a supplemental plat of a system of county roads to serve such a plat is filed in connection therewith, the filing period and formal approval by the board of county commissioners shall constitute establishment as county roads: *Provided*, That the board of county commissioners have obtained the individual rights-of-way by deed or as otherwise provided by law.

Chapter 36.82

ROADS AND BRIDGES—FUNDS—BUDGET

36.82.010 "County road fund" created. There is created in each county of the state a county fund to be known as the "county road fund." Any funds which accrue to the credit of the secondary highway fund, general road and bridge fund, road district fund or any other fund of any county for use upon county roads, shall be credited to and deposited in the county road fund.

36.82.020 ————Limitation upon expenditure of road district levies. Any funds accruing to and to be deposited in the county road fund arising from any levy in any road district shall be expended for proper county road purposes entirely within the limits of the road district from which the same was or is collected: *Provided*, That nothing in this section shall prevent the loan or rental of equipment by one road district to another road district in the county.

36.82.030 ————Separate account for each road district. The county auditor of each county shall set up within the county road fund of such county, a separate fund for each road district and keep a separate and detailed accounting of all funds arising from

any levy for proper county road purposes in each such road district and all expenditures made therefrom.

36.82.040 General tax levy for road fund. For the purpose of raising revenue for establishing, laying out, constructing, altering, repairing, improving, and maintaining county roads, bridges, and wharves necessary for vehicle ferriage and for other proper county road purposes, the board shall annually at the time of making the levy for general purposes make a uniform tax levy throughout the county, or any road district thereof, of not to exceed ten mills on the dollar of the last assessed valuation of the taxable property in the county, or road district thereof, unless other law of the state requires a lower maximum levy, in which event such lower maximum levy shall control. All funds accruing from such levy shall be credited to and deposited in the county road fund.

36.82.050 Receipts from motor vehicle fund to road fund. Any funds accruing to the credit of any county from the motor vehicle fund shall be paid monthly to the county treasurer and deposited in the county road fund.

36.82.060 Federal reimbursement to road fund. Any funds accruing to any county by way of reimbursement by the federal government for expenditures made from the county road fund of such county for any proper county road purpose shall be credited to and deposited in the county road fund.

36.82.070 Purpose for which road fund can be used. Any money paid to any county from the motor vehicle fund may be used for the construction, alteration, repair, improvement, or maintenance of county roads and bridges thereon and for wharves necessary for ferriage of motor vehicle traffic, and for ferries, and for the acquiring, operating, and maintaining of machinery, equipment, quarries, or pits for the extraction of materials, and for the cost of establishing county roads, acquiring rights of way therefor, and expenses for the operation of the county engineering office, and for any other proper county road purpose. Such expenditure may be made either independently or in conjunction with the state or any city, town, or tax district within the county.

36.82.080 ————Payment of bond or warrant interest and principal. The payment of interest or principal on general obligation county road bonds, or independent highway district bonds, or retirement of registered warrants both as to principal and interest when such warrants have been issued for a proper county road purpose, are declared to be a proper county road purpose.

36.82.090 Anticipation warrants against road fund. The board may expend funds from the county road fund or register warrants

against the county road fund in anticipation of funds to be paid to the county from the motor vehicle fund.

36.82.100 Purchases of road material extraction equipment—Sale of surplus materials. The boards of the several counties may purchase and operate, out of the county road fund, rock crushing, gravel, or other road building material extraction equipment.

Any crushed rock, gravel, or other road building material extracted and not directly used or needed by the county in the construction, alteration, repair, improvement, or maintenance of its roads may be sold at actual cost of production by the board to the state or any other county, city, town, or other political subdivision to be used in the construction, alteration, repair, improvement, or maintenance of any state, county, city, town or other proper highway, road or street purpose: *Provided*, That in counties of less than twelve thousand five hundred population as determined by the 1950 federal census, the boards of commissioners, during such times as the crushing, loading or mixing equipment is actually in operation, or from stockpiles, may sell at actual cost of production such surplus crushed rock, gravel, or other road building material to any other person for private use where the place of contemplated use of such crushed rock, gravel or other road building material is more than fifteen miles distant from the nearest private source of such materials within the county, distance being computed by the closest traveled route: *And provided further*, That the purchaser presents, at or before the time of delivery to him, a treasurer's receipt for payment for such surplus crushed rock, gravel, or any other road building material.

36.82.110 ———Placing of materials at cost to abutters. Upon voluntary contribution and payment by any person for the actual cost thereof, the board may place crushed rock, gravel, or other road building material upon any county road.

36.82.120 ———Proceeds to road fund. All proceeds from the sale or placing of any crushed rock, gravel or other road building material shall be deposited in the county road fund to be expended under the same provisions as are by law imposed upon the funds used to produce the crushed rock, gravel, or other road building material extracted and sold.

36.82.130 Competitive bidding on purchase of equipment. No items of equipment shall be purchased by any county and paid for from the county road fund where the sales price thereof is in excess of five hundred dollars, except upon a call for bids published at least once a week for two consecutive weeks prior to the day of receiving and opening such bids. The call for bids shall specify

the equipment to be purchased and the time and place when bids will be received and opened. Bids shall be publicly opened and read and award shall be made to the lowest and best bidder: *Provided*, That in the event of any evidence of collusion as between bidders, or in the event that it is considered that an insufficient number of bids have been received, or for other good cause, the board may reject all bids and readvertise for bids.

36.82.140 Forest roads may be maintained from road fund. The board may maintain any forest roads within its county and expend for the maintenance thereof funds accruing to the county road fund.

36.82.150 County road budget. Highway commission estimate of available funds. On or before the eighth day of June of each year the highway commission shall prepare and file with the board of each county an estimate of the amount of money that will be paid to such county for the forthcoming calendar year in order that each board may prepare the necessary county road budget.

36.82.160 ———Road budget to be prepared. In the preparation and adoption of the county road budget the board shall determine and budget the respective percentages of the sum to become available for the following county road purposes: (1) Overhead and operations; (2) bond and warrant retirement; (3) maintenance; (4) construction, and (5) operation of equipment rental and revolving fund; and the respective amounts as adopted for these several items in the final budget for the ensuing calendar year shall not be altered or exceeded except as by law provided.

36.82.170 ———Budget as adopted filed with highway commission. Upon the final adoption of the county road budgets of the several counties, the boards shall file a copy thereof in the office of the highway commission.

36.82.180 ———Preliminary supplemental budget. In the event that any funds should be paid to any county from the motor vehicle fund in excess of the amount estimated by the highway commission and such excess funds have not been included by the board in the then current county road budget or in the event that funds should become available from other sources upon a matching basis or otherwise and it is impracticable to adhere to the provisions of the county road budget, the board may by unanimous consent, consider and adopt a preliminary supplemental budget covering such excess funds for the remainder of the current fiscal year.

36.82.190 ———Notice of hearing on supplemental budget. The board shall then publish a notice setting day of hearing for the adoption of the final supplemental budget covering such excess funds, designating the time and place of hearing and that anyone

may appear thereat and be heard for or against any part of said preliminary supplemental budget. The notice shall be published once a week for two consecutive weeks immediately following the adoption of the preliminary supplemental budget in the official newspaper of the county, or if there is none, in a newspaper of general circulation in the county. The board shall provide a sufficient number of copies of the preliminary supplemental budget to meet reasonable public demands and they shall be available not later than two weeks immediately preceding the hearing.

36.82.200 ———Hearing on, adoption of, supplemental budget. The board shall hold such hearing at the time and place designated in the notice, and it may be continued from day to day until concluded but not to exceed a total of five days. Upon the conclusion of the hearing the board shall fix and determine the supplemental budget and by resolution adopt it as finally determined and enter it in detail in the official minutes of the board, copies of which supplemental budget shall be forwarded, one to the director and one to the division of municipal corporations.

36.82.210 Disposition of fines and forfeitures for violations. All fines and forfeitures collected for violation of any of the provisions of chapters 36.75, and 36.77 to 36.87, inclusive, when the violation thereof occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

All fines and forfeitures collected for the violation of any of such provisions when the violation thereof occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

36.82.220 "Equipment rental and revolving fund" created. There is hereby created in each county of the state a fund to be known as the "equipment rental and revolving fund." This fund shall be used by the county commissioners as a revolving fund to be expended only for (1) purchase of new or additional road equipment, (2) repair and/or maintenance of road equipment, (3) purchase of necessary supplies for operating road equipment, and (4) purchase or manufacture of road or bridge material in advance of its use. There shall be transferred monthly to the equipment rental and

revolving fund from the county road fund the rental value of each item of road equipment used during the preceding month. The rental value shall be determined and fixed by the board of county commissioners and shall be sufficient to include (1) depreciation, (2) maintenance and/or repair, and (3) supplies consumed in operating such road equipment. There shall also be transferred to the equipment rental and revolving fund from the county road fund an amount equivalent to the actual cost of road or bridge material previously purchased or manufactured by the equipment rental and revolving fund, as such material is actually used. Proceeds from the sale of road equipment shall be placed in the equipment rental and revolving fund.

County road equipment or materials owned by the equipment rental and revolving fund may be rented or sold to any agency of the United States of America, the state of Washington, and/or to any other county, city, town, or other municipal corporation. The proceeds of such rental or sale shall be placed in the equipment rental and revolving fund.

The board of county commissioners of any county may at any time alter or change the rental value of road equipment previously determined and fixed, or may transfer any excess funds accumulated in the equipment rental and revolving fund to the county road fund.

It shall be unlawful for the county commissioners of any county to charge the cost of (1) any new or additional road equipment, (2) the repair and/or maintenance of any road equipment, (3) supplies for operating road equipment, or (4) road or bridge material purchased or manufactured in advance of its use to any fund except to the equipment rental and revolving fund.

Chapter 36.85

ROADS AND BRIDGES—RIGHTS-OF-WAY

36.85.010 Acquisition—Condemnation. Whenever it is necessary to secure any lands for a right-of-way for any county road or for the drainage thereof or to afford unobstructed view toward any intersection or point of possible danger to public travel upon any county road or for any borrow pit, gravel pit, quarry, or other land for the extraction of material for county road purposes, or right-of-way for access thereto, the board may acquire such lands on behalf of the county by gift, purchase, or condemnation. When the board so directs, the prosecuting attorney of the county shall institute proceedings in condemnation to acquire such land for a county road in the manner provided by law for the condemnation of land for public use by counties. All cost of acquiring land for right-of-way or for other purposes by purchase or condemnation shall be paid out

of the county road fund of the county and chargeable against the project for which acquired.

36.85.020 Aviation site not exempt from condemnation. Whenever any county has established a public highway, which, in whole or in part, abuts upon and adjoins any aviation site in such county, no property shall be exempt from condemnation for such highway by reason of the same having been or being dedicated, appropriated, or otherwise reduced or held to public use.

36.85.030 Acceptance of federal grants over public lands. The boards in their respective counties may accept the grant of rights-of-way for the construction of public highways over public lands of the United States, not reserved for public uses, contained in section 2477 of the Revised Statutes of the United States. Such rights-of-way shall henceforward not be less than sixty feet in width unless a lesser width is specified by the United States. Acceptance shall be by resolution of the board spread upon the records of its proceedings: *Provided*, That nothing herein contained shall be construed to invalidate the acceptance of such grant by general public use and enjoyment, heretofore or hereafter had.

36.85.040 ————Prior acceptances ratified. Prior action of boards purporting to accept the grant of rights-of-way under section 2477 of the Revised Statutes of the United States for the construction of public highways over public lands of the United States, as provided in RCW 36.85.030, is hereby approved, ratified and confirmed and all such public highways shall be deemed duly laid out county roads and boards of county commissioners may at any time by recorded resolution cause any of such county roads to be opened and improved for public travel.

Chapter 36.86

ROADS AND BRIDGES—STANDARDS

36.86.010 Standard width of right-of-way prescribed. From and after April 1, 1937, the width of thirty feet on each side of the center line of county roads, exclusive of such additional width as may be required for cuts and fills, is the necessary and proper right-of-way width for county roads, unless the board of county commissioners, shall, in any instance, adopt and designate a different width. This shall not be construed to require the acquisition of increased right-of-way for any county road already established and the right-of-way for which has been secured.

36.86.020 Minimum standards of construction. In the case of roads the minimum width between shoulders shall be fourteen feet with eight feet of surfacing and in the case of bridges, which shall

include all decked structures, the minimum standard shall be for H-10 loading in accordance with the state highway commission standards. When such standards have been prepared by the county road engineer, they shall be submitted to the board for approval, and when approved shall be used for all road and bridge construction and improvement in the county.

36.86.030 Amendment of standards—Filing. Road and bridge standards may be amended from time to time by resolution of the board but no standard shall be approved by the board with any minimum requirement less than that specified in this chapter. Two copies of such approved standards shall be filed with the highway commission for its use in examinations of county road work.

36.86.040 Uniform standard for signs, signals, guideposts—Railroad grade crossings. The board shall erect and maintain upon the county roads such suitable and proper signs, signals, signboards, and guideposts and appropriate stop, caution, warning, restrictive, and directional signs and markings as it deems necessary or as may be required by law. All such markings shall be in accordance with the uniform state standard of color, design, erection and location adopted and designed by the Washington state highway commission. In respect to existing and future railroad grade crossings over county roads the board shall be required to install and maintain standard, nonmechanical railroad approach warning signs on both sides of the railroad upon the approaches of the county road. All such signs shall be located a sufficient distance from the crossing to give adequate warning to persons traveling on county roads.

36.86.050 Monuments at government survey corners. The board and the road engineer, at the time of establishing, constructing, improving, or paving any county road, shall fix permanent monuments at the original positions of all United States government monuments at township corners, section corners, quarter section corners, meander corners, and witness markers, as originally established by the United States government survey, whenever any such original monuments or markers fall within the right-of-way of any county road, and shall aid in the reestablishment of any such corners, monuments, or markers destroyed or obliterated by the construction of any county road heretofore established, by permitting inspection of the records in the office of the board and the county engineering office.

36.86.060 Restrictions on use of oil at intersections or entrances to county roads. No oil or other material shall be used in the treatment of any county road or private road or driveway, of such consistency, viscosity or nature or in such quantities and in such proximity to the entrance to or intersection with any state highway

or county road, the roadway of which is surfaced with cement concrete or asphaltic concrete, that such oil or other material is or will be tracked by vehicles thereby causing a coating or discoloration of such cement concrete or asphaltic concrete roadway. Any person violating the provisions of this section shall be guilty of a misdemeanor.

36.86.070 Classification of roads in accordance with design standards. From time to time the board of county commissioners of each county shall classify and designate as the county primary road system such trunk, connecting and feeder roads as, when integrated with state highways, city streets and adjoining county roads, will admit of the application of design standards and will best serve the major traffic needs of the county.

36.86.080 Application of design standards to construction and reconstruction. Upon the adoption of uniform design standards the board of county commissioners of each county shall apply the same to all new construction within, and as far as practicable and feasible to reconstruction of old roads comprising, the county primary road system. No deviation from such design standards as to such primary system shall be made without the approval of the assistant state director of highways for state aid.

36.86.090 Logs dumped on right-of-way—Removal—Confiscation. Logs dumped on any county road right-of-way or in any county road drainage ditch due to hauling equipment failure, or for any other reason, shall be removed within ten days. Logs remaining within any county road right-of-way for a period of thirty days shall be confiscated and removed or disposed of as directed by the boards of county commissioners in the respective counties. Confiscated logs may be sold by the county commissioners and the proceeds thereof shall be deposited in the county road fund.

36.86.100 Railroad grade crossings—Obstructions. Each railroad company shall keep its right of way clear of all brush and timber in the vicinity of a railroad grade crossing with a county road for a distance of one hundred feet from the crossing in such a manner as to permit a person upon the road to obtain an unobstructed view in both directions of an approaching train. The board shall cause brush and timber to be cleared from the right of way of county roads in the proximity of a railroad grade crossing for a distance of one hundred feet from the crossing in such a manner as to permit a person traveling upon the road to obtain an unobstructed view in both directions of an approaching train. It shall be unlawful to erect or maintain a sign, signboard, or billboard at or near a county road or railroad and within a distance of five hundred feet from the point of intersection at grade of the road and railroad and in such

a way that it may obstruct the view or distract the attention of a person operating a vehicle or train and approaching the crossing.

When a person who has erected or who maintains such a sign, signboard, or billboard or when a railroad company permits such brush or timber in the vicinity of a railroad grade crossing with a county road or permits the surface of a grade crossing to become inconvenient or dangerous for passage and who has the duty to maintain it, fails, neglects, or refuses to remove or cause to be removed such brush, timber, sign, signboard, or billboard, or maintain the surface of the crossing, the utilities and transportation commission upon complaint of the board or upon complaint of any party interested, or upon its own motion, shall enter upon a hearing in the manner now provided for hearings with respect to railroad-highway grade crossings, and make and enforce proper orders for the removal of the brush, timber, sign, signboard or billboard, or maintenance of the crossing: *Provided*, That nothing in this section shall prevent the posting or maintaining thereon of highway or road signs or traffic devices giving directions or distances for the information of the public when the signs conform to the "Manual for Uniform Traffic Control Devices" issued by the state highway commission. The board shall inspect highway grade crossings and make complaint of the violation of any provisions of this section.

Chapter 36.87

ROADS AND BRIDGES—VACATION

36.87.010 Resolution of intention to vacate. When a county road or any part thereof is considered useless, the board by unanimous resolution entered upon its minutes, may declare its intention to vacate and abandon the same or any portion thereof and shall direct the county road engineer to report upon such vacation and abandonment.

36.87.020 Freeholders' petition—Bond. Ten freeholders residing in the vicinity of any county road or portion thereof may petition the board to vacate and abandon the same or any portion thereof. The petition must show the land owned by each petitioner and set forth that such county road is useless as part of the county road system and that the public will be benefited by its vacation and abandonment. The petition must be accompanied by a bond in the penal sum of one hundred dollars, payable to the county, executed by one or more of such petitioners as principal or principals, and two or more satisfactory sureties, and conditioned that the petitioners will pay into the county road fund of the county the amount of all cost and expenses incurred in the examination, report, and all proceedings pertaining to such petition to vacate and abandon.

36.87.030 ————**Action on petition.** On the filing of the petition and bond and on being satisfied that the petition has been signed by petitioners residing in the vicinity of the county road or portion thereof, the board shall direct the county road engineer to report upon such vacation and abandonment.

36.87.040 Engineer's report. When directed by the board the county road engineer shall examine any county road or portion thereof proposed to be vacated and abandoned and report his opinion as to whether the county road should be vacated and abandoned, whether the same is in use or has been in use, the condition of the road, whether it will be advisable to preserve it for the county road system in the future, whether the public will be benefited by the vacation and abandonment, and all other facts, matters, and things which will be of importance to the board, and also file his cost bill.

36.87.050 Notice of hearing on report. Notice of hearing upon the report for vacation and abandonment of a county road shall be published at least once a week for two consecutive weeks preceding the date fixed for the hearing, in the county official newspaper and a copy of the notice shall be posted for at least twenty days preceding the date fixed for hearing at each termini of the county road or portion thereof proposed to be vacated or abandoned.

36.87.060 Hearing. On the day fixed for the hearing, the board shall proceed to consider the report of the engineer, together with any evidence for or objection against such vacation and abandonment. If the county road is found useful as a part of the county road system it shall not be vacated, but if it is not useful and the public will be benefited by the vacation, the board may vacate the road or any portion thereof.

36.87.070 Expense of proceeding. If the board determines to vacate the road, it shall certify all costs and expenses incurred in the proceedings to the county treasurer and upon payment of the certified costs and expenses by the principal or principals or sureties upon the bond the board shall declare the road, or portion thereof, vacated and enter its declaration in its minutes.

36.87.080 Unanimous vote required. No county road shall be vacated and abandoned except by unanimous vote of the board properly entered, or by operation of law, or judgment of a court of competent jurisdiction.

36.87.090 Vacation of road unopened for five years—Exceptions. Any county road, or part thereof, which remains unopen for public use for a period of five years after the order is made or authority granted for opening it, shall be thereby vacated, and the authority

for building it barred by lapse of time: *Provided*, That this section shall not apply to any highway, road, street, alley, or other public place dedicated as such in any plat, whether the land included in such plat is within or without the limits of an incorporated city or town, or to any land conveyed by deed to the state or to any county, city or town for highways, roads, streets, alleys, or other public places.

Chapter 36.88

COUNTY ROAD IMPROVEMENT DISTRICTS

36.88.010 Districts authorized in certain counties—Purposes—Limitations. Class AA, A and counties of the first class shall have the power to create county road improvement districts for the improvement of existing county roads and for the construction or improvement of necessary drainage facilities therefor, bridges, culverts, sidewalks, curbs and gutters, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such construction or improvement: *Provided*, That no road improvement district shall be created under this chapter unless the property within the proposed district shall be so developed by the construction of permanent urban improvements that the average number of dwelling units or units of business occupancy per one thousand feet of property fronting upon the portion of road to be improved shall be at least six.

Note: See also section 1, chapter 84, Laws of 1963.

36.88.015 Districts authorized in any county—Purposes—Limitations. All counties shall have the power to create county road improvement districts for the construction, installation, improvement, operation and maintenance of street and road lighting systems for any county roads, and subject to the approval of the state highway commission, state highways, and for safeguards to protect the public from the hazards of open canals, flumes, or ditches, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such construction, installation or improvement together with the expense of furnishing electric energy, maintenance and operation: *Provided*, That no road improvement district shall be created for any such purpose under this chapter unless the property within the proposed district shall be so developed by the construction of permanent urban improvements that the average number of dwelling units or units of business occupancy per one thousand feet of property fronting upon the roads within the area to be so improved shall be at least six: *Pro-*

vided further, That said exception shall not apply to improvements for the purpose of protecting against open canal dangers.

Note: See also section 2, chapter 84, Laws of 1963.

36.88.020 Formation of district. How initiated. County road improvement districts may be initiated either by resolution of the board of county commissioners or by petition signed by the owners according to the records of the office of the county auditor of property to an aggregate amount of the majority of the lineal frontage upon the contemplated improvement and of the area within the limits of the county road improvement district to be created therefor.

36.88.030 ————By resolution of intention—Procedure. In case the board of county commissioners shall desire to initiate the formation of a county road improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed road improvement district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, stating the average number of dwelling units or units of business occupancy per one thousand feet of property fronting upon the portion of road to be improved, notifying the owners of property therein to appear at a meeting of the board at the time specified in such resolution, and directing the county road engineer to submit to the board at or prior to the date fixed for such hearing a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of land or other property, and also designating thereon all property which is being purchased under contract from the county. The resolution of intention shall be published in at least two consecutive issues of a newspaper of general circulation in such county, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of county commissioners.

Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract or parcel of land or other property within the proposed improvement district by mailing said notice to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon at least fifteen days before the date fixed for the public hearing. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement,

the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date and place of the hearing before the board of county commissioners, and shall contain the directions hereinafter provided for voting upon the formation of the proposed improvement district.

The clerk of the board shall prepare and mail, together with the notice above referred to, a ballot for each owner or reputed owner of any lot, tract or parcel of land within the proposed improvement district. This ballot shall contain the following proposition:

“Shall.....county road improvement district No. be formed?

Yes

No

and, in addition, shall contain appropriate spaces for the signatures of the property owners, and a description of their property, and shall have printed thereon the direction that all ballots must be signed to be valid and must be returned to the clerk of the board of county commissioners not later than five o'clock p. m. of a day which shall be one week after the date of the public hearing.

The notice of adoption of the resolution of intention shall also contain the above directions, and, in addition thereto, shall state the rules by which the election shall be governed.

Note: See also section 3, chapter 84, Laws of 1963.

36.88.040 ———By resolution of intention—Election—Rules.

The election provided herein for cases where the improvement is initiated by resolution shall be governed by the following rules: (1) All ballots must be signed by the owner or reputed owner of property within the proposed district according to the records of the county auditor; (2) each ballot must be returned to the clerk of the board not later than one week after the public hearing; (3) each property owner shall have one vote for each full dollar of estimated assessment against his property as determined by the preliminary estimates and assessment roll; (4) the valid ballots shall be tabulated and a majority of the votes cast shall determine whether the formation of the district shall be approved or rejected.

36.88.050 ———By petition—Procedure. In case any such road improvement shall be initiated by petition, such petition shall set forth the nature and territorial extent of such proposed improvement, and the fact that the signers thereof are the owners, according to the records of the county auditor of property to an aggregate amount of a majority of the lineal frontage upon the improvement to be made and of the area within the limits of the assessment district to be created therefor.

Upon the filing of such petition the board shall determine whether the same shall be sufficient and whether the property within the proposed district shall be sufficiently developed and if the board shall find the district to be sufficiently developed and the petition to be sufficient, it shall proceed to adopt a resolution setting forth the nature and territorial extent of the improvement petitioned for, designating the number of the proposed improvement district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, notifying the owners of property therein to appear at a meeting of the board at the time specified in such resolution, and directing the county road engineer to submit to the board at or prior to the date fixed for such hearing a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of land or other property, and also designating thereon all property which is being purchased under contract from the county. The resolution of intention shall be published in at least two consecutive issues of a newspaper of general circulation in such county, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of county commissioners.

Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract or parcel of land or other property within the proposed improvement district by mailing said notice to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon at least fifteen days before the date fixed for the public hearing. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date and place of the hearing before the board of county commissioners, and the fact that property owners may withdraw their names from the petition or add their names thereto at any time prior to five o'clock p. m. of the day before the hearing.

36.88.060 ————Hearing—Resolution creating district. Whether the improvement is initiated by petition or resolution the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing, the board may make such changes in the boundaries of the district or such modifica-

tions in the plans for the proposed improvement as shall be deemed necessary: *Provided*, That the board may neither so alter the improvement as to increase the estimated cost by an amount greater than ten percent above that stated in the notice, nor increase the proportionate share of the cost to be borne by assessments from the proportion stated in the notice, nor change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners, in the manner and form and within the time herein provided for the original notice.

At said hearing, the board shall ascertain whether the plan of improvement or construction is feasible and whether the benefits to be derived therefrom by the property within the proposed district, together with the amount of any county road fund participation, exceed the costs and expense of the formation of the proposed district and the contemplated construction or improvement and shall make a written finding thereon. In case the proceedings have been initiated by petition, the board shall find whether the petition including all additions thereto or withdrawals therefrom made prior to five o'clock p. m. of the day before the hearing is sufficient. If said petition shall be found insufficient the board shall by resolution declare the proceedings terminated. In case the proceedings have been initiated by resolution if the board shall find the improvement to be feasible, it shall continue the hearing until a day not more than fifteen days after the date for returning ballots for the purpose of determining the results of said balloting.

After the hearing the board may proceed to adopt a resolution creating the district and ordering the improvement. Such resolution shall establish such district as the ".....county road improvement district No....." Such resolution shall describe the nature and territorial extent of the improvement to be made and the boundaries of the improvement district, shall declare the estimated cost and the proportion thereof to be borne by assessments, and shall contain a finding as to the result of the balloting by property owners in case the improvement shall have been initiated by resolution.

Upon the adoption of the resolution establishing the district, the board shall have jurisdiction to proceed with the improvement. The board's findings on the sufficiency of petitions or on the results of the balloting shall be conclusive upon all persons.

Note: See also section 4, chapter 84, Laws of 1963.

36.88.070 Diagram only preliminary determination. The diagram or print herein directed to be submitted to the board shall be in the nature of a preliminary determination upon the method, and estimated amounts, of assessments to be levied upon the property

specially benefited by such improvement and shall in no case be construed as being binding or conclusive as to the amount of any assessments which may ultimately be levied.

36.88.080 Property included in district—Method of assessment—Assessment limited by benefit. Every resolution ordering any improvement mentioned in this chapter, payment for which shall be in whole or in part by special assessments shall establish a road improvement district which shall embrace as near as may be all the property specially benefited by such improvement and the provisions of chapters 35.43 and 35.44, governing the method of assessment for local improvement districts in cities and towns shall apply to county road improvement districts created under this chapter: *Provided*, That no assessment shall be levied which shall be greater than the special benefits derived from the improvement as determined by the board of commissioners.

Note: See also section 5, chapter 84, Laws of 1963.

36.88.090 Assessment roll—Hearing—Notice—Objections—New hearing. Whenever the assessment roll for any county road improvement district shall have been prepared such roll shall be filed with the clerk of the board. The board shall thereupon by resolution set the date for hearing upon such roll before the board and direct the clerk to give notice of such hearing and the time and place thereof.

Such notice shall specify such time and place of hearing on such roll and shall notify all persons who may desire to object thereto to make such objection in writing and to file the same with such clerk at or prior to the date fixed for such hearing; and that at the time and place fixed and at such other times as the hearing may be continued to, the board will sit as a board of equalization for the purpose of considering such roll and at such hearing will consider such objections made thereto, or any part thereof, and will correct, revise, raise, lower, change or modify such roll or any part thereof, or set aside such roll in order that such assessment be made de novo as to such body shall appear just and equitable and then proceed to confirm the same by resolution.

Notice of the time and place of hearing under such assessment roll shall be given to the owner or reputed owner of the property whose name appears thereon, by mailing a notice thereof at least fifteen days before the date fixed for the hearing to such owner or reputed owner at the address of such owner as shown on the tax rolls of the county treasurer; and in addition thereto such notice shall be published at least two times in a newspaper of general circulation in the county if the newspaper is published weekly, but shall be published at least five times in such newspaper if said newspaper is published daily. At least fifteen days must elapse

between the date of last publication thereof and the date fixed for such hearing.

The board, at the time fixed for hearing objections to the confirmation of said roll, or at such time or times as said hearing may be adjourned to, shall have power to correct, revise, raise, lower, change or modify such roll or any part thereof, and to set aside such roll in order that such assessment be made de novo as to the board shall appear equitable and just, and then shall confirm the same by resolution. All objections shall be in writing and filed with the board and shall state clearly the grounds objected to, and objections not made within the time and in the manner herein described shall be conclusively presumed to have been waived.

Whenever any such roll shall be amended so as to raise any assessments appearing thereon, or to include property subject to assessment which has been omitted from the assessment roll for any reason a new hearing, and a new notice of hearing upon such roll, as amended, shall be given as in the case of an original hearing and at the conclusion of such hearing the board may confirm the same or any portion thereof by resolution and certify the same to the treasurer for collection. Whenever any property shall have been entered originally on such roll, and the assessment upon such property shall not be raised, no objections thereto shall be considered by the board or by any court on appeal, unless such objections be made in writing at or prior to the date fixed for the original hearing upon such roll.

36.88.100 Appeal—Reassessment. The decision of the board upon any objections made within the time and in the manner herein prescribed may be reviewed by the superior court upon an appeal taken thereto in the manner provided for taking appeals from objections in local improvement districts of cities and towns.

The board shall have the same powers of reassessment and shall proceed to make such reassessments in the same manner and subject to the same limitations as are provided by law for the making of reassessments in local improvement districts of cities and towns.

36.88.110 Assessment roll—Conclusive. Whenever any assessment roll for construction or improvements shall have been confirmed by the board, as provided in this chapter, the regularity, validity and correctness of the proceedings relating to such construction or improvement and to the assessment therefor, including the action of the board on such assessment roll and the confirmation thereof, shall be conclusive in all things upon all parties and cannot in any manner be contested or questioned in any proceeding whatsoever by any person not filing written objection to such roll in the manner and within the time provided in this chapter, and not

appealing from the action of the board in confirming such assessment roll in the manner and within the time provided in this chapter. No proceedings of any kind shall be commenced or prosecuted for the purpose of defeating or contesting any such assessment or for the sale of any property to pay such assessment or any certificate of delinquency issued therefor or the foreclosure of any lien issued therefor, but this section shall not be construed as prohibiting the bringing of injunction proceedings to prevent the sale of any real estate upon the grounds that the property about to be sold does not appear upon the assessment roll, or that the assessment has been paid.

36.88.120 Assessment is lien on property — Superiority. The charge on the respective lots, tracts, parcels of land and other property for the purpose of special assessment to pay the cost and expense in whole or in part of any construction or improvement authorized in this chapter, when assessed, and the assessment roll confirmed by the board shall be a lien upon the property assessed from the time said assessment rolls shall be placed in the hands of the county treasurer for collection. Said liens shall be paramount and superior to any other lien or encumbrance whatsoever, theretofore or thereafter created, except a lien for general taxes.

36.88.130 County treasurer—Duties. The county treasurer is hereby designated as the treasurer of all county road improvement districts created hereunder, and shall collect all road improvement district assessments, and the duties and responsibilities herein imposed upon him shall be among the duties and responsibilities of his office for which his bond is given as county treasurer.

36.88.140 Payment of assessment — Delinquent assessments — Penalties—Lien foreclosure. The board shall prescribe by resolution within what time such assessment or installments thereof shall be paid, and shall provide for the payment and collection of interest at a rate not to exceed six percent per annum on that portion of any assessment which remains unpaid over thirty days after such date. Assessments or installments thereof which are delinquent, shall bear, in addition to such interest, such penalty not less than five percent as shall be prescribed by resolution. Interest and penalty shall be included in and shall be a part of the assessment lien. All liens acquired by the county hereunder shall be foreclosed by the appropriate county officers in the same manner and subject to the same rights of redemption provided by law for the foreclosure of liens held by cities or towns against property in local improvement districts.

36.88.150 Payment of assessment—Record of. Whenever before the sale of any property the amount of any assessment thereon, with

interest, penalty, costs and charges accrued thereon, shall be paid to the treasurer, he shall thereon mark the same paid with the date of payment thereof on the assessment roll.

36.88.160 District fund — Purposes — Bond redemptions. All moneys collected by the treasurer upon any assessments under this chapter shall be kept as a separate fund to be known as “....., county road improvement district No. fund.” Such funds shall be used for no other purpose than the payment of costs and expense of construction and improvement in such district and the payment of interest or principal of warrants and bonds drawn or issued upon or against said fund for said purposes. Whenever after payment of the costs and expenses of the improvement there shall be available in the local improvement district fund a sum, over and above the amount necessary to meet the interest payments next accruing on outstanding bonds, sufficient to retire one or more outstanding bonds the treasurer shall forthwith call such bond or bonds for redemption.

36.88.170 Foreclosed property—Held in trust for district. Whenever any property shall be bid in by any county or be stricken off to any county under and by virtue of any proceeding for enforcement of the assessment provided in this chapter said property shall be held in trust by said county for the fund of the improvement district for the creation of which fund said assessment was levied and for the collection of which assessment said property was sold: *Provided*, Such county may at any time after the procuring of a deed pay in to such fund the amount of the delinquent assessment for which said property was sold and all accrued interest and interest to the time of the next call for bonds or warrants issued against such assessment fund at the rate provided thereon, and thereupon shall take and hold said property discharged of such trust: *Provided further*, That property deeded to any county and which shall become a part of the trust being exercised by the said county for the benefit of any local improvement district fund of the said county, shall be exempt from taxation for general, state, county and municipal purposes during the period that it is so held.

36.88.180 Foreclosed property—Sale or lease—Disposition of proceeds. Any county may at any time after a deed is issued to it under and by virtue of any proceeding mentioned in this chapter, lease or sell or convey any such property at public or private sale for such price and on such terms as may be determined by resolution of the board, and all proceeds resulting from such sale shall ratably belong to and be paid into the fund of the county road improvement district or districts concerned after first reimbursing any fund or funds having advanced any money on account of said property.

36.88.190 Improvement bonds, warrants authorized. The board may provide for the payment of the whole or any portion of the cost and expense of any duly authorized road improvement by bonds and/or warrants of the improvement district which bonds shall be issued and sold as herein provided, but no bonds shall be issued in excess of the cost and expense of the project nor shall they be issued prior to twenty days after the thirty days allowed for the payment of assessments without penalty or interest.

36.88.200 Improvement bonds. Form, contents, execution. Such bonds shall be numbered from one upwards consecutively, shall be in such denominations as may be provided by the board of county commissioners in the resolution authorizing their issuance, shall mature on or before a date not to exceed twenty-two years from and after their date, shall bear interest not to exceed six percent per annum payable annually or semiannually as may be provided by the board, shall be signed by the chairman of the board and attested by the county auditor, shall have the seal of the county affixed thereto, shall be payable at the office of the county treasurer or elsewhere as may be designated by the board, shall have attached thereto interest coupons for each interest payment which said coupons shall be signed by the chairman of the board and attested by the auditor or in lieu thereof may bear the printed or engraved facsimile signatures of said officials.

Such bonds shall refer to the improvement for which they are issued and to the resolution creating the road improvement district therefor.

36.88.210 ————Issuance — Sale — Deposit of proceeds. The bonds issued under the provisions of this chapter may be issued to the contractor or sold by the board as authorized by the resolution directing their issuance at not less than their par value and accrued interest to the date of delivery. No bonds shall be sold except at public sale upon competitive bids and a notice calling for bids shall be published once a week for two consecutive weeks in the official newspaper of the county. Such notice shall specify a place and designate a day and hour subsequent to the date of last publication thereof when sealed bids will be received and publicly opened for the purchase of said bonds. The proceeds of all sales of bonds shall be deposited in the county road improvement district fund and applied to the cost and expense of the district.

36.88.220 ————Guaranty fund in certain counties. Class AA, A and counties of the first class may establish a fund for the purpose of guaranteeing to the extent of such fund and in the manner hereinafter provided, the payment of its road improvement district bonds and warrants issued to pay for any road improvement ordered

under this chapter. If the board of county commissioners shall determine to establish such fund it shall be designated "..... county road improvement guaranty fund" and from moneys available for road purposes such county shall deposit annually in said guaranty fund such sums as may be necessary to establish and maintain a balance therein equal to at least five percent of the outstanding obligations guaranteed thereby and to make necessary provision in its annual budget therefor. The moneys held in the guaranty fund may be invested in obligations of the government of the United States or of this state.

36.88.230 ————Guaranty fund in certain counties—Operation.

Whenever there shall be paid out of a guaranty fund any sum on account of principal or interest of a road improvement district bond or warrant, the county, as trustee for the fund, shall be subrogated to all the rights of the holder of the bond or interest coupon or warrant so paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the guaranty fund. There shall also be paid into each guaranty fund the interest received from bank deposits or government securities of the fund, as well as any surplus remaining in any local improvement fund guaranteed hereunder after the payment of all outstanding bonds or warrants payable primarily out of such road improvement fund. Warrants drawing interest at a rate not to exceed six percent shall be issued, as other warrants are issued by the county, against a guaranty fund to meet any liability accruing against it, and at the time of making its annual budget and tax levy the county shall provide from funds available for road purposes for the deposit in the guaranty fund of a sum sufficient with other resources of such fund to pay warrants so issued during the preceding fiscal year. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted interest coupons, bonds and warrants shall be purchased out of the fund in the order of their presentation.

Every county establishing a guaranty fund for road improvement district bonds or warrants shall prescribe by resolution appropriate rules and regulations for the maintenance and operation of the guaranty fund not inconsistent herewith. So much of the money of a guaranty fund as is necessary may be used to purchase underlying bonds or warrants guaranteed by the fund, or to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, or to purchase such property at tax foreclosures, for the purpose of protecting the guaranty fund. Said fund shall be subrogated to the rights of the county, and the county, acting on behalf of said fund, may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale for the account of said fund. Whenever the governing

authority of any county shall so cause a lien of general tax certificates of delinquency to be foreclosed and the property to be so purchased at a foreclosure sale, the court costs and costs of publication and expenses for clerical work and/or other expense incidental thereto, shall be chargeable to and payable from the guaranty fund. After so acquiring title to real property, a county may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the board of commissioners or other legislative body, and all proceeds resulting from such sales shall belong to and be paid into the guaranty fund.

36.88.240 ————Repayment restricted to special funds—Remedies of bondholder—Notice of restrictions. Neither the holder nor the owner of any bond or warrant issued under the provisions of this chapter shall have any claim therefor against the county by which the same is issued, except for payment from the special assessments made for the improvement for which said bond or warrant was issued and except as against the improvement guaranty fund of such county, and the county shall not be liable to any holder or owner of such bond or warrant for any loss to the guaranty fund occurring in the lawful operation thereof by the county. The remedy of the holder or owner of a bond, or warrant in case of non-payment, shall be confined to the enforcement of any assessments made in such road improvement district and to the guaranty fund. In case the bonds are guaranteed in accordance herewith a copy of the foregoing part of this section shall be plainly written, printed or engraved on each bond issued and guaranteed hereunder.

36.88.250 ————Remedies of bondholders—Enforcement. If the board fails to cause any bonds to be paid when due or to promptly collect any assessments when due, the owner of any of the bonds may proceed in his own name to collect the assessments and foreclose the lien thereof in any court of competent jurisdiction and shall recover in addition to the amount of the bonds outstanding in his name, interest thereon at five percent per annum, together with the costs of suit, including a reasonable attorney's fee to be fixed by the court. Any number of owners of bonds for any single project may join as plaintiffs and any number of the owners of property upon which the assessments are liens may be joined as defendants in the same suit.

36.88.260 Assessment where bonds issued. Payment in installments. In all cases where the board shall issue bonds to pay the cost and expense of any county road improvement district and shall provide that the whole or any part of the cost and expense shall be assessed against the lots, tracts, parcels of land, and other property therein, the resolution levying such assessment shall provide that

the sum charged thereby against each lot, tract, or parcel of land or any portion of said sum may be paid during the thirty day period provided for in RCW 36.88.270 and that thereafter the sum remaining unpaid may be paid in equal annual installments, the number of which installments shall be less by two than the number of years which the bonds issued to pay for the improvement may run. Interest upon all unpaid installments shall be charged at a rate fixed by said resolution. Each year such installments together with interest due thereon shall be collected in the manner provided in the resolution for the collection of the assessments.

36.88.270 ————Payment in cash—Notice of assessment. The owner of any lot, tract, or parcel of land, or other property charged with any such assessments may redeem the same from all or any portion of the liability for the cost and expense of such improvement by paying the entire assessment or any portion thereof charged against such lot, tract, or parcel of land without interest within thirty days after notice to him of such assessment, which notice shall be given as follows: The county treasurer shall, as soon as the assessment roll has been placed in his hands for collection, publish a notice for two consecutive daily or weekly issues in the official newspaper of the county in which the district is located, which notice shall state that the assessment roll is in his hands for collection and that any assessment thereon or any portion of such assessment may be paid at any time within thirty days from the date of the first publication of said notice without penalty interest or costs.

36.88.280 ————Payment in cash during installment period—Duties of county treasurer—Use of funds. The owners of any lot, tract, or parcel of land may save the same from all liability for the unpaid amount of the assessment, at any time after the thirty-day period herein provided for their payment without interest, by paying the entire amount or all installments on said assessment together with all interest due to the date of maturity of any installment next falling due. All such payments shall be made to the county treasurer whose duty it shall be to collect all assessments under this chapter and all sums so paid or collected shall be applied solely to the payment of the cost and expense of the district and payment of principal and/or interest of any bonds issued.

36.88.290 Limitation of actions. An action to collect any special assessment or installment thereof for road improvements, or to enforce the lien of any such assessment or installment, whether such action be brought by the county or by the holder of any certificate of delinquency, or by any other person having the right to bring such action, shall be commenced within ten years after such assess-

ment shall have become delinquent or within ten years after the last installment of any such assessment shall have become delinquent, when said special assessment is payable in installments.

Actions to set aside or cancel any deed issued after midnight, June 6, 1951, upon the sale of property for road improvement assessments, or for the recovery of property sold for delinquent road improvement assessments must be brought within three years from and after date of the issuance of such deed.

36.88.300 District costs and expenses—What to include. Whenever any district is organized hereunder, there shall be included in the cost and expense thereof: (1) The cost of all of the construction or improvement authorized in the district, including that portion of the construction or improvement within the limits of any street or road intersection, space or spaces; (2) the estimated costs and expenses of all engineering and surveying necessary to be done by the county engineer or under his direction or by such other engineer as may be employed by the county commissioners; (3) the cost of all advertising, mailing, and publishing of all notices; (4) the cost of legal services and any other expenses incurred by the county for the district or in the formation thereof, or by the district in connection with such construction or improvement and in the financing thereof, including the issuance of any bonds.

36.88.310 Acquisition of property—Eminent domain. All land, premises or property necessary for right-of-way or other purposes in the construction or improvement of any county road, including bridges, sidewalks, curbs and gutters and the drainage facilities therefor, under this chapter may be acquired by the county acting through its board of county commissioners, either by gift, purchase or by condemnation. In the event of any exercise of the power of eminent domain, the procedure shall be the same as is provided by law for the securing of right-of-way for county roads. The title to all property acquired for any construction or improvement under this chapter shall be taken in the name of the county. The county commissioners in any eminent domain action brought to secure any property for construction or improvement under this chapter may pay any final judgment entered in such action with county road funds and take possession of the particular property condemned. In the event of any such payment the county commissioners may require that the county road fund be reimbursed out of the particular county road improvement fund of the district for which the property was acquired.

36.88.320 Construction or improvement — Supervision — Contracts—Standards. All construction or improvement performed under this chapter shall be under the direction of the board of county

commissioners, acting by and through the county road engineer, or such other engineer as the board of county commissioners shall designate. Contracts let and/or work performed upon all construction or improvement hereunder shall be in accordance with the laws pertaining to work upon county roads. The construction and improvement standards of the respective counties for engineering and performance of work, shall apply to all construction or improvement under this chapter.

36.88.330 Warrants—Issuance—Priority—Acceptance. The board may provide by resolution for the issuance of warrants in payment of the costs and expenses of any project, payable out of the county road improvement fund. The warrants shall bear interest at the rate of not to exceed six percent per annum and shall be redeemed either in cash or by bonds for the same project authorized by the resolution.

All warrants issued against any such improvement fund shall be claims and liens against said fund prior and superior to any right, lien or claim of any surety upon the bond given to the county by or for the contract to secure the performance of his contract or to secure the payment of persons who have performed work thereon, furnished materials therefor, or furnished provisions and supplies for the carrying on of the work.

The county treasurer may accept warrants against any county road improvement fund upon such conditions as the board may prescribe in payment of: (1) Assessments levied to supply that fund in due order of priority; (2) judgments rendered against property owners who have become delinquent in the payment of assessments to that fund; and (3) certificates of purchase in cases where property of delinquents has been sold under execution or at tax sale for failure to pay assessments levied to supply that fund.

36.88.340 Participation of county road fund—Arrangements with other public agencies, private utilities. Except as they may establish continuing guaranty fund requirements, the board of county commissioners shall be the sole judges as to the extent of county road fund participation in any project under this chapter and the decisions of the board shall be final; the said board may receive grants from or contract with any other county, municipal corporation, public agency or the state or federal government in order to effect any construction or improvement hereunder, including the construction, installation, improvement, operation, maintenance of and furnishing electric energy for any street and road lighting system, and to effect the construction, installation, improvement, operation and maintenance of and furnishing electric energy for

any such street and road lighting system, may contract with any private utility corporation.

36.88.350 Maintenance—Expense. After the completion of any construction or improvement under this chapter, all maintenance thereof shall be performed by the county at the expense of the county road fund, excepting furnishing electric energy for and operating and maintaining street and road lighting systems: *Provided*, That maintenance of canal protection improvements may, at the option of the board of commissioners of the county, be required of the irrigation, drainage, flood control, or other district, agency, person, corporation, or association maintaining the canal or ditch. If such option is exercised reimbursement must be made by the county for all actual costs of such maintenance.

36.88.360 State, county, school, municipal corporation lands—Assessment—Recipients of notices, ballots. Lands owned by the state, county, school district or any municipal corporation may be assessed and charged for road improvements authorized under this chapter in the same manner and subject to the same conditions as provided by law for assessments against such property for local improvements in cities and towns.

All notices and ballots provided for herein affecting state lands shall be sent to the department of natural resources whose designated agent is hereby authorized to sign petitions or ballots on behalf of the state. In the case of counties or municipal or quasi municipal bodies notices and ballots shall be sent to the legislative authority of said counties or municipality and petitions or ballots shall be signed by the officer duly empowered to act by said legislative authority.

36.88.370 Signatures on petitions, ballots, objections—Determining sufficiency. Wherever herein petitions, ballots or objections are required to be signed by the owners of property, the following rules shall govern the sufficiency thereof: (1) The signature of the record owner as determined by the records of the county auditor shall be sufficient without the signature of his or her spouse; (2) in the case of mortgaged property, the signature of the mortgagor shall be sufficient; (3) in the case of property purchased on contract the signature of the contract purchaser as shown by the records of the county auditor shall be deemed sufficient; (4) any officer of a corporation owning land in the district duly authorized to execute deeds or encumbrances on behalf of the corporation may sign on behalf of such corporation: *Provided*, That there shall be attached to the ballot or petition a certified excerpt from the bylaws showing such authority; (5) if any property in the district stands in the name of a deceased person or any person for whom a guardian has been

appointed, the signature of the executor, administrator or guardian as the case may be shall be equivalent to the signature of the owner of the property.

Note: See also section 6, chapter 84, Laws of 1963.

36.88.380 Safeguarding open canals or ditches — Assessments and benefits. Whenever a county road improvement district is established for the safeguarding of open canals or ditches as authorized by RCW 36.88.015 the rate of assessment per square foot in the district may be determined by any one of the methods provided in chapter 35.44 for similar improvements in cities or towns, and the land specially benefited by such improvements shall be the same as provided in chapter 35.43 for similar improvements in cities or towns.

36.88.390 ————Authority. Every county shall have the right of entry upon every irrigation, drainage, or flood control canal or ditch right of way within its boundaries for all purposes necessary to safeguard the public from the hazards of open canals or ditches, including the right to clean such canals or ditches to prevent their flooding adjacent lands, and the right to cause to be constructed and maintained on such rights of way or adjacent thereto safeguards as authorized by RCW 36.88.015: *Provided*, That such safeguards must not unreasonably interfere with maintenance of the canal or ditch or with the operation thereof.

36.88.400 ————Installation and construction—Costs. Any county, establishing a road improvement district for canal protection, notwithstanding any laws to the contrary, may require the district, agency, person, corporation, or association, public or private, which operates and maintains the canal or ditch to supervise the installation and construction of safeguards, and must make reimbursement to said operator for all actual costs incurred and expended.

Chapter 36.90

SOUTHWEST WASHINGTON FAIR

36.90.010 Control of property. The property of the Southwest Washington Fair Association including the buildings and structures thereon, as constructed or as may be built or constructed from time to time, or any alterations or additions thereto, shall be under the jurisdiction and control of the board of county commissioners of Lewis county at all times except during the month or months in which the southwest Washington fair commission desires to use such property for the purpose of holding a fair or exposition in

conformity with the objects of such association, and for the two months immediately preceding the month or months fixed for the holding of such fair or exhibition, and such other or further time or times as the board of county commissioners of Lewis county may authorize the southwest Washington fair commission to use it.

36.90.020 Fair commission created. The southwest Washington fair commission shall be composed of, as ex officio members thereof, by virtue of their office, the members of the board of county commissioners of Lewis county and the chairman of the board of county commissioners of Thurston, Cowlitz, Wahkiakum, Pacific, Grays Harbor and such other counties, or so many of said counties, as evidenced by formal resolution of the respective boards of county commissioners thereof, as desire to participate in the fair or exhibition or other event held on such grounds.

36.90.030 Organization of commission—Funds. The board of county commissioners in the county of Lewis shall notify the board of county commissioners of each of the other counties comprising the southwest Washington fair commission of the time and place of meetings of the southwest Washington fair commission, which meetings shall be called for a time not less than thirty days from the giving of such notice. The first meeting of the commission shall be held at the courthouse of Lewis county, at which time and place the commission shall proceed to organize. The chairman of the board of county commissioners of Lewis county shall be chairman of the commission. The commission shall proceed to elect a president and secretary and define their duties and fix their compensation, and provide for the keeping of its records. The commission shall also select some person to act as treasurer, and for this purpose may designate the treasurer of Lewis county as treasurer. The funds of the commission shall be kept separate and apart from the funds of Lewis county, but shall be deposited in the regular depositories of Lewis county and all interest earned thereby shall be added to and become a part of the funds. The treasurer shall give such bond as the commission may determine for the safekeeping of the funds. The commission shall also provide for an auditing committee of three members to audit all accounts against the commission, and no funds shall be paid out of the treasury of the commission except upon warrants signed by the chairman of the commission, attested by the secretary, after the approval of the claim therefor by the auditing committee.

36.90.040 Support of fair. Each member county may make donations or appropriations to the funds of the commission and may take any other part in the commission, as may be deemed advisable by the board of county commissioners of such county, and may

exhibit the products or resources of such county in the manner deemed for its best interest.

36.90.050 Acquisition, improvement, control of property in member county. The southwest Washington fair commission may acquire by gift, exchange, devise, lease, or purchase, real property situated in any member county, and may construct and maintain temporary or permanent improvements suitable and necessary for the purpose of holding and maintaining the southwest Washington fair. For the purposes of this section donations and appropriations made by member counties under the provisions of RCW 36.90.040 may be used, and in addition, member counties may lease, sell, or donate property to the southwest Washington fair commission or exchange property for property of the southwest Washington fair commission or of a member county. Property of the southwest Washington fair commission deemed surplus by the commission may be (1) sold at private sale after notice in a local publication of general circulation, or (2) exchanged by the commission for other property after notice in a local publication of general circulation.

36.90.060 Agent may manage property. The county commissioners of each county in which property of the southwest Washington fair commission is situated or any person, firm or corporation may be designated by the commission as agent of the commission, and may manage and maintain the commission's property within the county during periods of time the commission is not actively engaged in the preparation for or operation of the southwest Washington fair: *Provided*, That the use of such property shall at all times be first approved by the commission and subject to such conditions as the commission deems necessary.

Chapter 36.98

CONSTRUCTION

36.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

36.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

36.98.030 Invalidity of part of title not to affect remainder. If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the applica-

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

36.98.040 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Sections 1 through 6, page 329, Laws of 1854;
- (2) Sections 1 through 4, page 330, Laws of 1854;
- (3) Sections 1 through 13, pages 354 through 357, Laws of 1854;
- (4) Sections 1 through 9, pages 366 and 367, Laws of 1854;
- (5) Sections 2, 4 and 6, pages 375 and 376, Laws of 1854;
- (6) Sections 1 through 13, pages 416 through 419, Laws of 1854;
- (7) Sections 1 through 24, pages 420 through 423, Laws of 1854;
- (8) Sections 1 through 12, pages 424 through 426, Laws of 1854;
- (9) Sections 1 through 14, pages 426 through 428, Laws of 1854;
- (10) Sections 1, 2, 4 and 6, pages 428 through 430, Laws of 1854;
- (11) Sections 1 through 9, pages 434 and 435, Laws of 1854;
- (12) Sections 1 through 20, pages 436 through 438, Laws of 1854;
- (13) Sections 1 through 14 and 16, pages 12 through 14, Laws of 1856;
- (14) Sections 4 and 5 and 9 through 12, pages 21 through 23, Laws of 1856;
- (15) Sections 1 through 14, pages 334 through 337, Laws of 1861;
- (16) Sections 2 through 7, pages 41 and 42, Laws of 1861;
- (17) Sections 2 through 8, pages 398 and 399, Laws of 1863;
- (18) Sections 1 through 12, and 14, pages 408 through 410, Laws of 1863;
- (19) Sections 4 and 5 and 9 through 12, pages 423 through 425, Laws of 1863;
- (20) Sections 1 through 13, pages 521 through 525, Laws of 1863;
- (21) Sections 1 through 7, pages 538 and 539, Laws of 1863;
- (22) Sections 1 through 31, pages 540 through 545, Laws of 1863;
- (23) Sections 1 through 19, pages 548 through 552, Laws of 1863;
- (24) Sections 1 through 14, pages 552 through 554, Laws of 1863;
- (25) Sections 1 through 10, pages 557 and 558, Laws of 1863;
- (26) Sections 1 through 22, pages 559 through 563, Laws of 1863;
- (27) Section 10, page 52, Laws of 1865;
- (28) Sections 4 and 10, pages 7 and 8, Laws of 1867;
- (29) Sections 1 through 29 and 31, pages 51 through 58, Laws of 1867;
- (30) Sections 1 through 4, pages 130 through 131, Laws of 1867 relating to the duties of county auditors;
- (31) Sections 40 through 53, pages 280 through 284, Laws of 1869;
- (32) Sections 1 through 29, pages 303 through 309, Laws of 1869;
- (33) Sections 1 through 17 and 22, pages 310 through 314, Laws of 1869;

- (34) Sections 1 through 25, pages 364 through 375, Laws of 1869;
- (35) Sections 1 through 6, pages 402 through 404, Laws of 1869 relating to county assessors;
- (36) Sections 5 through 6 and 9 through 11, pages 419 through 421, Laws of 1869;
- (37) Sections 1 through 3, pages 35 and 36, Laws of 1871;
- (38) Section 1, page 110, Laws of 1871 entitled "An act to amend an act entitled 'An act to create and regulate the office of sheriff', passed Jan. 19, 1863";
- (39) Sections 1 and 3, pages 437 and 438, Laws of 1873;
- (40) Sections 1 through 20 and 22, pages 245 through 249, Laws of 1877;
- (41) Sections 1 through 14, pages 302 through 305, Laws of 1877;
- (42) Sections 1 through 3 and 5 of "An act to prescribe the tenure of office in Washington territory", page 330, Laws of 1877;
- (43) Sections 38 through 51, pages 61 through 64, Laws of 1879;
- (44) Sections 1 through 20 and 22, pages 92 through 97, Laws of 1879;
- (45) Sections 1 and 2, pages 130 and 131, Laws of 1879;
- (46) Sections 1 through 4, pages 143 and 144, Laws of 1879;
- (47) Sections 1163 through 1165, chapter XCIII, Code of 1881;
- (48) Sections 2087, 2088, 2089 through 2091, 2094, 2096, 2098 and 2101 through 2102, chapter CLIII, Code of 1881;
- (49) Sections 2108 and 2110, chapter CLIV, Code of 1881;
- (50) Sections 2177, 2178, 2179, 2181 and 2185, chapter CLVII, Code of 1881;
- (51) Sections 2653 through 2662, chapter CCVIII, Code of 1881;
- (52) Sections 2663 and 2664, 2666 through 2669, 2671 through 2678, 2681, 2686 through 2687, 2692 through 2695, chapter CCIX, Code of 1881;
- (53) Section 2701, chapter CCX, Code of 1881;
- (54) Sections 2707 through 2725, chapter CCXI, Code of 1881;
- (55) Sections 2738 through 2751, chapter CCXII, Code of 1881;
- (56) Sections 2752 and 2753 and 2755 through 2757, chapter CCXIII, Code of 1881;
- (57) Sections 2766 through 2774, chapter CCXV, Code of 1881;
- (58) Sections 2775 through 2795, chapter CCXVI, Code of 1881;
- (59) Sections 3002 through 3015, chapter CCXXX, Code of 1881;
- (60) Sections 3150 and 3153, chapter CCXLIV, Code of 1881;
- (61) Sections 1 and 3, page 26, Code of 1881, Bagley's Supplement;
- (62) Sections 1 through 13, pages 33 through 36, Code of 1881, Bagley's Supplement relating to prison regulations;
- (63) Sections 1 and 3 of an act to amend section 2752 of the Code of Washington, page 39, Laws of 1883;

(64) Sections 1 through 7 and sections 9 through 26, pages 72 through 76, Laws of 1883;

(65) Section 21, page 52, Laws of 1885;

(66) Sections 4, 5, 7 through 9, 12 through 14, 18, and 23, pages 61 through 64, Laws of 1885;

(67) Sections 1, 2 and 3 of an act "To prescribe the tenure of office in the territory of Washington", pages 100 and 101, Laws of 1885;

(68) Sections 1, 2 and 4 of an act "To amend sections twenty-six hundred and ninety-two and twenty-six hundred and ninety-three, of the Code of Washington territory, relating to county printing, pages 108 and 109, Laws of 1885;

(69) Sections 1 and 3, of an act "Relating to the cancellation of county warrants", page 161, Laws of 1885;

(70) Sections 1 and 2 of an act "To amend section 2747 of the Code of Washington territory", page 162, Laws of 1885;

(71) Sections 1 and 2 of an act "To amend section 2752, of the Code of Washington territory", relating to county assessors, page 164, Laws of 1885;

(72) Sections 1 and 3 of an act "To amend section 2768 of the Code of Washington territory", page 174, Laws of 1885;

(73) Sections 1 and 3, chapter 103, Laws of 1887;

(74) Section 5, page 35, Laws of 1889;

(75) Sections 1 through 10, pages 37 through 40, Laws of 1889;

(76) Sections 1 through 8, pages 40 through 42, Laws of 1889;

(77) Sections 32 through 47, pages 312 through 316, Laws of 1889;

(78) Sections 1 through 3, page 317, Laws of 1889;

(79) Sections 1 through 9, pages 318 and 319, Laws of 1889;

(80) Section 1 of an act to amend an act entitled "An act to amend section 2752 of the Code of Washington Territory, relating to assessors" appearing on page 478, Laws of 1889;

(81) Chapter 5, Laws of 1891;

(82) Sections 1 through 4, chapter 45, Laws of 1891;

(83) Sections 3 through 7, chapter 55, Laws of 1891;

(84) Section 1, chapter 57, Laws of 1891;

(85) Sections 1 through 6, chapter 67, Laws of 1891;

(86) Sections 1 and 9, chapter 76, Laws of 1891;

(87) Chapter 90, Laws of 1891;

(88) Chapter 144, Laws of 1891;

(89) Chapter 14, Laws of 1893;

(90) Section 1, chapter 16, Laws of 1893;

(91) Sections 1 and 2, chapter 39, Laws of 1893;

(92) Section 2, chapter 48, Laws of 1893;

(93) Chapter 52, Laws of 1893;

(94) Sections 1, 4, 5 and 10, chapter 71, Laws of 1893;

(95) Sections 1, 2 and 7, chapter 75, Laws of 1893;

- (96) Chapter 81, Laws of 1893;
- (97) Section 1, chapter 82, Laws of 1893;
- (98) Sections 1 through 4, chapter 104, Laws of 1893;
- (99) Sections 1 and 2, chapter 105, Laws of 1893;
- (100) Sections 1 through 8, chapter 119, Laws of 1893;
- (101) Chapter 121, Laws of 1893;
- (102) Chapter 17, Laws of 1895;
- (103) Chapter 53, Laws of 1895;
- (104) Chapter 73, Laws of 1895;
- (105) Chapter 97, Laws of 1895;
- (106) Chapter 110, Laws of 1895;
- (107) Section 2, chapter 130, Laws of 1895;
- (108) Sections 1, 2 and 4, chapter 160, Laws of 1895;
- (109) Chapter 21, Laws of 1897;
- (110) Sections 1 and 2, chapter 35, Laws of 1897;
- (111) Chapter 62, Laws of 1897;
- (112) Chapter 76, Laws of 1897;
- (113) Chapter 29, Laws of 1899;
- (114) Chapter 87, Laws of 1901;
- (115) Chapter 131, Laws of 1901;
- (116) Chapter 7, Laws of 1903;
- (117) Chapter 15, Laws of 1903;
- (118) Chapter 57, Laws of 1903;
- (119) Chapter 89, Laws of 1903;
- (120) Chapter 25, Laws of 1905;
- (121) Section 2, chapter 34, Laws of 1905;
- (122) Chapter 60, Laws of 1905;
- (123) Chapter 157, Laws of 1905;
- (124) Chapter 51, Laws of 1907;
- (125) Sections 1 through 4, chapter 65, Laws of 1907;
- (126) Sections 1 and 2, chapter 158, Laws of 1907;
- (127) Sections 2 and 4 through 6, chapter 160, Laws of 1907;
- (128) Chapter 185, Laws of 1907;
- (129) Chapter 229, Laws of 1907;
- (130) Chapter 15, Laws of 1909;
- (131) Section 12, chapter 76, Laws of 1909;
- (132) Chapter 79, Laws of 1909;
- (133) Chapter 105, Laws of 1909;
- (134) Chapter 122, Laws of 1909;
- (135) Chapter 170, Laws of 1909;
- (136) Chapter 214, Laws of 1909;
- (137) Chapter 232, Laws of 1909;
- (138) Section 27, chapter 249, Laws of 1909;
- (139) Chapter 55, Laws of 1911;
- (140) Section 1, chapter 66, Laws of 1911;

- (141) Chapter 75, Laws of 1911;
- (142) Chapter 25, Laws of 1913;
- (143) Sections 1 through 5 and 7, chapter 47, Laws of 1913;
- (144) Chapter 90, Laws of 1913;
- (145) Chapter 91, Laws of 1913;
- (146) Chapter 93, Laws of 1913;
- (147) Chapter 150, Laws of 1913;
- (148) Chapter 162, Laws of 1913;
- (149) Chapter 26, Laws of 1915;
- (150) Chapter 74, Laws of 1915;
- (151) Sections 1, 2 and 4, chapter 32, Laws of 1917;
- (152) Chapter 45, Laws of 1917;
- (153) Chapter 69, Laws of 1917;
- (154) Sections 2, 3, 4, 5 and 6, chapter 103, Laws of 1917;
- (155) Chapter 114, Laws of 1917;
- (156) Sections 2, 57 and 72, chapter 156, Laws of 1917;
- (157) Chapter 158, Laws of 1917;
- (158) Chapter 87, Laws of 1919;
- (159) Chapter 115, Laws of 1919;
- (160) Chapter 149, Laws of 1919;
- (161) Section 4, chapter 168, Laws of 1919;
- (162) Sections 1 and 2, chapter 175, Laws of 1919;
- (163) Chapter 30, Laws of 1921;
- (164) Chapter 100, Laws of 1921;
- (165) Chapter 132, Laws of 1921;
- (166) Chapter 133, Laws of 1921;
- (167) Chapter 165, Laws of 1921;
- (168) Section 3, chapter 184, Laws of 1921;
- (169) Chapter 83, Laws of 1923;
- (170) Section 1, chapter 130, Laws of 1923;
- (171) Chapter 164, Laws of 1923;
- (172) Chapter 177, Laws of 1923;
- (173) Chapter 41, Laws of 1925 extraordinary session;
- (174) Section 55, chapter 130, Laws of 1925 extraordinary session;
- (175) Chapter 143, Laws of 1925 extraordinary session;
- (176) Chapter 148, Laws of 1925 extraordinary session;
- (177) Chapter 174, Laws of 1925 extraordinary session;
- (178) Section 1, chapter 37, Laws of 1927;
- (179) Chapter 89, Laws of 1927;
- (180) Section 1, chapter 163, Laws of 1927;
- (181) Chapter 220, Laws of 1927;
- (182) Section 1, chapter 266, Laws of 1927;
- (183) Chapter 274, Laws of 1927;
- (184) Chapter 301, Laws of 1927;
- (185) Sections 1, 2 and 5, 18 and 19, chapter 88, Laws of 1929;

- (186) Section 3, chapter 93, Laws of 1929;
- (187) Chapter 109, Laws of 1929;
- (188) Chapter 110, Laws of 1929;
- (189) Chapter 193, Laws of 1929;
- (190) Sections 1 through 10, chapter 198, Laws of 1929;
- (191) Chapter 69, Laws of 1931;
- (192) Section 1, chapter 87, Laws of 1931;
- (193) Chapter 95, Laws of 1931;
- (194) Sections 1, 2, 3, 4, 5, 7, 8, 9, 10 and 11, chapter 139, Laws of 1931;
- (195) Chapter 100, Laws of 1933;
- (196) Sections 1, 2, 3, 4, 6 and 7, chapter 136, Laws of 1933;
- (197) Chapter 174, Laws of 1933;
- (198) Chapter 14, Laws of 1933 extraordinary session;
- (199) Chapter 40, Laws of 1933 extraordinary session;
- (200) Chapter 45, Laws of 1933 extraordinary session;
- (201) Chapter 33, Laws of 1935;
- (202) Chapter 94, Laws of 1935;
- (203) Chapter 95, Laws of 1935;
- (204) Chapter 46, Laws of 1937;
- (205) Sections 1 through 58, 66, 67, 75, 76, and 77, chapter 187, Laws of 1937;
- (206) Chapter 197, Laws of 1937;
- (207) Chapter 209, Laws of 1937;
- (208) Section 11, chapter 181, Laws of 1939;
- (209) Sections 2 through 4, chapter 188, Laws of 1939;
- (210) Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 16, chapter 201, Laws of 1939;
- (211) Chapter 26 Laws of 1941;
- (212) Chapter 46, Laws of 1941;
- (213) Chapter 99, Laws of 1941;
- (214) Section 2, chapter 110, Laws of 1941;
- (215) Chapter 138, Laws of 1941;
- (216) Chapter 142, Laws of 1941;
- (217) Chapter 191, Laws of 1941;
- (218) Sections 1, 2, 3, and 5, chapter 227, Laws of 1941;
- (219) Chapter 237, Laws of 1941;
- (220) Chapter 19, Laws of 1943;
- (221) Chapter 35, Laws of 1943;
- (222) Chapter 61, Laws of 1943;
- (223) Chapter 66, Laws of 1943;
- (224) Chapter 73, Laws of 1943;
- (225) Sections 1, 2, 3, 4, 5, 6, 7 and 8, chapter 82, Laws of 1943;
- (226) Chapter 87, Laws of 1943;
- (227) Chapter 101, Laws of 1943;

- (228) Chapter 139, Laws of 1943;
- (229) Chapter 145, Laws of 1943;
- (230) Chapter 174, Laws of 1943;
- (231) Chapter 199, Laws of 1943;
- (232) Chapter 204, Laws of 1943;
- (233) Chapter 249, Laws of 1943;
- (234) Chapter 260, Laws of 1943;
- (235) Chapter 269, Laws of 1943;
- (236) Chapter 51, Laws of 1945;
- (237) Chapter 61, Laws of 1945;
- (238) Chapter 62, Laws of 1945;
- (239) Chapter 73, Laws of 1945;
- (240) Chapter 85, Laws of 1945;
- (241) Section 1, chapter 87, Laws of 1945;
- (242) Chapter 94, Laws of 1945;
- (243) Chapter 118, Laws of 1945;
- (244) Chapter 125, Laws of 1945;
- (245) Section 3, chapter 172, Laws of 1945;
- (246) Chapter 201, Laws of 1945;
- (247) Sections 1 through 12, chapter 254, Laws of 1945;
- (248) Chapter 49, Laws of 1947;
- (249) Chapter 58, Laws of 1947;
- (250) Chapter 61, Laws of 1947;
- (251) Chapter 141, Laws of 1947;
- (252) Chapter 184, Laws of 1947;
- (253) Chapter 228, Laws of 1947;
- (254) Chapter 272, Laws of 1947;
- (255) Chapter 277, Laws of 1947;
- (256) Chapter 33, Laws of 1949;
- (257) Section 2, chapter 75, Laws of 1949;
- (258) Chapter 85, Laws of 1949;
- (259) Chapter 92, Laws of 1949;
- (260) Sections 1 through 9, chapter 94, Laws of 1949;
- (261) Chapter 131, Laws of 1949;
- (262) Chapter 156, Laws of 1949;
- (263) Sections 1 and 4, chapter 165, Laws of 1949;
- (264) Section 1, chapter 181, Laws of 1949;
- (265) Chapter 200, Laws of 1949;
- (266) Chapter 9, Laws of 1950 first extraordinary session;
- (267) Chapter 18, Laws of 1950 first extraordinary session;
- (268) Chapter 34, Laws of 1951;
- (269) Chapter 41, Laws of 1951;
- (270) Sections 4, 5 and 6, chapter 51, Laws of 1951;
- (271) Chapter 89, Laws of 1951;
- (272) Section 1, chapter 100, Laws of 1951;

- (273) Chapter 108, Laws of 1951;
- (274) Chapter 143, Laws of 1951;
- (275) Chapter 161, Laws of 1951;
- (276) Chapter 187, Laws of 1951;
- (277) Chapter 192, Laws of 1951;
- (278) Sections 1, 2, 3 and 4, chapter 256, Laws of 1951;
- (279) Chapter 258, Laws of 1951;
- (280) Chapter 14, Laws of 1951 second extraordinary session;
- (281) Chapter 22, Laws of 1953;
- (282) Chapter 37, Laws of 1953;
- (283) Chapter 57, Laws of 1953;
- (284) Chapter 152, Laws of 1953;
- (285) Chapter 172, Laws of 1953;
- (286) Sections 3 and 4, chapter 188, Laws of 1953;
- (287) Chapter 199, Laws of 1953;
- (288) Chapter 210, Laws of 1953;
- (289) Section 2, chapter 214, Laws of 1953;
- (290) Chapter 215, Laws of 1953;
- (291) Section 1, chapter 224, Laws of 1953;
- (292) Chapter 264, Laws of 1953
- (293) Chapter 9, Laws of 1955;
- (294) Chapter 10, Laws of 1955;
- (295) Chapter 48, Laws of 1955;
- (296) Chapter 51, Laws of 1955;
- (297) Chapter 129, Laws of 1955;
- (298) Sections 5, 6, 7, 8 and 10, chapter 157, Laws of 1955;
- (299) Chapter 194, Laws of 1955;
- (300) Section 10, chapter 251, Laws of 1955;
- (301) Chapter 297, Laws of 1955;
- (302) Sections 1 and 6, chapter 310, Laws of 1955;
- (303) Chapter 312, Laws of 1955;
- (304) Chapter 361, Laws of 1955;
- (305) Section 2, chapter 9, Laws of 1955 first extraordinary session;
- (306) Sections 1 through 14 and 16 through 33, chapter 58, Laws of 1957;
- (307) Chapter 106, Laws of 1957;
- (308) Section 1, chapter 124, Laws of 1957;
- (309) Section 2, chapter 126, Laws of 1957;
- (310) Chapter 134, Laws of 1957;
- (311) Chapter 146, Laws of 1957;
- (312) Section 5, chapter 187, Laws of 1957;
- (313) Chapter 201, Laws of 1957;
- (314) Chapter 219, Laws of 1957;
- (315) Sections 5, 6, 7, 8 and 9, chapter 224, Laws of 1957;

- (316) Chapter 30, Laws of 1959;
- (317) Chapter 34, Laws of 1959;
- (318) Chapter 67, Laws of 1959;
- (319) Sections 4, 5, 6, 7 and 8, chapter 75, Laws of 1959;
- (320) Chapter 130, Laws of 1959;
- (321) Chapter 134, Laws of 1959;
- (322) Section 2, chapter 142, Laws of 1959;
- (323) Chapter 201, Laws of 1959;
- (324) Sections 2 and 3, chapter 216, Laws of 1959;
- (325) Sections 6, 7, 8 and 10, chapter 263, Laws of 1961;
- (326) Section 1, chapter 300, Laws of 1961;
- (327) Sections 1, 2, 3, 4, 5, 6, 7 and 9, chapter 304, Laws of 1959;
- (328) Chapter 27, Laws of 1961;
- (329) Sections 1 and 2, chapter 35, Laws of 1961;
- (330) Section 1, chapter 41, Laws of 1961;
- (331) Chapter 55, Laws of 1961;
- (332) Section 1, chapter 79, Laws of 1961;
- (333) Chapter 92, Laws of 1961;
- (334) Chapter 144, Laws of 1961;
- (335) Chapter 169, Laws of 1961;
- (336) Sections 6 through 31, chapter 171, Laws of 1961;
- (337) Chapter 172, Laws of 1961;
- (338) Section 1, chapter 195, Laws of 1961;
- (339) Chapter 232, Laws of 1961;
- (340) Chapter 254, Laws of 1961;
- (341) Section 1, chapter 270, Laws of 1961;
- (342) Chapter 272, Laws of 1961;
- (343) Section 1, chapter 273, Laws of 1961; and
- (344) Section 1, chapter 304, Laws of 1961.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

36.98.050 Emergency. 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.

Title 36
COUNTIES

Explanatory
note.

EXPLANATORY NOTE

I. Introductory

As a part of the program to restore session law language to the Revised Code of Washington, the code reviser's office and codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 36. Pursuant to such study it was determined that the confused statutory history of the subject matter contained therein, the division and combining of session law sections by the 1941 Code Committee to create the present Title 36, and the subsequent ratification by the legislature of parts of the title by the amendment of many of the RCW sections, have all combined to make any general restoration of the session law text an impossibility. In view of the foregoing and in view of the fact that the present RCW Title 36 has been in use for a period of twelve years, the codifications subcommittee of the Statute Law Committee, after submitting the study and work materials relating to this title to the attorney general's office, the division of municipal corporations, the Association of Prosecuting Attorneys, the Washington State Association of County Commissioners and the Washington State Association of Elected County Officials, and conferring with such representatives thereof as attended the meetings held for the purpose of considering the provisions hereof, herewith presents for enactment as primary law the provisions of RCW Title 36, incorporating therein such restorations and corrections as may be made without changing the substance of the law.

Omitted from this bill are two chapters presently codified in Title 36. Chapter 36.91 relating to trading stamp licenses is omitted for the reason that it more properly belongs as a chapter of Title 19 RCW relating to Miscellaneous Business Regulations. It will be recodified in such title upon publication of the 1963 supplement to RCW. Chapter 36.04 which defines county boundaries is omitted because certain actions have occurred to alter such boundaries in certain instances, which are not reflected in the statutes, for example, according to correspondence filed in the reviser's office a portion of the boundary between King and Pierce counties was changed as the result of an election held in 1901 pursuant to what is now RCW 36.08.010. In view of this and other similar occurrences it is felt that the reenactment of the boundaries should await a time when these matters might be thoroughly investigated, perhaps with the assistance of the various county engineers and assessors. Meanwhile the provisions relating to county boundaries are not herein repealed and the provisions of chapter 36.04 will be republished in their present form in the 1963 supplement to RCW.

Except as otherwise noted, the translations of the term "this act" into "this chapter", and other similar translations which appear in the 1941 revision, have been accepted without comment.

The remainder of these notes consist of source notes and a section by section comment regarding this reenactment. The complete study materials relating to this title are on permanent file in the office of the code reviser, at Olympia.

II. Section Comment

Chapter 36.01 General Provisions

36.01.010 Source—[Code 1881 § 2653; 1863 p 538 § 1; 1854 p 329 § 1; RRS § 3982.]

(1) "territory" changed to "state".

(2) The 1941 revisers deleted a comma following "capacity as bodies corporate" which is herein restored.

- Explanatory
note.
- 36.01.020 Source—[Code 1881 § 2654; RRS § 3983.]
 36.01.030 Source—[Code 1881 § 2655; RRS § 3984.]
 36.01.040 Source—[Code 1881 § 2656; 1863 p 538 § 2; 1854 p 329 § 2; RRS § 3985.]
 36.01.050 Source—[1854 p 329; 6; No RRS.]
 36.01.060 Source—[Code 1881 § 2110; 1869 p 420 § 9; 1863 p 425 § 10; 1857 p 22 § 10; RRS § 508.]

Certain RCW phrases restored to session law language as follows:

- (1) “. . . the fees of the sheriff for maintaining prisoners . . .” to “. . . the fees of the sheriff for maintaining prisoners charged with crimes. . . .”
 (2) “the traveling expenses of the sheriff . . .” to “the per diem and mileage, or such other compensation as is allowed in lieu thereof, of the sheriff . . .”

Chapter 36.05 Actions to Establish Boundaries

- 36.05.010 Source—[1897 c 76 § 1; RRS § 3964.]
 Session law phrase “in the superior court” restored.
- 36.05.020 Source—[1897 c 76 § 2; RRS § 3965.]
 36.05.030 Source—[1897 c 76 § 3; RRS § 3966.]
 1941 RCW version unacceptable.
 RCW version “territory embracing such disputed, lost, obscure or uncertain boundaries” restored to “territory affected by such disputed, lost, obscure or uncertain boundaries”.
- 36.05.040 Source—[1897 c 76 § 5; RRS § 3968.]
 36.05.050 Source—[1897 c 76 § 6; RRS § 3969.]
 “. . . court may move or establish any county boundary line or any government section line or subdivisional line . . .” restored to “. . . court shall have power to move or establish such boundary line on any government section line or subdivisional line thereof . . .”.
- 36.05.060 Source—[1897 c 76 § 7; RRS § 3970.]
 36.05.070 Source—[1897 c 76 § 8; RRS § 3971.]
 1941 RCW version unacceptable.
 RCW version: “. . . a decree is entered establishing a county boundary line . . .” restored to “. . . a decree is entered under the provisions of this chapter . . .”; the RCW translation appears erroneous in light of RCW 36.05.060 making civil practice and procedure applicable to boundary actions and thus a decree could be entered which does not “establish a county boundary line” but would be entered “under the provisions of this chapter”.
- 36.05.080 Source—[1897 c 76 § 4; RRS § 3967.]

Chapter 36.08 Transfer of Territory Where City's Harbor Lies in Two Counties

- 36.08.010 Source—[1891 c 144 § 1; RRS § 3972.]
 This section was amended by 1903 c 121 § 1 which section was repealed by 1905 c 34 § 1 but such repealer has been deemed to revive 1891 c 144 § 1 (see note following RRS § 3972; and 1941 Reviser's note following 36.08.010) and the section appears necessary for the proper operation of the remainder of the chapter.
- 36.08.020 Source—[1891 c 144 § 2; RRS § 3973.]
 36.08.030 Source—[1891 c 144 § 3; RRS § 3974.]
 RCW version “. . . all judicial proceedings commenced . . . shall be continued . . .” restored to “. . . all judicial or other official proceedings commenced . . . shall be continued . . .”.
- 36.08.040 Source—[1891 c 144 § 4; RRS § 3975.]

- 36.08.050 Source—[1891 c 144 § 5; RRS § 3976.]
- 36.08.060 Source—[1891 c 144 § 6; RRS § 3977.]
- 36.08.070 Source—[1891 c 144 § 7; RRS § 3978.]
- 36.08.080 Source—[1891 c 144 § 8; RRS § 3979.]
- 36.08.090 Source—[1891 c 144 § 9; RRS § 3980.]
- 36.08.100 Source—[1891 c 144 § 10; RRS § 3981.]
- This section was repealed by 1903 c 121 § 2 which section was in turn repealed by 1905 c 34 § 1; RRS treated it as revised. The 1941 Code Committee omitted it as covered by 36.08.010.

Explanatory
note.

Chapter 36.09 Division of County

- 36.09.010 Source—[Code 1881 § 2657; 1863 p 538 § 3; 1854 p 330 § 1; RRS § 3986.]
- RCW version: "Whenever a new county is organized . . ." restored to ". . . whenever a new county shall be or shall have been organized . . .".
- 36.09.020 Source—[(i) Code 1881 § 2658; 1863 p 538 § 4; 1854 p 330 § 2; RRS § 3987. FORMER PART OF SECTION: 1909 c 79 § 1, part; Code 1881 § 2662, part; RRS § 3991, part. Now codified in RCW 36.09.050.]
- 1909 c 79 § 1 was divided by the 1941 revisers into this section, being commingled with Code 1881 § 2658, 36.09.030 and 36.09.050. Herein, Code 1881 § 2658 is restored as RCW 36.09.020 and 1909 c 79 § 1 is rejoined as a single section and codified as RCW 36.09.050, RCW 36.09.030 being decodified.
- 36.09.030 Source—[1909 c 79 § 1, part; Code 1881 § 2662, part; RRS § 3991, part.] Now codified in RCW 36.09.050.
- 36.09.035 Source—[Code 1881 § 2659; 1863 p 539 § 5; 1854 p 330 § 3; RRS § 3988.]
- Not presently in RCW. Session law restored.
- 36.09.040 Source—[Code 1881 § 2660; 1863 p 539 § 6; 1854 p 330 § 4; RRS § 3989.]
- 36.09.050 Source—[1909 c 79 § 1; Code 1881 § 2662; RRS § 3991.]
- (1) See 36.09.020 explanatory matter.
- (2) "act" changed to "section", this section appearing to be the only applicable part of either the original act (chapter 208, Code of 1881) or its amendatory act (chapter 79, Laws of 1909).

Chapter 36.12 Removal of County Seats

- 36.12.010 Source—[1890 p 318 § 1; RRS § 3998.]
- (1) Session law phrase "is fixed by law or otherwise" restored.
- (2) "city or town" restored to "towns or cities".
- 36.12.020 Source—[1890 p 318 § 2; RRS § 3999.]
- 36.12.030 Source—[1890 p 318 § 3; RRS § 4000.]
- 36.12.040 Source—[1890 p 318 § 4; RRS § 4001.]
- 36.12.050 Source—[1890 p 318 § 5; RRS § 4002.]
- Session law phrase "by the board" restored.
- 36.12.060 Source—[1890 p 318 § 6; RRS § 4003.]
- 36.12.070 Source—[1890 p 319 § 7; RRS § 4004.]
- 36.12.080 Source—[1890 p 319 § 8; RRS § 4005.]
- 36.12.090 Source—[1890 p 319 § 9; RRS § 4006.]

Chapter 36.13 Classification of Counties

- 36.13.010 Source—[1953 c 22 § 1; 1941 c 26 § 1; 1933 c 136 § 1; 1925 ex.s. c 148 § 1; 1919 c 168 § 1; 1917 c 88 § 1; 1901 c 136 § 1; 1890 p 302 § 1; Rem. Supp. 1941 § 4200-la.]
- 36.13.020 Source—[(i) 1923 c 177 § 1; RRS § 4200-6. (ii) 1923 c 177 § 5; RRS § 4200-10.]
- In proviso, "under this act" restored and translated to read "under the provisions of RCW 36.13.020 through 36.13.070".

- Explanatory note.
- 36.13.030 Source—[1923 c 177 § 2; RRS § 4200-7.]
- 36.13.040 Source—[1923 c 177 § 4; RRS § 4200-9.]
- 36.13.050 Source—[1923 c 177 § 3; RRS § 4200-8.]
- 36.13.060 Source—[1890 p 316 § 47; RRS § 4228.]
Section decodified and reenacted as 36.13.075, to preserve session law context of RCW 36.13.020--36.13.070.
- 36.13.070 Source—[1923 c 177 § 6; RRS § 4200-11.]
Internal reference revised to compensate for recodification of RCW 36.13.060.
- 36.13.075 Source—[1890 p 316 § 47; RRS § 4228.]
- 36.13.080 Source—[(i) 1950 ex.s. c 18 § 1; (ii) 1950 ex.s. c 18 § 2. (iii) 1950 ex.s. c 18 § 3.]
- 36.13.090 Source—[1953 c 22 § 2; 1921 c 133 § 1; RRS § 4204.]
- 36.13.100 Source—[1949 c 92 § 1; Rem. Supp. 1949 § 4200-6a.]

Chapter 36.16 County Officers—General

- 36.16.010 Source—[1919 c 175 § 2; RRS § 4030.]
Session law restored.
“effective date of this act” changed to “midnight, June 11, 1919”.
- 36.16.020 Source—[1959 c 216 § 2; 1919 c 175 § 1; 1886 p 101 § 2; Code 1881 § 3153; 1877 p 330 § 2; 1871 p 36 § 3; 1867 p 7 § 4; RRS § 4029.]
In first proviso “this section” revised to read “RCW 36.16.010 and this section” in order to reflect original session law phrase (1919 c 175 § 1) which read “Provided, That this act shall not apply to county commissioners.” This act is codified as RCW 36.16.010 and 36.16.020.
- 36.16.030 Source—[1955 c 157 § 5. Prior: (i) Code 1881 § 2707; 1869 p 310 §§ 1-3; 1863 p 549 §§ 1-3; 1854 p 424 §§ 1-31; RRS § 4083. (ii) Code 1881 § 2738; 1863 p 552 § 1; 1854 p 426 § 1; RRS § 4106. (iii) 1891 c 5 § 1; RRS § 4127. (iv) 1890 p 478 § 1; 1886 p 164 § 1; 1883 p 39 § 1; Code 1881 § 2752; 1869 p 402 § 1; 1854 p 428 § 1; RRS § 4140. (v) 1943 c 139 § 1; Code 1881 § 2766; 1863 p 557 § 1; 1854 p 434 § 1; Rem. Supp. 1949 § 4155. (vi) Code 1881 § 2775, part; 1863 p 559 § 1, part; 1854 p 436 § 1, part; RRS § 4176, part. (vii) 1933 c 136 § 2; 1925 ex.s. c 148 § 2; RRS § 4200-2a. (viii) 1937 c 197 § 1; 1933 c 136 § 3; 1925 ex.s. c 148 § 3; RRS § 4200-3a. (ix) 1937 c 197 § 2; 1933 c 136 § 4; 1925 ex.s. c 148 § 4; RRS § 4200-4a. (x) 1927 c 37 § 1; 1890 p 304 § 2; RRS § 4205-1.]
- 36.16.032 Source—[1957 c 219 § 4.]
- 36.16.040 Source—[1955 c 157 § 6. Prior: (i) Code 1881 § 2666; 1869 p 303 § 4; 1863 p 541 § 4; 1854 p 420 § 4; RRS § 4045. (ii) Code 1881 § 2708, part; 1869 p 310 § 4, part; 1863 p 549 § 4, part; 1854 p 424 § 4, part; RRS § 4084, part. (iii) 1943 c 249 § 1; Code 1881 § 2739; 1863 p 553 § 2, part; 1854 p 426 § 2; Rem. Supp. 1943 § 4107. (iv) 1886 p 61 § 4, part; 1883 p 73 § 9, part; Code 1881 § 2163, part; 1877 p 246 § 5, part; 1863 p 408 § 3, part; 1860 p 334 § 3, part; 1858 p 12 § 3, part; 1854 p 417 § 3, part; RRS § 4129, part. (v) 1897 c 71 § 44; 1893 c 124 § 46; Code 1881 § 2753; 1854 p 428 § 2; RRS § 4141. (vi) Code 1881 § 2774; 1863 p 558 § 9; 1854 p 435 § 9; RRS § 4156. (vii) Code 1881 § 2775, part; 1863 p 559 § 1, part; 1854 p 436 § 1, part; RRS § 4176, part. (viii) Code 1881 § 2096; 1869 p 374 § 18; RRS § 4231. (ix) 1909 c 97 p 280 § 1, part; 1903 c 104 § 13, part; 1899 c 142 § 5, part; 1897 c 118 § 30, part; 1890 p 355 § 10, part; Code 1881 § 3170, part; RRS § 4767, part. (x) 1925 ex.s. c 130 § 55; 1891 c 140 § 46; 1890 p 548 § 50; RRS § 11138.]
- 36.16.050 Source—[1955 c 157 § 7. Prior: (i) 1895 c 53 § 1; RRS § 70. (ii) 1895 c 53 § 2, part; RRS § 71, part. (iii) 1921 c 132 § 1, part; 1893 c 75 § 7, part; RRS § 4046, part. (iv) Code 1881

- § 2708, part; 1869 p 310 § 4, part; 1863 p 549 § 4, part; 1854 p 424 § 4, part; RRS § 4084, part. (v) 1943 c 249 § 1, part; Code 1881 § 2739, part; 1863 p 553 § 2, part; 1854 p 426 § 2, part; Rem. Supp. 1943 § 4107, part. (vi) 1886 p 61 § 4, part; 1883 p 73 § 9, part; Code 1881 § 2163, part; 1877 p 246 § 5, part; 1863 p 408 § 3, part; 1860 p 334 § 3, part; 1858 p 12 § 3, part; 1854 p 417 § 3, part; RRS § 4129, part. (vii) 1897 c 71 § 44, part; 1893 p 124 § 46, part; Code 1881 § 2753, part; 1854 p 428 § 2, part; RRS § 4141, part. (viii) 1943 c 139 § 1, part; Code 1881 § 2766, part; 1863 p 557 § 1, part; 1854 p 434 § 1, part; Rem. Supp. 1943 § 4155, part. (ix) Code 1881 § 2775, part; 1863 p 559 § 1, part; 1854 p 436 § 1, part; RRS § 4176, part. (x) 1909 c 97 p 280 § 1 part; 1903 c 104 § 13, part; 1899 c 142 § 5, part; 1897 c 118 § 30, part; 1890 p 355 § 10, part; Code 1881 § 3170, part; RRS § 4767, part. (xi) 1890 p 35 § 5, part; RRS § 9934, part. (xii) 1925 ex.s. c 130 § 55, part; 1891 c 140 § 46, part; 1890 p 548 § 50, part; RRS § 11138, part.]
- 36.16.060 Source—[1955 c 157 § 8. Prior: (i) 1895 c 53 § 2, part; RRS § 71, part. (ii) 1890 p 35 § 5, part; RRS § 9934, part.]
- 36.16.070 Source—[1959 c 216 § 3; 1957 c 219 § 2. Prior: (i) Code 1881 § 2716; 1869 p 312 § 10; 1863 p 550 § 7; 1854 p 425 § 7; RRS § 4093. (ii) Code 1881 § 2741; 1863 p 553 § 4; 1854 p 427 § 4; RRS § 4108. (iii) Code 1881 § 2767, part; 1871 p 110 § 1, part; 1863 p 557 § 2, part; 1854 p 434 § 2, part; RRS § 4160, part. (iv) 1905 c 60 § 1; RRS § 4177. (v) 1905 c 60 § 2; RRS § 4178. (vi) 1905 c 60 § 3; RRS § 4179. (vii) 1949 c 20 § 1, part; 1945 c 87 § 1, part; 1937 c 197 § 3, part; 1925 ex.s. c 148 § 6, part; Rem. Supp. 1949 § 4200-5a, part. (viii) 1943 c 260 § 1; Rem. Supp. 1943 § 4200-5b.]
- 36.16.080 Source—[(i) Code 1881 § 2672; 1854 p 421 § 10; RRS § 4069. (ii) Code 1881 § 2724; RRS § 4103. (iii) 1903 c 15 § 1; RRS § 4125.]
 Note: The 1941 Code Committee combined as 36.16.080 three session law sections: (i) Code 1881 § 2672 restored and reenacted herein as 36.32.135 with change in caption to "Official seal." and "territory" changed to "state" in body of section. (ii) Code 1881 § 2724, part, herein restored and reenacted in whole as 36.22.020 (where part was formerly codified); and (iii) 1903 c 15 § 1, restored and reenacted herein as 36.29.025. 36.16.080 is thus decodified.
- 36.16.087 Source—[1903 c 15 § 2; RRS § 4126.]
 (1) This section formerly footnoted to 36.16.080 is a validating clause for tax deeds issued prior to 1903 without treasurer's seals.
 (2) "the taking effect of this act" changed to "February 21, 1903".
- 36.16.090 Source—[1893 c 82 § 1; Code 1881 § 2677; 1869 p 306 § 15; 1854 p 422 § 15; RRS § 4032. SLC-RO-14.]
- 36.16.100 Source—[1955 1st ex.s. c 9 § 2. Prior: 1951 c 100 § 1; 1941 c 113 § 1, part; Rem. Supp. 1941 § 9963-1, part.]
- 36.16.110 Source—[1927 c 163 § 1; RRS § 4059. Prior: Code 1881 § 2689; 1867 p 57 § 28.]
- 36.16.120 Source—[1890 p 315 § 43; RRS § 4031.]

Chapter 36.17 Salaries of County Officers

- 36.17.010 Source—[1890 p 312 § 32; RRS § 4210.]
 Note that the 1941 code revisers omitted herefrom the two provisos relating respectively to the allowance of deputies by the board when in their opinion the salary of the principal is inadequate (as superseded by RCW 36.16.070) and to the payment of the traveling expenses of the sheriff (as super-

Explanatory
note.

- seded by 36.17.030). The omission appears warranted in that the above cited sections were part of 1929 ex.s. c 148, last generally amended by 1949 c 200 which was a general comprehensive act on the same subject.
- 36.17.020 Source—[1957 c 219 § 3. Prior: (1) 1953 c 264 § 1; 1949 c 200 § 1, part; 1945 c 87 § 1, part; 1937 c 197 § 3, part; 1933 c 136 § 6, part; 1925 ex.s. c 148 § 6, part; 1919 c 168 § 2, part; Rem. Supp. 1949 § 4200-5a, part. (2) 1921 c 184 § 2; RRS § 4203.]
(1) In first paragraph, RCW translation revised to reflect recodification of RCW 36.13.060 as 36.13.075.
(2) To conform to the proviso of RCW 36.16.030 [1955 c 157 § 5] which required the election of a treasurer-assessor, the paragraph relating to counties of the ninth class is changed to read in part as follows: "Counties of the ninth class: Auditor-clerk, sheriff, treasurer-assessor . . ."
- 36.17.025 Source—[1953 c 215 § 1.]
Omitted as superseded by 36.17.020 [1957 c 219 § 3]; see last paragraph thereof.
- 36.17.030 Source—[1961 c 79 § 1; 1961 c 35 § 1. Prior: (1) 1949 c 200 § 1, part; 1945 c 87 § 1, part; 1937 c 197 § 3, part; 1933 c 136 § 6, part; 1925 ex.s. c 148 § 6, part; 1919 c 168 § 2, part; Rem. Supp. 1949 § 4200-5a, part. (2) 1921 c 184 § 2, part; RRS § 4203, part.]
- 36.17.040 Source—[1959 c 300 § 1; 1953 c 37 § 1; 1890 p 314 § 37; RRS § 4220.]
- 36.17.050 Source—[1890 p 314 § 38; RRS § 4221.]
Section revised on basis of amendment to 36.17.040 permitting payment of salaries semimonthly.
- 36.17.060 Source—[Code 1881 § 2109, part; 1869 p 419 § 7, part, 8, part; 1863 p 424 §§ 6, part, 8, part; 1857 p 21 §§ 6, part, 8, part; RRS §§ 509, part, 4230, part.]
This section being codified as RCW 2.40.030 is herein decodified.
- Chapter 36.18 County Officers—Fees
- 36.18.010 Source—[1959 c 263 § 6; 1953 c 214 § 2; 1951 c 51 § 4; 1907 c 56 § 1, part, p 92; 1903 c 151 § 1, part, p 295; 1893 c 130 § 1, part, p 423; Code 1881 § 2086, part, p 358; 1869 p 369 § 3; 1865 p 94 § 1, part; 1863 p 391 § 1, part, p 394; 1861 p 34 § 1, part, p 37; 1854 p 368 § 1, part, p 371; RRS §§ 497, part, 4105.]
- 36.18.020 Source—[1961 c 304 § 1; 1961 c 41 § 1; 1951 c 51 § 5; 1907 c 56 § 1, part, p 89; 1903 c 151 § 1, part, p 294; 1893 c 130 § 1, part, p 421; Code 1881 § 2086, part, p 355; 1869 p 364 § 1, part; 1863 p 391 § 1, part; 1861 p 34 § 1, part; 1854 p 368 § 1, part; RRS § 497, part.]
This section was twice amended by the 1961 legislature, see chapters 41 and 304, Laws of 1961. It appears that the amendments did not conflict in purpose and on the authority of RCW 1.12.025. The section is herein revised to give effect to both amendments by adding a proviso to subsection 16.
- 36.18.030 Source—[1959 c 263 § 7; 1907 c 56 § 1, part, p 93; 1903 c 151 § 1, part, p 296; 1893 c 130 § 1, part, p 424; Code 1881 § 2086, part, p 360; 1869 p 372 § 7, part; 1863 p 391 § 1, part, p 396; 1861 p 34 § 1, part, p 39; 1854 p 368 § 1, part, p 373; RRS §§ 497, part, 4185.]
- 36.18.040 Source—[1959 c 263 § 8; 1951 c 51 § 6; 1907 c 56 § 1, part, p 91; 1903 c 151 § 1, part, p 294; 1893 c 130 § 1, part, p 422; Code 1881 § 2086, part, p 356; 1869 p 364 § 1, part, p 365; 1865 p 94 § 1, part, p 97; 1863 p 391 § 1, part, p 392; 1861 p 34 § 1, part, p 35; 1854 p 368 § 1, part, p 369; RRS § 497, part.]
- 36.18.045 Source—[1959 c 263 § 10.]
- 36.18.050 Source—[Code 1881 § 2098; 1869 p 374 § 20; 1863 p 398 § 5; 1861 p 41 § 5; 1854 p 375 § 4; RRS § 4234.]

- 36.18.060 Source—[1890 p 315 § 39; RRS § 506.]
- 36.18.070 Source—[Code 1881 § 2094; 1869 p 373 § 16; RRS § 501.]
 “. . . any sheriff, coroner or other peace officer” restored to “. . . any sheriff, constable or coroner”.
- 36.18.080 Source—[1890 p 315 § 41; RRS § 4223. Cf. Code 1881 § 2091; 1869 p 373 § 13.]
- 36.18.090 Source—[(i) 1890 p 315 § 40; RRS § 4222. (ii) Code 1881 § 2102; 1869 p 374 § 24; 1863 p 398 § 3; 1861 p 41 § 3; 1854 p 376 § 6; RRS § 4235.]
- 36.18.100 Source—[1890 p 313 § 34; RRS § 4212. Cf. Code 1881 § 2087; 1869 p 372 § 9.]
- 36.18.110 Source—[1907 c 65 § 1; RRS § 4214.]
 After “duly verified” the phrase “as provided in section 1597 of Ballinger’s Annotated Codes and Statutes of Washington” restored and translated to “as provided in RCW 36.18.150”.
- 36.18.120 Source—[1907 c 65 § 2; RRS § 4215.]
- 36.18.130 Source—[1907 c 65 § 4; RRS § 4216.]
- 36.18.140 Source—[(i) 1893 c 81 § 1; RRS § 4218. (ii) 1890 p 313 § 33; RRS § 4211.]
 “during the preceding month” restored. “in his own use” restored to “to his own use”.
- 36.18.150 Source—[1907 c 65 § 3; 1890 p 313 § 35; RRS § 4213.]
 “fees and compensation collected in each month” restored to “fees and compensation collected and chargeable for the county in each month”.
- 36.18.160 Source—[Code 1881 § 2090; 1869 p 373 § 12; RRS § 4225. Cf. RCW 9.33.040.]
 “removed from office and” restored.
- 36.18.170 Source—[1893 c 81 § 2; RRS § 4226. Cf. RCW 42.20.070.]
 (1) “or by virtue of his office” restored.
 (2) proviso restored.
- 36.18.180 Source—[1890 p 315 § 42; RRS § 4224.]

Chapter 36.21 County Assessor

- 36.21.011 Source—[1955 c 251 § 10.]
- 36.21.020 Source—[1893 c 71 § 1; RRS § 11318.]
 At end of first paragraph “and also a list of all residents of such city liable to pay a poll tax” restored.
- 36.21.030 Source—[1893 c 72 § 2; RRS § 11329.]
- 36.21.040 Source—[1955 c 129 § 1.]
- 36.21.050 Source—[1955 c 129 § 2.]
- 36.21.060 Source—[1955 c 129 § 3.]
- 36.21.070 Source—[1955 c 129 § 4.]
- 36.21.080 Source—[1955 c 129 § 5.]

Chapter 36.22 County Auditor

- 36.22.010 Source—[1955 c 157 § 9. Prior: (i) Code 1881 § 2707; 1869 p 310 §§ 1, 2, 3; 1863 p 549 §§ 1, 2, 3; 1854 p 424 §§ 1, 2, 3; RRS § 4083. (ii) Code 1881 § 2709; RRS § 4085. (iii) Code 1881 § 2711; RRS § 4088. (iv) 1893 c 119 § 2; Code 1881 § 2712; 1869 p 311 § 6; 1863 p 550 § 6; 1854 p 425 § 6; RRS § 4089. (v) 1893 c 119 § 3; Code 1881 § 2571; RRS § 4090. (vi) 1893 c 119 § 4; Code 1881 § 2713; 1869 p 311 § 7; 1867 p 130 § 1; RRS § 4091. (vii) 1893 c 119 § 5; Code 1881 § 2714; 1869 p 311 § 8; 1867 p 131 § 2; RRS § 4092. (viii) 1893 c 119 § 7; Code 1881 § 2718; 1869 p 312 § 13; RRS § 4095. (ix) Code 1881 § 2719; RRS § 4098. (x) 1893 c 119 § 8; Code 1881 § 2720; RRS § 4099.]
- 36.22.020 Source—[Code 1881 § 2724; 1869 p 313 § 17; RRS §§ 4102, 4103.]
 The 1941 revisers split Code 1881 § 2724 into three parts and codified section in 36.16.080 (commingled with other session laws. See 36.16.080 explanatory matter.), 36.22.020, the section at hand, and 36.22.130. That part in 36.16.080 is decodified

Explanatory
note.

- and returned with that part codified in 36.22.130 (herewith decodified) to this section in session law.
- 36.22.030 Source—[1893 c 119 § 6; Code 1881 § 2717; 1869 p 312 § 11; 1863 p 550 § 8; 1854 p 425 § 8; RRS § 4094.]
The 1941 revisers omitted the last proviso in the 1893 session law section which was a validating clause where oaths were administered or acknowledgments taken by a deputy in the name of his principal prior to effective date of the act; deputies had been given right to administer oaths and take acknowledgments since 1854; the 1893 section in question said they were henceforth to do this in their own name as deputy. To assure any property rights which might otherwise be affected, the proviso is restored.
- 36.22.040 Source—[1893 c 119 § 1, part; Code 1881 § 2710, part; 1869 p 310 § 5, part; 1863 p 549 § 5, part; 1854 p 425 § 5, part; RRS § 4086, part.]
“judicial” restored.
- 36.22.050 Source—[(i) 1893 c 119 § 1, part; Code 1881 § 2710, part; 1869 p 310 § 5, part; 1863 p 549 § 5, part; 1854 p 425 § 5, part; RRS § 4086, part. (ii) 1893 c 48 § 2; RRS § 4087.]
1941 RCW version unacceptable.
Session law provides that the claimants may have the warrants broken into two or more warrants in lieu of one; RCW omitted the claimant demand factor which is herewith restored.
- 36.22.060 Source—[1893 c 119 § 1, part; Code 1881 § 2710, part; 1869 p 310 § 5, part; 1863 p 549 § 5, part; 1854 p 425 § 5, part; RRS § 4086, part.]
- 36.22.070 Source—[1893 c 119 § 1, part; Code 1881 § 2710, part; 1869 p 310 § 5, part; 1863 p 549 § 5, part; 1854 p 425 § 5, part; RRS § 4086, part.]
- 36.22.080 Source—[1893 c 119 § 1, part; Code 1881 § 2710, part; 1869 p 310 § 5, part; 1863 p 549 § 5, part; 1854 p 425 § 5, part; RRS § 4086, part.]
- 36.22.090 Source—[1915 c 74 § 1; RRS § 4096.]
1915 c 74 § 1 reads in part as follows: “All warrants for the payment of claims against diking, ditch, drainage and irrigation districts and school districts of the second and third class shall be drawn and issued by the county auditor . . .” which was changed by the 1941 revisers to “All warrants for the payment of claims against political subdivisions within the county for which no other provision is made by law shall be drawn and issued by the county auditor . . .”. A review of the present law shows acts creating districts for certain tax purposes enacted after the 1941 revision obviously depended upon the 1941 reviser’s version of the law and thus possibly omitted specific provisions as to who was to draw warrants for claims against such districts. (See chapter 47.57, Toll facility aid districts, 1961 c 181; chapter 14.08, County airport districts, 1945 c 182 as amended by 1949 c 194; chapter 36.54, Ferry districts, 1947 c 272; chapter 36.69, Joint county jail districts, 1961 c 171, etc.). Herein the RCW version is retained and the session law language relating to specific districts is restored in addition thereto.
- 36.22.100 Source—[1909 c 170 § 1; 1886 p 161 § 1; RRS § 4097.]
- 36.22.110 Source—[Code 1881 § 2722; 1869 p 312 § 12; 1863 p 550 § 9; 1854 p 425 § 9; RRS § 4100.]
- 36.22.120 Source—[Code 1881 § 2723; 1869 p 313 § 15; 1863 p 550 § 12; 1854 p 425 § 11; RRS § 4101.]
- 36.22.130 Source—[Code 1881 § 2724, part; 1869 p 313 § 17; RRS § 4102.]
Section decodified. See 36.22.020 explanatory matter.
- 36.22.140 Source—[1909 c 76 § 12; RRS § 9962.]
- 36.22.150 Source—[Code 1881 § 2725; 1869 p 314 § 22; RRS § 4104.]

Chapter 36.23 County Clerk

Explanatory
note.

- 36.23.010 Source—[1891 c 57 § 3; RRS § 77.]
RCW section decodified as section has been restored to session law language as RCW 2.32.050. This will become a cross-reference section to 2.32.050.
- 36.23.020 Source—[1895 c 53 § 3; RRS § 72.]
- 36.23.030 Source—[(i) 1923 c 130 § 1; Code 1881 § 2179; 1863 p 417 § 6; 1854 p 366 § 6; RRS § 75. (ii) 1917 c 156 § 2; RRS § 1372. (iii) 1917 c 156 § 57; Code 1881 § 1384; 1863 p 219 § 118; 1860 p 181 § 85; RRS § 1427. (iv) 1917 c 156 § 72; Code 1881 § 1411; 1863 p 221 § 130; 1860 p 183 § 97; RRS § 1442.]
(1) "He shall also provide and keep such other books as are prescribed by law and required in the discharge of the duties of his office"; restored as subsection (12) to read "Such other books as are prescribed by law and required in the discharge of the duties of his office."
(2) Subsection 7 of 1917 c 156 § 2 lists among the books to be kept by the clerk "A record of marriages, in which certificates of all marriages solemnized in the county shall be recorded." See chapter 26.04 relating to marriages: it should be noted that before 1947, certificates of marriage were filed with the probate judge (1886 p 66 amending Code 1881); 1947 c 59 changed the law providing such certificates be filed with the county auditor; subsection 7 of 1917 c 156 § 2 has thus been superseded in this respect and is thus omitted. Note also that 1947 c 59 § 59 directed the county clerk to deliver all existing marriage records to the auditor.
- 36.23.040 Source—[Code 1881 § 2181; 1863 p 418 § 8; 1854 p 367 § 8; RRS § 76.]
- 36.23.050 Source—[Code 1881 § 2109, part; 1869 p 419 §§ 7, part, 8, part; 1863 p 424 §§ 6, part, 8, part; 1857 p 21 §§ 6, part, 8, part; RRS §§ 509, part, 4230, part.]
RCW section decodified as section has been restored to session law language as 2.40.030. This will become a cross-reference section to RCW 2.40.030.
- 36.23.060 Source—[1891 c 57 § 5; Code 1881 § 2183; 1863 p 418 § 10; 1854 p 367 § 10; RRS § 81.]
RCW section decodified. Section restored to session law language as 2.32.090. This will become a cross-reference section to RCW 2.32.090.
- 36.23.065 Source—[1957 c 201 § 1.]
- 36.23.067 Source—[1957 c 201 § 2.]
- 36.23.070 Source—[1957 c 201 § 3; 1947 c 277 § 1; Rem. Supp. 1947 § 81-1.]
- 36.23.080 Source—[1891 c 57 § 1; RRS § 73, part. Cf. Code 1881 § 2125.]

Chapter 36.24 County Coroner

- 36.24.010 Source—[1897 c 21 § 1; Code 1881 § 2776; 1863 p 559 § 2; 1854 p 436 § 2; RRS § 4180.]
Session law language restored.
- 36.24.020 Source—[1953 c 188 § 3; Code 1881 § 2777; 1863 p 560 § 3; 1854 p 436 § 3; RRS § 4181.]
- 36.24.030 Source—[Code 1881 § 2778; 1863 p 560 § 4; 1854 p 436 § 4; RRS § 4182.]
- 36.24.040 Source—[Code 1881 § 2779; 1863 p 560 § 5; 1854 p 436 § 5; RRS § 4183.]
- 36.24.050 Source—[(i) 1901 c 131 § 1, part; Code 1881 § 2780, part; 1863 p 560 § 6, part; 1854 p 436 § 6, part; RRS § 4184, part. (ii) Code 1881 § 2781; 1863 p 560 § 7; 1854 p 437 § 7; RRS § 4186.]
Third sentence restored to session law language.
- 36.24.060 Source—[(i) 1901 c 131 § 1, part; Code 1881 § 2780, part; 1863 p 560 § 6, part; 1854 p 436 § 6, part; RRS § 4184, part.]

- Explanatory note.
- 36.24.070 Source—[1953 c 188 § 4; Code 1881 § 2782; 1863 p 560 § 8; 1854 p 437 § 8; RRS § 4187.]
- 36.24.080 Source—[Code 1881 § 2783; 1863 p. 561 § 9; 1854 p 437 § 9; RRS § 4188.]
- 36.24.090 Source—[Code 1881 § 2784; 1863 p 561 § 10; 1854 p 437 § 10; RRS § 4189.]
- 36.24.100 Source—[Code 1881 § 2785; 1863 p 561 § 11; 1854 p 437 § 11; RRS § 4190.]
- 36.24.110 Source—[Code 1881 § 2786; 1863 p 561 § 12; 1854 p 437 § 12; RRS § 4191.]
- 36.24.120 Source—[Code 1881 § 2787; 1863 p 561 § 13; 1854 p 438 § 13; RRS § 4192.]
- 36.24.130 Source—[Code 1881 § 2789; 1863 p 562 § 15; 1854 p 438 § 15; RRS § 4194.]
- 36.24.140 Source—[Code 1881 § 2790; 1863 p 562 § 16; 1854 p 438 § 16; RRS § 4195.]
- 36.24.150 Source—[Code 1881 § 2791; 1863 p 562 § 17; 1854 p 438 § 17; RRS § 4196.]
- 36.24.160 Source—[(i) Code 1881 § 2793; 1863 p 562 § 19; 1854 p 438 § 19; RRS § 4198. (ii) Code 1881 § 2795; 1863 p 562 § 21; 1854 p 438 § 21; RRS § 4199.]
“with the like authority, and subject to the same obligations and penalties as the coroner” restored.
- 36.24.170 Source—[1891 c 45 § 4, part; Code 1881 § 2770, part; 1863 p 558 § 5, part; 1854 p 434 § 5, part; RRS § 4171, part.]
This section is codified twice, in 36.24.170 where reference to sheriff and deputy sheriff were deleted and in 36.28.110, where reference to coroner was deleted.
- 36.24.180 Source—[Code 1881 § 2792; 1863 p 562 § 18; 1854 p 438 § 18; RRS § 4197.]

Chapter 36.27 Prosecuting Attorney

- 36.27.005 Source—[1891 c 55 § 3; RRS § 113.]
This section was heretofore omitted from RCW.
- 36.27.010 Source—[(i) 1911 c 75 § 4; RRS § 4128.]
“voter” deleted and “elector” restored in lieu thereof.
- 36.27.020 Source—[(i) 1911 c 75 § 1; 1891 c 55 § 7; RRS § 116. (ii) 1886 p 65 § 5; 1883 p 73 § 10; Code 1881 § 2171; 1879 p 93 § 6; 1877 p 246 § 6; 1863 p 408 § 4; 1860 p 335 § 3; 1858 p 12 § 4; 1854 p 416 § 4; RRS § 4130. (iii) 1886 p 61 § 7; 1883 p 73 § 12; Code 1881 § 2168; 1879 p 94 § 8; 1877 p 247 § 8; RRS § 4131. (iv) 1886 p 61 § 8; 1883 p 74 § 13; Code 1881 § 2169; 1879 p 94 § 8; 1877 p 247 § 9; RRS § 4132. (v) 1886 p 61 § 9; 1883 p 74 § 14; Code 1881 § 2170; 1879 p 94 § 9; 1877 p 247 § 10; RRS § 4133. (vi) 1886 p 62 § 13; 1883 p 74 § 18; Code 1881 § 2165; 1879 p 95 § 13; 1877 p 248 § 14; 1863 p 409 § 5; 1860 p 334 § 4; 1858 p 12 § 5; 1854 p 417 § 5; RRS § 4134. (vii) Referendum No. 24; 1941 c 191 § 1; 1886 p 63 § 18; 1883 p 76 § 24; Code 1881 § 2146; 1879 p 96 § 18; RRS § 4136. (viii) Code 1881 § 3150; 1866 p 52 § 10; RRS § 4137. (ix) 1933 ex.s. c 62 § 81, part; RRS § 7306-81, part.]
- 36.27.030 Source—[(i) 1891 c 55 § 5; RRS § 114. (ii) 1893 c 52 § 1; 1886 p 62 § 14; 1883 p 74 § 19; Code 1881 § 2166; 1879 p 95 § 14; 1877 p 248 § 15; 1863 p 409 § 6; 1860 p 335 § 5; 1858 p 13 § 6; 1854 p 417 § 6; RRS § 4135.]
“a duly admitted and practicing attorney at law and” restored.
- 36.27.040 Source—[1959 c 30 § 1; 1943 c 35 § 1; 1903 c 7 § 1; 1891 c 55 § 6; 1886 p 63 § 17; 1883 p 76 § 23; Code 1881 § 2142; 1879 p 95 § 16; Rem. Supp. 1943 § 115.]

- 36.27.050 Source—[1888 p 189 § 1; 1886 p 62 § 12; 1883 p 74 § 17; Code 1881 § 2164; 1879 p 94 § 12; 1877 p 248 § 13; 1863 p 409 § 8; 1860 p 335 § 7; 1858 p 13 § 8; 1854 p 417 § 7; RRS § 4138.] Explanatory note.
- 36.27.060 Source—[1941 c 46 § 2; Rem. Supp. 1941 § 4139-1.]
- 36.27.070 Source—[1909 c 122 § 1; RRS § 4139.]

Chapter 36.28 County Sheriff

- 36.28.010 Source—[(i) 1891 c 45 § 1; RRS § 4157. (ii) Code 1881 § 2769; 1863 p 557 § 4; 1854 p 434 § 4; RRS § 4168.]
(1) Subsection (6) restored.
(2) Subsection (7) omitted as superseded by 36.28.011.
- 36.28.011 Source—[1955 c 10 § 1. Cf. Code 1881 § 2801, part; 1869 p 264 § 311, part; RRS § 4173, part.]
This section was enacted as a consequence of restoration of Title 3; Code 1881 § 2801 related to like duties being performed by sheriffs and constables; the section was repealed and reenacted as two separate sections by the 1955 legislature, one applicable to sheriffs (section in question) and one applicable to constables, 3.08.060. 36.28.011 was enacted to alleviate any doubt as to the legal effect of 36.28.010(6) on the matter in question. Since we are, in reenacting 36.28.010, deleting subsection (6), 36.28.011 is herein reenacted.
- 36.28.020 Source—[1961 c 35 § 2. Prior: (i) Code 1881 § 2767, part; 1871 p 110 § 1, part; 1863 p 557 § 2, part; 1854 p 434 § 2, part; RRS § 4160, part. (ii) 1886 p 174 § 1; Code 1881 § 2768; 1863 p 557 § 3; 1854 p 434 § 3; RRS § 4167.]
- 36.28.030 Source—[1943 c 139 § 2; Rem. Supp. 1943 § 4155-1.]
- 36.28.040 Source—[1941 c 237 § 1, part; 1935 c 33 § 1, part; Code 1881 § 2772, part; 1863 p 558 § 7, part; 1854 p 434 § 7, part; Rem. Supp. 1941 § 4172, part.]
“neglecting or refusing” restored in lieu of “failing”.
- 36.28.050 Source—[1941 c 237 § 1, part; 1935 c 33 § 1, part; Code 1881 § 2772, part; 1863 p 558 § 7, part; 1854 p 434 § 7, part; Rem. Supp. 1941 § 4172, part.]
- 36.28.060 Source—[(i) 1909 c 105 § 1; RRS § 4161. (ii) 1909 c 105 § 2; RRS § 4162.]
- 36.28.070 Source—[1909 c 105 § 3; RRS § 4163.]
- 36.28.080 Source—[(i) 1909 c 105 § 4; RRS § 464. (ii) 1909 c 105 § 5; RRS § 4165.]
- 36.28.090 Source—[Code 1881 § 745; 1869 p 172 § 687; RRS § 4170.]
- 36.28.100 Source—[1909 c 249 § 27; RRS § 2279.]
- 36.28.110 Source—[1891 c 45 § 4, part; Code 1881 § 2770, part; 1863 p 558 § 5, part; 1854 p 434 § 5, part; RRS § 4171.]
- 36.28.120 Source—[1895 c 17 § 1; RRS § 4174.]
“constables” restored.
- 36.28.130 Source—[1895 c 17 § 2; RRS § 4175.]
“constables” restored.
- 36.28.140 Source—[1909 c 105 § 6; RRS § 4166.]
- 36.28.150 Source—[Code 1881 § 2771; 1863 p 558 § 6; 1854 p 434 § 6; RRS § 4169.]
- 36.28.160 Source—[1891 c 45 § 2; RRS § 4158. SLC-RO-14.]
- 36.28.170 Cross-reference section to chapter 41.14.

Chapter 36.29 County Treasurer

- 36.29.010 Source—[(i) 1893 c 104 § 1; Code 1881 § 2740; 1863 p 553 § 3; 1854 p 427 § 3; RRS § 4109. (ii) Code 1881 § 2743; 1863 p 553 § 6; 1854 p 427 § 6; RRS § 4111. (iii) 1895 c 73 § 4; Code 1881 § 2744; 1863 p 553 § 7; 1854 p 427 § 7; RRS § 4113. (iv) Code 1881 § 2745; 1863 p 553 § 8; RRS § 4114. (v) 1893 c 104 § 3; Code 1881 § 2748; 1863 p 554 § 11; 1854 p 428 § 11; RRS § 4120.]

Explanatory
note.

- (vi) Code 1881 § 2750; 1863 p 554 § 13; 1854 p 428 § 13; RRS § 4121. (vii) 1895 c 73 § 3; RRS § 4122.]
Code 1881 § 2750 reads in part "treasurer shall make complete settlement with the board of county commissioners, as required by law and shall, at the expiration of his term of office, deliver . . .". This restored in subd. (10) in lieu of "shall make a complete settlement with the board of county commissioners at the expiration of his term of office and deliver . . .".
- 36.29.020 Source—[1961 c 254 § 1; 1895 c 73 § 1; RRS § 4112.]
36.29.025 Source—[1903 c 15 § 1; RRS § 4125.]
36.29.030 Source—[1893 c 104 § 2; 1886 p 162 § 1; Code 1881 § 2747; 1863 p 554 § 10; 1854 p 428 § 10; RRS § 4115.]
Session law section restored.
- 36.29.040 Source—[1893 c 48 § 1, part; RRS § 4116, part.]
This section restored with "and taxing district warrants when not otherwise provided by law" added as similar language is presently contained in the 1941 Code Committee's version of this section and RCW 36.29.040, and similar provisions have been omitted from recent taxing district enactments in apparent reliance upon RCW 36.29.030 and 36.29.040 to cover this point.
- 36.29.050 Source—[Code 1881 § 2746; 1863 p 554 § 9; 1854 p 427 § 9; RRS § 4117.]
36.29.060 Source—[1895 c 152 § 1, part; RRS § 4118, part.]
36.29.070 Source—[1895 c 152 § 2, part; RRS § 4119, part.]
"shall be deemed guilty of a misdemeanor and" restored.
- 36.29.080 Source—[1893 c 104 § 4; 1886 p 52 § 21; Code 1881 § 2947; RRS § 4123.]
36.29.090 Source—[1895 c 73 § 2; Code 1881 § 2749; 1863 p 554 § 12; 1854 p 428 § 12; RRS § 4124.]
36.29.100 Source—[1895 c 160 § 1; 1893 c 71 § 4; RRS § 11321.]
36.29.110 Source—[1905 c 157 § 1; 1895 c 160 § 2; 1893 c 71 § 5; RRS § 11322.]
36.29.120 Source—[1893 c 72 § 3; RRS § 11330.]
36.29.130 Source—[1893 c 72 § 7; RRS § 11334.]
36.29.140 Source—[1893 c 72 § 8; RRS § 11335.]
36.29.150 Source—[1895 c 160 § 4; 1893 c 71 § 10; RRS § 11327.]
36.29.160 Source—[1959 c 142 § 2; 1953 c 210 § 1.]
36.29.170 Source—[Code 1881 § 2742; 1863 p 553 § 5; 1854 p 427 § 5; RRS § 4110.]
36.29.180 Source—[1961 c 270 § 1.]

Chapter 36.32 County Commissioners

- 36.32.010 Source—[Code 1881 § 2663; 1869 p 303 § 1; 1867 p 52 § 1; 1863 p 540 § 1; 1854 p 420 § 1; RRS § 4036.]
36.32.020 Source—[1893 c 39 § 2; 1890 p 317 §§ 1, 2; RRS § 4037.]
36.32.030 Source—[1951 c 89 § 1. Formerly: (i) 1891 c 97 §§ 1, 2; RRS § 4038. (ii) 1891 c 67 § 3; RRS § 4039. (iii) 1891 c 89 § 4; RRS § 4040. (iv) 1891 c 67 § 5; RRS § 4041.]
36.32.040 Source—[1909 c 232 § 1; RRS § 4043.]
36.32.050 Source—[1895 c 110 § 1; 1893 c 39 § 1; 1891 c 67 § 6; 1890 p 317 § 3; RRS § 4042.]
36.32.060 Source—[1955 c 157 § 10. Prior: 1921 c 132 § 1, part; 1893 c 75 § 1, part; RRS § 4046, part.]
36.32.070 Source—[1933 c 100 § 1; RRS § 4038-1.]
While portions of this section have been held to be unconstitutional, see *State ex rel. Carroll v. Munro*, 52 Wn. (2d), it is hereby reenacted as any proposed substantive change would be beyond the scope of this bill.
- 36.32.080 Source—[1893 c 105 § 1; Code 1881 § 2667; 1869 p 303 § 5;

- 1867 p 53 § 5; 1863 p 541 § 5; 1854 p 420 § 5; RRS § 4047. Cf. Explanatory
1893 c 75 § 1; RRS § 4048.] note.
- 36.32.090 Source—[Code 1881 § 2669; 1869 p 304 § 7; 1867 p 53 § 7; 1863
p 541 § 7; 1854 p 420 § 7; RRS § 4049. Cf. 1893 c 75 § 2; RRS
§ 4050.]
- 36.32.100 Source—[Code 1881 § 2676; 1869 p 305 § 14; 1867 p 55 § 14; 1863
p 542 § 14; 1854 p 421 § 14; RRS § 4051.]
“at their first session after the general election” restored.
- 36.32.110 Source—[Code 1881 § 2668; 1869 p 304 § 6; 1867 p 53 § 6; 1863
p 541 § 6; 1854 p 420 § 6; RRS § 4052.]
- 36.32.120 Source—[1961 c 27 § 2. Prior: (i) 1947 c 61 § 1; 1943 c 99
§ 1; Code 1881 § 2673; 1869 p 305 § 11; 1867 p 54 § 11; 1863 p
542 § 11; 1854 p 421 § 11; Rem. Supp. 1947 § 4056. (ii) Code 1881
§ 2681; 1869 p 307 § 20; 1867 p 56 § 20; 1863 p 543 § 20; 1854
p 422 § 20; RRS § 4061. (iii) Code 1881 § 2687; 1869 p 308 § 26;
1867 p 57 § 26; 1863 p 545 § 28; 1854 p 423 § 22; RRS § 4071.]
- 36.32.130 Source—[Code 1881 § 2671; 1869 p 304 § 9; 1867 p 53 § 9;
1863 p 541 § 9; 1854 p 421 § 9; RRS § 4055.]
- 36.32.135 Source—[Code 1881 § 2672; 1854 p 421 § 10; RRS § 4069.]
Presently codified in RCW 36.16.080.
- 36.32.140 Source—[Code 1881 § 2675; 1869 p 305 § 13; 1867 p 54 § 13; 1863
p 542 § 13; 1854 p 421 § 13; RRS § 4072.]
- 36.32.150 Source—[1893 c 14 § 1; RRS § 4065.]
“order the transcribing thereof by the county auditor” re-
stored to “and when in the judgment of the county commis-
sioners it may become necessary to, order the transcribing
of said records”.
- 36.32.155 Source—[1893 c 14 § 4; RRS § 4068.]
- 36.32.160 Source—[1893 c 14 § 2; RRS § 4066.]
“under whose direction said transcribing was done” restored.
- 36.32.170 Source—[1893 c 14 § 3; RRS § 4067.]
- 36.32.180 Source—[1893 c 105 § 2; Code 1881 § 2678; 1869 p 306 § 16;
1867 p 55 § 16; 1863 p 543 § 16; 1854 p 422 § 16; RRS § 4070.]
- 36.32.200 Source—[1905 c 25 § 1; RRS § 4075.]
(1) “in writing” deleted.
(2) “in writing endorsed thereon” restored.
- 36.32.210 Source—[(i) 1931 c 95 § 1; RRS § 4056-1. (ii) 1931 c 95 § 2;
RRS § 4056-2. (iii) 1931 c 95 § 3; RRS § 4056-3.]
RCW treatment of RRS 4056-1 through 4056-6 [1931 c 95 §§ 1-6]
combined and codified in 36.32.210 through 36.32.230 necessi-
tate a return to session law language and are herein restored
as follows:
1931 c 95 § 1 RRS § 4056-1 as 36.32.210*
1931 c 95 § 2 RRS § 4056-2 as 36.32.213
1931 c 95 § 3 RRS § 4056-3 as 36.32.215
1931 c 95 § 4 RRS § 4056-4 as 36.32.220*
1931 c 95 § 5 RRS § 4056-5 as 36.32.225
1931 c 95 § 6 RRS § 4056-6 as 36.32.230*
*Present location.
- 36.32.220 Source—[1931 c 95 § 4; RRS § 4056-4.]
See note to 36.32.210 above.
- 36.32.230 Source—[(i) 1931 c 95 § 5; RRS § 4056-5. (ii) 1931 c 95 § 6;
RRS § 4056-6.]
See note to 36.32.210 above.
- 36.32.240 Source—[1961 c 169 § 1; 1949 c 33 § 1; 1945 c 61 § 1; Rem
Supp. 1949 § 10322-15.]
- 36.32.250 Source—[1945 c 61 § 2; Rem. Supp. 1945 § 10322-16.]
“in lieu of publication” deleted as not in session law.
- 36.32.260 Source—[1961 c 169 § 2; 1945 c 61 § 6; Rem. Supp. 1945 § 10322-
17.]
- 36.32.270 Source—[1961 c 169 § 3; 1945 c 61 § 4; Rem. Supp. 1945 § 10322-
18.]

- Explanatory note.
- 36.32.280 Source—[1921 c 30 § 1; RRS § 4057-1.]
“public or private” restored.
- 36.32.290 Source—[1921 c 30 § 2; RRS § 4057-2.]
Session law language restored.
- 36.32.300 Source—[1921 c 30 § 3; RRS § 4057-3.]
- 36.32.310 Source—[1921 c 100 § 1; 1911 c 66 § 1; RRS § 4053.]
(1) “by the superior judge of such county or any superior judge holding court in such county” restored in lieu of “approved by a judge of the superior court”.
(2) “If the judge so approve it or any part thereof the same shall be certified by the clerk under the seal of his office and be returned to the county auditor who shall draw a warrant therefor” restored.
- 36.32.320 Source—[1950 ex.s. c 9 § 1; 1927 c 274 § 1; RRS § 4053-1.]
- 36.32.330 Source—[1957 c 224 § 5; 1893 c 121 § 1; Code 1881 § 2695; 1869 p 308 § 29; 1867 p 57 § 29; 1863 p 545 § 30; 1854 p 423 § 24; RRS § 4076. Cf. 1879 p 143 §§ 1, 2.]
- 36.32.335 Source—[1939 c 188 § 1; RRS § 4077-2.]
Section previously footnoted to RCW 36.32.340.
- 36.32.340 Source—[1939 c 188 § 2; RRS § 4077-3.]
- 36.32.350 Source—[1947 c 49 § 1; 1939 c 188 § 3; Rem. Supp. 1947 § 4077-4.]
(1) “this act” translated to “this chapter” by the 1941 revisers, is herein translated to specific RCW sections.
(2) “County current expense funds in the county commissioner’s budget for the costs of any such services rendered” restored in lieu of “county funds”.
(3) “other current expense funds” restored in lieu of “other funds”.
- 36.32.360 Source—[1939 c 188 § 4; RRS § 4077-5.]
Session law language restored.
- 36.32.370 Source—[(i) 1895 c 77 § 3; RRS § 4144. (ii) 1895 c 77 § 4; RRS § 4145.]
This section and 36.32.380 were derived from a part of the law providing elective county engineers. By 1937 c 187 the office of county engineer was abolished and his duties were transferred to the county commissioners. Subsequently the commissioners were authorized to appoint a county road engineer with powers and duties as set forth in chapter 36.80. The 1941 Code Committee extensively rewrote these sections, retaining such portions thereof as appear to be still effective. On the basis of apparent acceptance of these provisions by the bench and bar since publication thereof in 1951, they are hereby retained with the phrase “except as otherwise provided in this title” added to reconcile them with any contrary provisions which may exist relative to the current appointive office of county road engineer.
- 36.32.380 Source—[1895 c 77 § 5; RRS § 4150.]
See notes to 36.32.370.
- 36.32.390 Source—[1951 c 187 § 1.]
- 36.32.400 Source—[1957 c 106 § 1; 1955 c 51 § 1.]

Chapter 36.33 County Funds

- 36.33.010 Source—[1945 c 85 § 1; Rem. Supp. 1945 § 5634-1.]
- 36.33.020 Source—[1961 c 172 § 1; 1945 c 51 § 1; Rem. Supp. 1945 § 5634-10.]
- 36.33.030 Source—[1961 c 172 § 2; 1945 c 51 § 2; Rem. Supp. 1945 § 5634-11.]
- 36.33.040 Source—[1945 c 51 § 3; Rem. Supp. 1945 § 5634-12.]
- 36.33.060 Source—[1961 c 273 § 1. Prior: (i) 1935 c 94 § 1; 1933 ex.s. c 14 § 1; RRS § 4201-1. (ii) 1933 ex.s. c 14 § 2; RRS § 4201-2. (iii) 1933 ex.s. c 14 § 3; RRS § 4201-3.]
- 36.33.070 Source—[1943 c 61 § 1; Rem. Supp. 1943 § 5545-10.]

- 36.33.080 Source—[1943 c 61 § 2; Rem. Supp. 1943 § 5545-11.] “Upon receipt of any such warrant” restored in lieu of “Upon purchase of any warrant”. Explanatory note.
- 36.33.090 Source—[1943 c 61 § 3; Rem. Supp. 1943 § 5545-12.]
- 36.33.100 Source—[1943 c 61 § 4; Rem. Supp. 1943 § 5545-13.]
- 36.33.110 Source—[(i) 1907 c 185 § 1; RRS § 11021. (ii) 1949 c 131 § 1; 1907 c 185 § 2; Rem. Supp. 1949 § 4057.]
 (1) In paragraph 1 of the RCW section “Title 16, section 500, United States Code Annotated” has been substituted by the 1941 Code Committee for “an act of Congress, approved February 1, 1905” appearing in the session law. The reference to the act of Congress of February 1, 1905 is traceable to Title 16 § 500, see in this regard *King County v Seattle School Dist. # 1*, 44 S. Ct. 127, 263 U. S. 361, 68 L. Ed. 339; also *Everett School Dist. No. 24 v Pearson* 261 F. 631; and history note appended to Title 16 and 500 U. S. C.
 (2) “is authorized and required” restored in lieu of “may”.
- 36.33.120 Source—[1929 c 193 § 1; RRS § 4027-1.]
- 36.33.130 Source—[1929 c 193 § 2; RRS § 4027-2.]
- 36.33.140 Source—[1929 c 193 § 3; RRS § 4027-3.]
- 36.33.150 Source—[1929 c 193 § 4; RRS § 4027-4.]
- 36.33.160 Source—[1929 c 193 § 5; RRS § 4027-5.]
 “and an estimate of any maintenance or other assessments to be made against same, to fall due in the ensuing year” restored in lieu of “and an estimate of any maintenance or other assessments to be made against the same”.
- 36.33.170 Source—[1929 c 193 § 6; RRS § 4027-6.]
- 36.33.180 Source—[1951 c 161 § 1; 1937 c 209 § 1; RRS § 5646-11.]
- 36.33.190 Source—[1937 c 209 § 2; RRS § 5646-12.]
- 36.33.200 Source—[1955 c 48 § 1.]
- 36.33.210 Source—[1955 c 48 § 2.]

Chapter 36.34 County Property

- 36.34.010 Source—[1945 c 172 § 3; 1943 c 19 § 1; 1891 c 76 § 1; Rem. Supp. 1945 § 4007.]
 (1) “including tax title land” restored.
 While sales of tax title property are provided for in the property tax code, RCW 84.64.270, the above phrase was continued in the latest session law source of the instant section (1945 c 172 § 3).
 The instant section has been held to apply to sales of property held by a county in its proprietary capacity, see *State Ex Rel Lockwood v Glover*, 20 W 2d 124, (1944) wherein the instant section which had been amended by chapter 19, Laws of 1943 to authorize the sale or reservation of minerals, timber, and other resources apart from the land was held reconcilable with the precursor of RCW 84.64.270 on the basis that while said section governed the sale of tax title land as such, the instant section would govern separate sales or reservations of timber, minerals and other resources, apart from the land, on tax title land held by the county in its governmental capacity. Subsequently at the next session of the legislature a three section bill, 1945 c 172 was enacted. Sections 1 and 2 of said act amended the precursors of RCW 84.64.270 and 84.64.280 to include language similar to the instant section relative to reservations and sales of resources apart from the land and also amended the instant section in minor particulars to include gravel and timber among the resources reserved in the recital of the statutory form of deed (in conformity with the language added by said act in the precursor of RCW 84.64.270 and 84.64.280) but at the

Explanatory
note.

- same time, the legislature having both statutes before it, did not delete from the instant section the phrase "including tax title lands" and it is herein restored.
- (2) In the proviso following the first sentence of the last paragraph of the RCW section "refuses or neglects to settle damages" restored in lieu of "refuses to settle damages".
- 36.34.020 Source—[1945 c 254 § 1; Rem. Supp. 1945 § 4014-1. Prior: 1891 c 76 § 2, part; RRS § 4008, part.]
- 36.34.030 Source—[1945 c 254 § 2; Rem. Supp. 1945 § 4014-2. Prior: 1891 c 76 § 2, part; RRS § 4008, part.]
- 36.34.040 Source—[1945 c 254 § 3; Rem. Supp. 1945 § 4014-3. Prior: 1891 c 76 § 2, part; RRS § 4008, part.]
- 36.34.050 Source—[1945 c 254 § 4; Rem. Supp. 1945 § 4014-4. Prior: 1891 c 76 § 3; RRS § 4009.]
- 36.34.060 Source—[1945 c 254 § 5; Rem. Supp. 1945 § 4014-5. Prior: 1915 c 8 § 1, part; 1891 c 76 § 5, part; RRS § 4011, part.]
- 36.34.070 Source—[1945 c 254 § 6; Rem. Supp. 1945 § 4014-6.]
- 36.34.080 Source—[1945 c 254 § 7; Rem. Supp. 1945 § 4014-7. Prior: 1891 c 76 § 4, part; RRS § 4010, part.]
- 36.34.090 Source—[1945 c 254 § 8; Rem. Supp. 1945 § 4014-8. Prior: 1891 c 76 § 4, part; RRS § 4010, part.]
- 36.34.100 Source—[1945 c 254 § 9; Rem. Supp. 1945 § 4014-9. Prior: 1891 c 76 § 4, part; RRS § 4010, part.]
- 36.34.110 Source—[1945 c 254 § 10; Rem. Supp. 1945 § 4014-10. Prior: (i) 1915 c 8 § 1, part; 1891 c 76 § 5, part; RRS § 4011, part. (ii) 1891 c 76 § 6, part; RRS § 4013, part.]
- 36.34.120 Source—[1945 c 254 § 11; Rem. Supp. 1945 § 4014-11.]
- 36.34.130 Source—[1945 c 254 § 12; Rem. Supp. 1945 § 4014-12.]
- 36.34.140 Source—[1951 2nd ex.s. c 14 § 1. Formerly: (i) 1901 c 87 § 1; RRS § 4019. (ii) 1901 c 87 § 6, part; RRS § 4024, part.]
- 36.34.145 Source—[1957 c 134 § 1.]
- 36.34.150 Source—[1901 c 87 § 2; RRS § 4020.]
- 36.34.160 Source—[1901 c 87 § 3; RRS § 4021.]
- 36.34.170 Source—[1901 c 87 § 5; RRS § 4023.]
- (1) "or at any adjourned meeting thereof" restored.
- (2) "the same" restored in lieu of "the application for a lease".
- 36.34.180 Source—[1951 c 41 § 1; 1941 c 110 § 2; 1913 c 162 § 1; 1903 c 57 § 1; 1901 c 87 § 4; RRS § 4022.]
- 36.34.190 Source—[1901 c 87 § 6, part; RRS § 4024, part.]
- 36.34.200 Source—[1901 c 87 § 7; RRS § 4025.]
- 36.34.210 Source—[1931 c 69 § 1; RRS § 4015-1.]
- 36.34.220 Source—[1945 c 94 § 1; 1941 c 142 § 1; 1937 c 46 § 1; Rem. Supp. 1945 § 4015-6.]
- (1) "by majority vote" restored.
- (2) "under authority of 1937 c 46 § 1 and the amendments thereto" added to reflect "under this section" which appears in the session law.
- 36.34.230 Source—[1937 c 46 § 2; RRS § 4015-7.]
- 36.34.240 Source—[1937 c 46 § 3; RRS § 4015-8.]
- 36.34.250 Source—[1941 c 227 § 1; Rem. Supp. 1941 § 4026-la.]
Session law restored.
- 36.34.260 Source—[1941 c 227 § 2; Rem. Supp. 1941 § 4026-1b.]
Session law restored.
- 36.34.270 Source—[1941 c 227 § 3; Rem. Supp. 1941 § 4026-1c.]
Session law restored.
- 36.34.280 Source—[1917 c 69 § 1; RRS § 4015.]
- 36.34.290 Source—[1903 c 89 § 1; RRS § 4026.]
- 36.34.300 Source—[1903 c 89 § 2; RRS § 4027.]
- ". . . and from and after the entry of such order of dedication and the recording thereof as herein provided, such land shall be thereby dedicated to the public use" restored.

- 36.34.310 Source—[1949 c 85 § 1; Rem. Supp. 1949 § 4019-1.] Explanatory
 “proviso” restored in lieu of “section” note.
 36.34.320 Cross-reference section which will be retained upon publi-
 cation of this reenactment.

Chapter 36.37 Agricultural Fairs and Poultry Shows

- 36.37.010 Source—[1947 c 184 § 1; 1917 c 32 § 1; Rem Supp. 1947 § 2750.]
 36.37.020 Source—[1947 c 184 § 2; 1917 c 32 § 2; Rem. Supp. 1947 § 2751.]
 36.37.040 Source—[1957 c 124 § 1; 1955 c 297 § 1; Formerly: (i) 1947
 c 184 § 3; 1943 c 101 § 1; 1923 c 83 § 2; Rem. Supp. 1947 § 2753½.
 (ii) 1923 c 83 § 1; 1917 c 32 § 4; RRS § 2753.]
 36.37.050 Source—[1947 c 184 § 4; Rem. Supp. 1947 § 2753a.]
 36.37.090 Source—[1929 c 109 § 1; RRS § 2755-1.]
 36.37.100 Source—[1929 c 109 § 2; RRS § 2755-2.]
 36.37.110 Source—[1929 c 109 § 3; RRS § 2755-3.]

Chapter 36.38 Admissions Tax

- 36.38.010 Source—[1957 c 126 § 2; 1951 c 34 § 1; 1943 c 269 § 1; Rem.
 Supp. 1943 § 11241-10.]
 36.38.020 Source—[1943 c 269 § 3; Rem. Supp. 1943 § 11241-12.]
 The 1941 revisers deleted subdivision (m) of the session law
 in its entirety which permitted application of general ad-
 ministrative provisions applicable to state excise taxes [ch.
 82.32] to admissions tax in question; it is here restored as
 subsection (13) with “title XVIII, chapter 180, Laws of 1935,
 and the amendments thereto” translated to “RCW 82.32.010
 through 82.32.340 and 82.32.380, and the amendments thereto”.
 36.38.030 Source—[1943 c 269 § 2; Rem. Supp. 1943 § 11241-11.]

Chapter 36.39 Assistance and Relief

- 36.39.010 Cross-reference section to Title 74 will be retained upon
 publication after reenactment.
 36.39.030 Source—[1953 c 224 § 1; 1951 c 258 § 1.]
 36.39.040 Source—[1957 c 187 § 5.]
 36.39.050 Cross-reference section to 74.04.340 through 74.04.360 will be
 retained upon publication after reenactment.

Chapter 36.40 Budget

- 36.40.010 Source—[1923 c 164 § 1, part; RRS § 3997-1, part.]
 36.40.020 Source—[1923 c 164 § 1, part; RRS § 3997-1, part.]
 36.40.030 Source—[1923 c 164 § 1, part; RRS § 3997-1, part.]
 (1) “this chapter” to “RCW 36.40.010 and 36.40.020”.
 (2) “time provided” to “time and manner provided”.
 (3) “on the forms specified” to “form”.
 (4) “failing” to “failing or refusing”.
 36.40.040 Source—[(i) 1923 c 164 § 2; RRS § 3997-2. (ii) 1925 ex.s. c 143
 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
 36.40.050 Source—[1923 c 164 § 3, part; RRS § 3997-3, part.]
 36.40.060 Source—[1923 c 164 § 3, part; RRS § 3997-3, part.]
 36.40.070 Source—[1943 c 145 § 1, part; 1941 c 99 § 1, part; 1923 c 164
 § 4, part; Rem. Supp. 1943 § 3997-4, part.]
 36.40.080 Source—[1943 c 145 § 1, part; 1941 c 99 § 1, part; 1923 c 164
 § 4, part; Rem. Supp. 1943 § 3997-4, part.]
 36.40.090 Source—[1943 c 145 § 1, part; 1941 c 99 § 1, part; 1923 c 164
 § 4, part; Rem. Supp. 1943 § 3997-4, part.]
 36.40.100 Source—[1945 c 201 § 1, part; 1943 c 66 § 1, part; 1927 c 301
 § 1, part; 1923 c 164 § 5, part; Rem. Supp. 1945 § 3997-5, part.]
 (1) “section 2 hereof” as appears in session law language has
 been omitted in one instance in the RCW section and changed
 to “this chapter” in another place; section 2 is codified in
 whole in RCW 36.40.040 and translation is herein made ac-
 cordingly.

Explanatory
note.

(2) The classes enumerated herein offer from the classes enumerated in 36.82.160, a later act, but revision hereof to bring them into conformity appears to be beyond the province of this bill.

- 36.40.110 Source—[1945 c 201 § 1, part; 1943 c 66 § 1, part; 1927 c 301 § 1, part; 1923 c 164 § 5, part; Rem. Supp. 1945 § 3997-5, part.]
“In addition to the above limitations” to “In addition to the limitations set forth in RCW 36.40.100”.
- 36.40.120 Source—[1945 c 201 § 1, part; 1943 c 66 § 1, part; 1927 c 301 § 1, part; 1923 c 164 § 5, part; Rem. Supp. 1945 § 3997-5, part.]
- 36.40.130 Source—[1945 c 201 § 1, part; 1943 c 66 § 1, part; 1927 c 301 § 1, part; 1923 c 164 § 5, part; Rem. Supp. 1945 § 3997-5, part.]
“as herein provided” and “provisions hereof” changed to specific RCW translation.
- 36.40.140 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
- 36.40.150 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
- 36.40.160 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
- 36.40.170 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
“within the meaning and purpose of this chapter” restored.
- 36.40.180 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
- 36.40.190 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
- 36.40.200 Source—[1925 ex.s. c 143 § 2, part; 1923 c 164 § 6, part; RRS § 3997-6, part.]
- 36.40.210 Source—[1923 c 164 § 7; RRS § 3997-7.]
- 36.40.220 Source—[1923 c 164 § 8; RRS § 3997-8.]
“of this chapter” restored in lieu of “in respect to county budgets”.
- 36.40.230 Source—[1923 c 164 § 9; RRS § 3997-9.]
- 36.40.240 Source—[1923 c 164 § 10; RRS § 3997-10.]

Chapter 36.43 Building Codes and Fire Regulations

- 36.43.010 Source—[1943 c 204 § 1; Rem. Supp. 1943 § 4077-10.]
- 36.43.020 Source—[1943 c 204 § 2; Rem. Supp. 1943 § 4077-11.]
- 36.43.030 Source—[1943 c 204 § 3; Rem. Supp. 1943 § 4077-12.]
- 36.43.040 Source—[1943 c 204 § 4; Rem. Supp. 1943 § 4077-13.]

Chapter 36.45 Claims Against Counties

- 36.45.010 Source—[1957 c 224 § 7. Prior: 1919 c 149 § 1, part; RRS § 4077, part.]
- 36.45.020 Source—[1957 c 224 § 8. Prior: 1919 c 149 § 1, part; RRS § 4077, part.]
- 36.45.030 Source—[1957 c 224 § 9. Prior: 1919 c 149 § 1, part; RRS § 4077, part.]
- 36.45.040 Source—[1927 c 220 § 1; RRS § 4077-1.]

Chapter 36.47 Coordination of Administrative Programs

- 36.47.010 Source—[1959 c 130 § 1.]
- 36.47.020 Source—[1959 c 130 § 2.]
- 36.47.030 Source—[1959 c 130 § 3.]
- 36.47.040 Source—[1959 c 130 § 4.]
- 36.47.050 Source—[1959 c 130 § 5.]
- 36.47.060 Source—[1959 c 130 § 6.]

Chapter 36.48 Depositaries

- 36.48.010 Source—[1907 c 51 § 1; RRS § 5562.]

- 36.48.020 Source—[1945 c 73 § 1; 1933 ex.s. c 45 § 3; 1931 c 87 § 3; 1909 c 15 § 1; 1907 c 51 § 2; Rem. Supp. 1945 § 5563.] Explanatory note.
- 36.48.030 Source—[1933 ex.s. c 45 § 1; 1907 c 51 § 3; RRS § 5564.]
- 36.48.040 Source—[1907 c 51 § 4; RRS § 5565.]
“as herein provided” restored and translated “of RCW 36.48.010 through 36.48.030”.
- 36.48.050 Source—[1907 c 51 § 5; RRS § 5566.]
“this chapter” to “RCW 36.48.010 through 36.48.060”.
- 36.48.060 Source—[1907 c 51 § 6; RRS § 5567.]
“this chapter” to “RCW 36.48.010 through 36.48.050”.
- 36.48.070 Source—[1933 ex.s. c 45 § 2; RRS § 5567-1.]
The last sentence of the session law reading “The committee shall make appropriate rules and regulations for the carrying out of the provisions of this act, not inconsistent with law” restored with appropriate translation of “this act”.
- 36.48.080 Source—[1933 ex.s. c 40 § 1; RRS § 5561-1.]
“clerk of the superior court of their respective counties” restored in lieu of “such clerks”.
- 36.48.090 Source—[1933 ex.s. c 40 § 2; RRS § 5561-2.]
- 36.48.100 Source—[1933 ex.s. c 40 § 3; RRS § 5561-3.]
Session law section restored.
- 36.48.110 Source—[1945 c 70 § 1, part; 1941 c 18 § 1, part; 1929 c 186 § 1, part; Rem. Supp. 1945 § 5574-1, part.]
“this chapter” to “RCW 36.48.110 through 36.48.150”.
- 36.48.120 Source—[1929 c 186 § 2, part; RRS § 5574-2, part.]
The last sentence of the session law reads:
“Such receipt shall be accepted by all public officers of the state or of any city, county, town or municipality thereof as prima facie evidence of the facts therein stated” restored.
- 36.48.130 Source—[1929 c 186 § 3, part; RRS § 5574-3, part.]
- 36.48.140 Source—[1929 c 186 § 4, part; RRS § 5574-4, part.]
- 36.48.150 Source—[1929 c 186 § 5, part; RRS § 5574-5, part.]

Chapter 36.49 Dog License Tax

- 36.49.010 Source—[1935 c 95 § 1; 1929 c 198 § 1; RRS § 8304-1. Prior: 1919 c 6 § 1.]
- 36.49.020 Source—[1929 c 198 § 2; RRS § 8304-2. Prior: 1919 c 6 § 2, part.]
- 36.49.030 Source—[1929 c 198 § 3, part; RRS § 8304-3, part.]
- 36.49.040 Source—[1929 c 198 § 3, part; RRS § 8304-3, part.]
- 36.49.050 Source—[1929 c 198 § 4; RRS § 8304-4. Prior: 1919 c 6 § 2, part.]
- 36.49.060 Source—[1929 c 198 § 8; RRS § 8304-5.]
- 36.49.070 Source—[1929 c 198 § 9; RRS § 8304-6.]
- 36.49.080 Source—[1929 c 198 § 10; RRS § 8304-7.]
“as provided by RCW 16.08.010” added.

Chapter 36.50 Farm and Home Extension Work

- 36.50.010 Source—[1949 c 181 § 1; Rem. Supp. 1949 § 4589-1.]
“State College of Washington” to “Washington State University”.

Chapter 36.53 Ferries—Privately Owned

- 36.53.010 Source—[Code 1881 § 3002; 1879 p 61 § 38; 1869 p 280 § 40; 1863 p 521 § 1; 1854 p 354 § 1; RRS § 5462.]
- 36.53.020 Source—[Code 1881 § 3003; 1879 p 61 § 39; 1869 p 280 § 41; 1863 p 522 § 2; 1854 p 354 § 2; RRS § 5463.]
“tax” restored in lieu of “fee”.
- 36.53.030 Source—[Code 1881 § 3004; 1879 p 61 § 40; 1869 p 280 § 42; 1863 p 522 § 3; 1854 p 354 § 3; RRS § 5464.]
Last sentence substantially restored.
- 36.53.040 Source—[Code 1881 § 3005; 1879 p 61 § 41; 1869 p 281 § 43; 1863 p 522 § 4; 1854 p 354 § 4; RRS § 5465.]

- Explanatory note.
- 36.53.050 Source—[Code 1881 § 3006; 1879 p 62 § 42; 1869 p 281 § 44; 1863 p 522 § 5; 1854 p 354 § 5; RRS § 5466.]
- 36.53.060 Source—[Code 1881 § 3007; 1879 p 62 § 43; 1869 p 281 § 45; 1863 p 522 § 6; 1854 p 354 § 6; RRS § 5467.]
- 36.53.070 Source—[Code 1881 § 3008; 1879 p 62 § 44; 1869 p 281 § 46; 1863 p 523 § 7; 1854 p 355 § 7; RRS § 5468.]
In first paragraph “except in cases of imminent danger” restored.
- 36.53.080 Source—[Code 1881 § 3009; 1879 p 63 § 45; 1869 p 282 § 47; 1863 p 523 § 8; 1854 p 355 § 8; RRS § 5469.]
- 36.53.090 Source—[Code 1881 § 3010; 1879 p 63 § 46; 1869 p 282 § 48; RRS § 5470.]
- 36.53.100 Source—[Code 1881 § 3011; 1879 p 63 § 47; 1869 p 283 § 49; 1863 p 523 § 9; 1854 p 355 § 9; RRS § 5471.]
- 36.53.110 Source—[Code 1881 § 3012; 1879 p 63 § 48; 1869 p 283 § 50; 1863 p 524 § 10; 1854 p 356 § 10; RRS § 5472.]
- 36.53.120 Source—[Code 1881 § 3013; 1879 p 63 § 49; 1869 p 283 § 51; 1863 p 524 § 11; 1854 p 356 § 11; RRS § 3013.]
(1) “under this chapter” restored with specific translation.
(2) “arising by law” restored.
- 36.53.130 Source—[Code 1881 § 3014; 1879 p 64 § 50; 1869 p 283 § 52; 1863 p 524 § 12; 1854 p 356 § 12; RRS § 5474.]
Session law substantially restored.
- 36.53.140 Source—[Code 1881 § 3015; 1879 p 64 § 51; 1869 p 284 § 53; 1863 p 525 § 13; 1854 p 356 § 13; RRS § 5475.]
- 36.53.150 Source—[1921 c 165 § 1; 1915 c 26 § 1; RRS § 5478.]
“person, firm or corporation” restored in lieu of “person”.

Chapter 36.54 Ferries—County Owned—Ferry Districts

- 36.54.010 Source—[1919 c 115 § 1; 1899 c 29 § 1; 1895 c 130 § 2; RRS § 5477.]
“any unfordable stream, lake, estuary or bay” restored in lieu of “any unfordable stream or body of water”.
- 36.54.020 Source—[1937 c 187 § 31; RRS § 6450-31.]
“under the provisions of the laws of this state relating thereto” restored in lieu of “under the provisions of law relating thereto”.
- 36.54.030 Source—[1917 c 158 § 1; RRS § 5479.]
- 36.54.040 Source—[1917 c 158 § 2; RRS § 5480.]
- 36.54.050 Source—[1917 c 158 § 3; RRS § 5481.]
“The acts of the joint commission within the scope of its authority shall be binding . . .” restored to “The joint commission shall be authorized to transact all business necessary in carrying out the purposes of this act and their said acts shall be binding . . .”.
- 36.54.060 Source—[1917 c 158 § 4; RRS § 5482.]
- 36.54.070 Source—[1917 c 158 § 5; RRS § 5483.]
- 36.54.080 Source—[1947 c 272 § 1; Rem. Supp. 1947 § 5477-1.]
“public service commission” to “Washington utilities and transportation commission”, (authority, RCW 80.01.010, 1961 c 307 § 4).
- 36.54.090 Source—[1947 c 272 § 2; Rem. Supp. 1947 § 5477-2.]
- 36.54.100 Source—[(i) 1947 c 272 § 3; Rem. Supp. 1947 § 5477-3. (ii) 1947 c 272 § 5; Rem. Supp. 1947 § 5477-4.]
(1) “RCW 36.54.080 and 36.54.090” to “This section, RCW 36.54.080 and 36.54.090”.
(2) “Nothing contained in this act shall abridge or deny the right of a Ferry District to acquire or maintain suitable landing facilities on the mainland” with appropriate translation of “this act”, restored in lieu of “A ferry district shall have the right to acquire and maintain suitable landing facilities on the mainland”.

Chapter 36.55 Franchises on Roads and Bridges

Explanatory
note.

- 36.55.010 Source—[1961 c 55 § 2. Prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]
- 36.55.020 Source—[1941 c 138 § 1; 1937 c 187 § 39; Rem. Supp. 1941 § 6450-39.]
- 36.55.030 Source—[1937 c 187 § 40; RRS § 6450-40.]
- 36.55.040 Source—[1961 c 55 § 3. Prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]
- 36.55.050 Source—[1961 c 55 § 4. Prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]
- 36.55.060 Source—[1961 c 55 § 5. Prior: 1937 c 187 § 38, part; RRS § 6450-38, part.]
- 36.55.070 Source—[1937 c 187 § 41; RRS § 6450-41.]
"prior to the passage of this act" restored and translated as "prior to April 1, 1937".
- 36.55.080 Source—[1937 c 187 § 42; RRS § 6450-42.]

Chapter 36.58 Garbage Disposal

- 36.58.010 Source—[1943 c 87 § 1; Rem. Supp. 1943 § 6294-150.]
- 36.58.020 Source—[1943 c 87 § 2; Rem. Supp. 1943 § 6294-151.]

Chapter 36.59 Homesite Lands

This chapter consisting of 1939 c 201 was extensively rewritten by the 1941 Code Committee and codified as RCW 36.59.010 through 36.59.210. Herein 1939 c 201 is restored to session law language and organization, with such revisions made as are authorized by RCW 1.08.015, and the whole is recodified as RCW 36.59.300 through 36.59.430, and the former RCW sections will be memorialized upon publication of this act.

As there is no longer an elective county engineer, see note above at 36.32.370, the 1939 act has been herein modified to impose his duties upon another county officer.

In 1939 c 201 § 14, herein 36.59.340, last sentence thereof, "county" has been substituted for "state" as the chapter relates only to county lands.

Chapter 36.62 Hospitals

- 36.62.010 Source—[1947 c 228 § 1, part; 1925 ex.s. c 174 § 1, part; Rem. Supp. 1947 § 6090-1, part.]
- 36.62.020 Source—[1947 c 228 § 1, part; 1925 ex.s. c 174 § 1, part; Rem. Supp. 1947 § 6090-1, part.]
- 36.62.030 Source—[1947 c 228 § 1, part; 1925 ex.s. c 174 § 1, part; Rem. Supp. 1947 § 6090-1, part.]
- 36.62.040 Source—[(i) 1925 ex.s. c 174 § 2; RRS § 6090-2. (ii) 1947 c 228 § 1, part; 1925 ex.s. c 174 § 1, part; Rem. Supp. 1947 § 6090-1, part.]
- 36.62.050 Source—[1925 ex.s. c 174 § 3; RRS § 6090-3.]
- 36.62.060 Source—[1925 ex.s. c 174 § 4; RRS § 6090-4.]
- 36.62.070 Source—[1925 ex.s. c 174 § 5; RRS § 6090-5.]
- 36.62.080 Source—[1925 ex.s. c 174 § 7; RRS § 6090-7.]
- 36.62.090 Source—[1925 ex.s. c 174 § 6; RRS § 6090-6.]
- 36.62.100 Source—[1945 c 62 § 1; 1925 ex.s. c 174 § 8; Rem. Supp. 1945 § 6090-8.]
- 36.62.110 Source—[1931 c 139 § 1, part; RRS § 6090-9, part.]
- 36.62.120 Source—[(i) 1931 c 139 § 1, part; RRS § 6090-9, part. (ii) 1931 c 139 § 4, part; RRS § 6090-12, part.]
". . . first members . . . shall be appointed . . . within thirty days after this act takes effect . . . and thereafter within thirty days after such . . . institution shall have been completed . . ." restored (with date substituted) in lieu of ". . . first members . . . shall be appointed . . . within thirty days after the institution has been completed . . .".

Explanatory note.	36.62.130	Source—[1931 c 139 § 1, part; RRS § 6090-9, part.]
	36.62.140	Source—[1931 c 139 § 2; RRS § 6090-10.] “city or town” restored in lieu of “city”.
	36.62.150	Source—[1933 c 174 § 1, part; 1931 c 139 § 3, part; RRS § 6090-11, part.] “in section 4076 of Remington’s Compiled Statutes of Washington” restored (translated to “in RCW 36.32.330”) in lieu of “for the taking of appeals from boards of county commissioners generally”.
	36.62.160	Source—[1933 c 174 § 1, part; 1931 c 139 § 3, part; RRS § 6090-11, part.]
	36.62.170	Source—[1931 c 139 § 4, part; RRS § 6090-12, part.]
	36.62.180	Source—[1945 c 118 § 1, part; 1931 c 139 § 7, part; Rem. Supp. 1945 § 6090-15, part.]
	36.62.190	Source—[(i) 1945 c 118 § 1, part; 1931 c 139 § 7, part; Rem. Supp. 1945 § 6090-15, part. (ii) 1931 c 139 § 8; RRS § 6090-16.]
	36.62.200	Source—[1931 c 139 § 5; RRS § 6090-13.]
	36.62.210	Source—[1945 c 118 § 1, part; 1931 c 139 § 7, part; Rem. Supp. 1945 § 6090-15, part.]
	36.62.220	Source—[1945 c 118 § 1, part; 1931 c 139 § 7, part; Rem. Supp. 1945 § 6090-15, part.]
	36.62.230	Source—[1931 c 139 § 9; RRS § 6090-17.]
	36.62.240	Source—[1931 c 139 § 10; RRS § 6090-18.] “this chapter” to “RCW 36.62.110 through 36.62.230”.
	36.62.252	Source—[1961 c 144 § 1; 1951 c 256 § 1.]
	36.62.270	Source—[1951 c 256 § 3.]
	36.62.280	Source—[1961 c 144 § 2; 1951 c 256 § 4.]

Chapter 36.63 Jails

36.63.010	Source—[1917 c 103 § 2; RRS § 10205.]
36.63.020	Source—[1877 p 303 § 5; RRS § 10195.] “and such sheriff . . . is hereby required to conform in all respects to the rules and directions of said district judge . . . or which may from time to time by such judge be made and communicated to him by said commissioners” heretofore omitted, restored as “and the sheriff shall conform to the rules and directions of the superior court of his county as provided by RCW 36.63.060 or which may from time to time by said court be made and communicated to him by the board of county commissioners”.
36.63.030	Source—[1877 p 305 § 13; RRS § 10203.]
36.63.040	Source—[1877 p 304 § 10; RRS § 10200.] “and it is hereby made his duty to cause all the cells and rooms used for the confinement of prisoners, to be thoroughly whitewashed at least three times in each year” restored.
36.63.050	Source—[1877 p 303 § 6; RRS § 10196.]
36.63.060	Source—[1877 p 302 § 1; RRS § 10191.] In first paragraph “shall” restored in lieu of “may”.
36.63.070	Source—[1877 p 303 § 4; RRS § 10194.] “in the manner as is directed by sections two and three of this act” restored (with appropriate translation) in lieu of “in the same manner as directed for the original rules”.
36.63.080	Source—[1877 p 302 § 2; RRS § 10192.]
36.63.090	Source—[1877 p 303 § 3; RRS § 10193.]
36.63.100	Source—[1877 p 304 § 8; RRS § 10198.] “this chapter” to “RCW 36.63.020 through 36.63.110, 36.63.130, 36.63.140 and 36.63.200 in charge of”.
36.63.110	Source—[1877 p 304 § 9; RRS § 10199.] “this chapter” to “RCW 36.63.020 through 36.63.110, 36.63.130, 36.63.140 or 36.63.200”.
36.63.120	Source—[1947 c 58 § 1; 1893 c 16 § 1; Rem. Supp. 1947 § 10188.]
36.63.130	Source—[1877 p 304 § 12; RRS § 10202.]

- 36.63.140 Source—[1877 p 304 § 11; RRS § 10201.]
- 36.63.150 Source—[1961 c 171 § 29; 1917 c 103 § 3; RRS § 10206.]
- 36.63.160 Source—[1961 c 171 § 30; 1917 c 103 § 4; RRS § 10207.]
- 36.63.170 Source—[1917 c 103 § 5; RRS § 10208.]
- 36.63.180 Source—[1917 c 103 § 6; RRS § 10209.]
- 36.63.190 Source—[Code 1881 § 1165; RRS § 10187.]
- 36.63.200 Source—[1951 c 108 § 1; 1877 p 303 § 7; RRS § 10197.]
- 36.63.210 Source—[1961 c 171 § 6.]
- 36.63.220 Source—[1961 c 171 § 7.]
“this act” to “this chapter or RCW 72.64.100”.
- 36.63.230 Source—[1961 c 171 § 8.]
Chapter 171, Laws of 1961 relates to prisons and jails and contains sections codified in Title 72 as well as this chapter. The phrases contained therein “this act” and “this amendatory act” when possible have been translated to read “this chapter”; in other instances where such translation might be deemed too restrictive, the literal translation—“RCW 36.63.150, 36.63.160, 36.63.210 through 36.63.440, 72.01.420, 72.64.050, 72.64.060, 72.64.100 and 72.64.110” is used herein. Such instances occur in this section and in RCW 36.63.290, 36.63.300, 36.63.370 and 36.63.420.
- 36.63.240 Source—[1961 c 171 § 9.]
- 36.63.250 Source—[1961 c 171 § 10.]
- 36.63.260 Source—[1961 c 171 § 11.]
- 36.63.270 Source—[1961 c 171 § 12.]
- 36.63.280 Source—[1961 c 171 § 13.]
- 36.63.290 Source—[1961 c 171 § 14.]
See note for 36.63.230.
- 36.63.300 Source—[1961 c 171 § 15.]
See note for 36.63.230.
- 36.63.310 Source—[1961 c 171 § 16.]
- 36.63.320 Source—[1961 c 171 § 17.]
- 36.63.330 Source—[1961 c 171 § 18.]
“this amendatory act” to “this chapter”.
- 36.63.340 Source—[1961 c 171 § 19.]
“this amendatory act” to “this chapter”.
- 36.63.350 Source—[1961 c 171 § 20.]
“this amendatory act” to “this chapter”.
- 36.63.360 Source—[1961 c 171 § 21.]
- 36.63.370 Source—[1961 c 171 § 22.]
See note for 36.63.230.
- 36.63.380 Source—[1961 c 171 § 23.]
“this amendatory act” to “this chapter”.
- 36.63.390 Source—[1961 c 171 § 24.]
“this amendatory act” to “this chapter”.
- 36.63.400 Source—[1961 c 171 § 25.]
“this amendatory act” to “this chapter”.
- 36.63.410 Source—[1961 c 171 § 26.]
- 36.63.420 Source—[1961 c 171 § 27.]
See note for 36.63.230.
- 36.63.430 Source—[1961 c 171 § 28.]
- 36.63.440 Source—[1961 c 171 § 31.]
“this amendatory act” to “this chapter”.
- 36.63.450 Cross-reference section which will be carried upon publication of this reenactment.

Chapter 36.64 Joint Governmental Activities

- 36.64.010 Source—[1913 c 90 § 1; RRS § 3992.]
In first sentence “one with the other” and “an incorporated” restored.

Explanatory
note.

- 36.64.020 Source—[1913 c 90 § 2; RRS § 3993.]
“All contracts made in pursuance hereof” restored with appropriate translation, in lieu of “A contract between a county and a city relating to a courthouse, a city hall, or both”.
- 36.64.030 Source—[1913 c 90 § 4; RRS § 3995.]
- 36.64.040 Source—[1913 c 90 § 3; RRS § 3994.]
- 36.64.050 Source—[1913 c 91 § 1; RRS § 3996.]
- 36.64.060 Source—[(i) 1907 c 158 § 1; RRS § 9664. (ii) 1907 c 158 § 2; RRS § 9665.]
“. . . to issue . . . bonds . . . in the manner and form provided in sections 1846 to 1851, inclusive, of Ballinger’s Annotated Codes and Statutes of Washington” restored with appropriate translation in lieu of “issue . . . bonds therefor”.

Chapter 36.67 Limitation of Indebtedness—County Bonds

- 36.67.010 Source—[1890 p 37 § 1; RRS § 5575.]
- 36.67.020 Source—[1890 p 37 § 2; RRS § 5576.]
- 36.67.030 Source—[1890 p 38 § 3; RRS § 5577.]
- 36.67.040 Source—[1890 p 38 § 4; RRS § 5578.]
“Except as otherwise provided in RCW 39.44.100,” added. Session law and RCW read “The bonds and each coupon shall be signed by the chairman of the board of county commissioners”; RCW 39.44.100, 1955 c 375 § 1 only requires this on issues of less than one hundred bonds.
- 36.67.050 Source—[1890 p 39 § 5; RRS § 5579.]
“and accrued interest” added to conform this section to later enactment, 1923 c 151 § 3; RCW 39.44.030.
- 36.67.060 Source—[(i) 1890 p 39 § 6; RRS § 5580. (ii) 1890 p 39 § 7; RRS § 5581.]
“Title 39” to “chapter 39.44 RCW”.
- 36.67.070 Source—[1890 p 39 § 8; RRS § 5582.]
“general fund” to “current expense fund”.
- 36.67.080 Source—[1890 p 40 § 9; RRS § 5583.]

Chapter 36.68 Parks and Recreational Facilities

- 36.68.010 Source—[1961 c 92 § 1; 1949 c 94 § 1; Rem. Supp. 1949 § 3991-14.]
“act” to “section”.
- 36.68.020 Source—[1949 c 94 § 2; Rem. Supp. 1949 § 3991-15.]
- 36.68.030 Source—[1949 c 94 § 3; Rem. Supp. 1949 § 3991-16.]
- 36.68.040 Source—[1949 c 94 § 4; Rem. Supp. 1949 § 3991-17.]
- 36.68.050 Source—[1949 c 94 § 5; Rem. Supp. 1949 § 3991-18.]
- 36.68.060 Source—[1949 c 94 § 6; Rem. Supp. 1949 § 3991-19.]
- 36.68.070 Source—[1949 c 94 § 7; Rem. Supp. 1949 § 3991-20.]
- 36.68.080 Source—[1949 c 94 § 8; Rem. Supp. 1949 § 3991-21.]

Chapter 36.69 Recreation District Act

- 36.69.010 Source—[1961 c 272 § 1; 1959 c 304 § 1; 1957 c 58 § 1.]
- 36.69.020 Source—[1961 c 272 § 2; 1959 c 304 § 2; 1957 c 58 § 2.]
- 36.69.030 Source—[1961 c 272 § 3; 1959 c 304 § 3; 1957 c 58 § 3.]
- 36.69.040 Source—[1957 c 58 § 4.]
- 36.69.050 Source—[1957 c 58 § 5.]
- 36.69.060 Source—[1957 c 58 § 6.]
- 36.69.070 Source—[1959 c 304 § 4; 1957 c 58 § 7.]
- 36.69.080 Source—[1957 c 58 § 8.]
- 36.69.090 Source—[1957 c 58 § 9.]
- 36.69.100 Source—[1957 c 58 § 10.]
- 36.69.110 Source—[1957 c 58 § 11.]
- 36.69.120 Source—[1957 c 58 § 12.]
- 36.69.130 Source—[1961 c 272 § 4; 1959 c 304 § 5; 1957 c 58 § 13.]
- 36.69.140 Source—[1961 c 272 § 5; 1959 c 304 § 6; 1957 c 58 § 14.]
- 36.69.150 Source—[1957 c 58 § 16.]

36.69.160	Source—[1957 c 58 § 17.]	Explanatory note.
36.69.170	Source—[1957 c 58 § 18.]	
36.69.180	Source—[1957 c 58 § 19.]	
36.69.190	Source—[1961 c 272 § 6; 1959 c 304 § 7; 1957 c 58 § 20.]	
36.69.200	Source—[1957 c 58 § 21.]	
36.69.210	Source—[1957 c 58 § 22.]	
36.69.220	Source—[1957 c 58 § 23.]	
36.69.230	Source—[1957 c 58 § 24.]	
36.69.240	Source—[1957 c 58 § 25.]	
36.69.250	Source—[1957 c 58 § 26.]	
36.69.260	Source—[1957 c 58 § 27.]	
36.69.270	Source—[1957 c 58 § 28.]	
36.69.280	Source—[1957 c 58 § 29.]	
36.69.290	Source—[1957 c 58 § 30.]	
36.69.300	Source—[1957 c 58 § 31.]	
36.69.310	Source—[1957 c 58 § 32.]	
36.69.900	Source—[1961 c 272 § 7; 1959 c 304 § 9; 1957 c 58 § 33.]	

Chapter 36.70 Planning Enabling Act

36.70.010	Source—[1959 c 201 § 1.]
36.70.015	Source—[1961 c 232 § 6.]
36.70.020	Source—[1959 c 201 § 2.]
36.70.030	Source—[1959 c 201 § 3.]
36.70.040	Source—[1959 c 201 § 4.]
36.70.050	Source—[1959 c 201 § 5.]
36.70.060	Source—[1961 c 232 § 1; 1959 c 201 § 6.]
36.70.070	Source—[1959 c 201 § 7.] “on the effective date of this chapter” to “June 10, 1959”.
36.70.080	Source—[1959 c 201 § 8.]
36.70.090	Source—[1959 c 201 § 9.] “the effective date of this chapter” to “June 10, 1959”.
36.70.100	Source—[1959 c 201 § 10.] “on the effective date of this chapter” to “June 10, 1959”.
36.70.110	Source—[1959 c 201 § 11.]
36.70.120	Source—[1959 c 201 § 12.]
36.70.130	Source—[1959 c 201 § 13.]
36.70.140	Source—[1959 c 201 § 14.]
36.70.150	Source—[1959 c 201 § 15.]
36.70.160	Source—[1959 c 201 § 16.]
36.70.170	Source—[1959 c 201 § 17.]
36.70.180	Source—[1959 c 201 § 18.]
36.70.190	Source—[1959 c 201 § 19.]
36.70.200	Source—[1959 c 201 § 20.] “prior to the effective date of this chapter, enacted a zoning ordinance, shall, within ninety days of the effective date of this chapter” to “prior to June 10, 1959, enacted a zoning ordinance, shall, within ninety days thereof . . .”.
36.70.210	Source—[1959 c 201 § 21.]
36.70.220	Source—[1959 c 201 § 22.]
36.70.230	Source—[1959 c 201 § 23.] “effective date of this chapter” to “June 10, 1959”.
36.70.240	Source—[1959 c 201 § 24.]
36.70.250	Source—[1959 c 201 § 25.]
36.70.260	Source—[1959 c 201 § 26.]
36.70.270	Source—[1959 c 201 § 27.]
36.70.280	Source—[1959 c 201 § 28.]
36.70.290	Source—[1959 c 201 § 29.]
36.70.300	Source—[1959 c 201 § 30.]
36.70.310	Source—[1959 c 201 § 31.]
36.70.320	Source—[1959 c 201 § 32.]
36.70.330	Source—[1959 c 201 § 33.]

Explanatory
note.

- 36.70.340 Source—[1959 c 201 § 34.]
 36.70.350 Source—[1959 c 201 § 35.]
 36.70.360 Source—[1959 c 201 § 36.]
 36.70.370 Source—[1959 c 201 § 37.]
 36.70.380 Source—[1959 c 201 § 38.]
 36.70.390 Source—[1959 c 201 § 39.]
 36.70.400 Source—[1961 c 232 § 2; 1959 c 201 § 40.]
 36.70.410 Source—[1959 c 201 § 41.]
 36.70.420 Source—[1959 c 201 § 42.]
 36.70.430 Source—[1959 c 201 § 43.]
 36.70.440 Source—[1959 c 201 § 44.]
 36.70.450 Source—[1959 c 201 § 45.]
 36.70.460 Source—[1959 c 201 § 46.]
 36.70.470 Source—[1959 c 201 § 47.]
 36.70.480 Source—[1959 c 201 § 48.]
 36.70.490 Source—[1959 c 201 § 49.]
 36.70.500 Source—[1959 c 201 § 50.]
 36.70.510 Source—[1959 c 201 § 51.]
 36.70.520 Source—[1959 c 201 § 52.]
 36.70.530 Source—[1959 c 201 § 53.]
 36.70.540 Source—[1959 c 201 § 54.]
 36.70.550 Source—[1959 c 201 § 55.]
 36.70.560 Source—[1959 c 201 § 56.]
 36.70.570 Source—[1959 c 201 § 57.]
 36.70.580 Source—[1959 c 201 § 58.]
 36.70.590 Source—[1959 c 201 § 59.]
 36.70.600 Source—[1961 c 232 § 3; 1959 c 201 § 60.]
 36.70.610 Source—[1961 c 232 § 4; 1959 c 201 § 61.]
 36.70.620 Source—[1959 c 201 § 62.]
 36.70.630 Source—[1961 c 232 § 5; 1959 c 201 § 63.]
 36.70.640 Source—[1959 c 201 § 64.]
 36.70.650 Source—[1959 c 201 § 65.]
 36.70.660 Source—[1959 c 201 § 66.]
 36.70.670 Source—[1959 c 201 § 67.]
 36.70.680 Source—[1959 c 201 § 68.]
 36.70.690 Source—[1959 c 201 § 69.]
 36.70.700 Source—[1959 c 201 § 70.]
 36.70.710 Source—[1959 c 201 § 71.]
 36.70.720 Source—[1959 c 201 § 72.]
 “effective date of this chapter” to “June 10, 1959”.
 36.70.730 Source—[1959 c 201 § 73.]
 36.70.740 Source—[1959 c 201 § 74.]
 36.70.750 Source—[1959 c 201 § 75.]
 36.70.760 Source—[1959 c 201 § 76.]
 36.70.770 Source—[1959 c 201 § 77.]
 36.70.780 Source—[1959 c 201 § 78.]
 36.70.790 Source—[1959 c 201 § 79.]
 36.70.800 Source—[1959 c 201 § 80.]
 36.70.810 Source—[1959 c 201 § 81.]
 36.70.820 Source—[1959 c 201 § 82.]
 36.70.830 Source—[1959 c 201 § 83.]
 36.70.840 Source—[1959 c 201 § 84.]
 36.70.850 Source—[1959 c 201 § 85.]
 36.70.860 Source—[1959 c 201 § 86.]
 36.70.870 Source—[1959 c 201 § 87.]
 36.70.880 Source—[1959 c 201 § 88.]
 36.70.890 Source—[1959 c 201 § 89.]
 36.70.900 Source—[1959 c 201 § 90.]
 36.70.910 Source—[1959 c 201 § 91.]
 36.70.920 Source—[1959 c 201 § 92.]
 “effective date of this chapter” to “June 10, 1959”.
 36.70.930 Source—[1959 c 201 § 93.]

- 36.70.940 Source—[1959 c 201 § 94.]
- 36.70.950 Source—[1959 c 201 § 95.]
 Section decodified for reenactment purposes. This section reads: "Section captions as used in this chapter do not constitute any part of the law." This will be covered by chapter 36.98.
- 36.70.960 Source—[1959 c 201 § 96.]
 Section decodified for reenactment purposes. This section is the standard severability section. As with 36.70.950 above, it will be covered by chapter 36.98.

Chapter 36.71 Peddlers' and Hawkers' Licenses

- 36.71.010 Source—[1929 c 110 § 1; 1909 c 214 § 1; RRS § 8353.]
- 36.71.020 Source—[1927 c 89 § 1; 1909 c 214 § 3; RRS § 8355.]
 Session law language speaks of "number of horses and vehicles" which RCW changes to "number of vehicles"; RCW license fee schedule changes "peddler with one horse and a wagon" to "peddler with one vehicle"; "peddler with two horses and a wagon" to "peddler with two vehicles"; "peddler with any other conveyance" to "peddler with more than two vehicles". The 1941 Code Committee's treatment of this section materially revised its substance and the session law language is to that extent restored to await such modernization by substantive revision as the counties may desire to propose by separate legislation.
- 36.71.030 Source—[1909 c 214 § 4; RRS § 8356.]
- 36.71.040 Source—[1909 c 214 § 5; RRS § 8357.]
- 36.71.050 Source—[1909 c 214 § 6; RRS § 8358.]
 "and 36.71.060" added, to complete translation of "of the preceding sections".
- 36.71.060 Source—[1909 c 214 § 2; RRS § 8354.]
- 36.71.070 Source—[1879 p 130 § 1; 1873 p 437 § 1; RRS § 8341.]
 Session law relating to "barter", restored.
- 36.71.080 Source—[1873 p 438 § 3; RRS § 8342.]
- 36.71.090 Source—[1917 c 45 § 1; 1897 c 62 § 1; RRS § 8343.]

Chapter 36.72 Printing

- 36.72.010 Source—[1917 c 114 § 1, part; 1886 p 108 § 1, part; Code 1881 § 2692, part; 1873 p 478 § 1, part; RRS § 4080, part.]
- 36.72.020 Source—[1917 c 114 § 1, part; 1886 p 108 § 1, part; Code 1881 § 2692, part; 1873 p 478 § 1, part; RRS § 4080, part.]
- 36.72.030 Source—[1917 c 114 § 1, part; 1886 p 108 § 1, part; Code 1881 § 2692, part; 1873 p 478 § 1, part; RRS § 4080, part.]
- 36.72.040 Source—[1917 c 114 § 1, part; 1886 p 108 § 1, part; Code 1881 § 2692, part; 1873 p 478 § 1, part; RRS § 4080, part.]
- 36.72.050 Source—[1955 c 312 § 2. Prior: 1947 c 141 § 1, part; 1917 c 114 § 2, part; 1907 c 229 § 1, part; 1886 p 108 § 2, part; Code 1881 § 2693, part; 1873 p 478 § 2, part; Rem. Supp. 1947 § 4081, part.]
- 36.72.060 Source—[1955 c 312 § 3. Prior: 1947 c 141 § 1, part; 1917 c 114 § 2, part; 1907 c 229 § 1, part; 1886 p 108 § 2, part; Code 1881 § 2693, part; 1873 p 478 § 2, part; Rem. Supp. 1941 § 4081, part.]
- 36.72.070 Source—[Code 1881 § 2694; 1873 p 478 § 3; RRS § 4082.]
- 36.72.080 Source—[1897 c 35 § 1; RRS § 4078.]
- 36.72.090 Source—[1897 c 35 § 2; RRS § 4079.]

Note: Upon codification of reenactment we intend a cross-reference section in this chapter to RCW 43.78.130-43.78.160, which provides county printing must be done in this state.

Chapter 36.75 Roads and Bridges—General Provisions

- 36.75.010 Source—[1937 c 187 § 1; RRS § 6450-1.]
 The 1941 Code Committee abridged 1937 c 187 § 1 by omitting

Explanatory
note.

- many definitions not used in the title. Such version is herein retained with the definitions of "county road" and "public highway" restored to session law language and a definition of "highway commission" added.
- 36.75.020 Source—[1943 c 82 § 1; 1937 c 187 § 2; Rem. Supp. 1943 § 6450-2.]
- 36.75.030 Source—[1939 c 181 § 11; RRS § 6450-2a.]
"director" and "department" to "state highway commission" in this and succeeding sections, in view of chapter 47.01 RCW.
- 36.75.040 Source—[1937 c 187 § 3; RRS § 6450-3.]
Session law substantially restored.
- 35.75.045 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4, part.]
Previously uncodified but herein included to preserve devolution of powers of the county engineer.
- 36.75.050 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4.]
- 36.75.060 Source—[1937 c 187 § 5; RRS § 6450-5.]
- 36.75.070 Source—[1955 c 361 § 2. Prior: 1945 c 125 § 1, part; 1937 c 187 § 10, part; Rem. Supp. 1945 § 6450-10, part.]
- 36.75.080 Source—[1955 c 361 § 3. Prior: 1945 c 125 § 1, part; 1937 c 187 § 10, part; Rem. Supp. 1945 § 6450-10, part.]
- 36.75.090 Source—[1955 c 361 § 4. Prior: 1953 c 57 § 1; 1945 c 125 § 1, part; 1937 c 187 § 10, part; Rem. Supp. 1945 § 6450-10, part.]
Section herein restored to language of 1953 c 57 § 1 as the last source, 1955 c 361 § 4 appears to have omitted the 1953 amendment by inadvertence. 1945 c 125 § 1 had been divided and codified as RCW 36.75.070, 36.75.080 and 36.75.090, and 36.75.090 was amended in 1953. 1955 c 361 amended that part of 1945 c 125 § 1 set out in RCW 36.75.070 in accordance with bill drafting practice for the amendment of divided sections. It also set out in full the provisions of 36.75.080 and 36.75.090. The patent result of omitting the 1953 amendment was to revert 36.75.090 to its 1945 language. This does not seem to have been intended as the omission of the 1953 amendatory language was not indicated by customary deletion marks nor was the 1953 act referred to either in the title or in the legislative revision section of the act.
- 36.75.100 Source—[1937 c 187 § 11; RRS § 6450-11.]
"department" to "department or highway commission".
- 36.75.110 Source—[1937 c 187 § 12; RRS § 6450-12.]
- 36.75.120 Source—[1937 c 187 § 13; RRS § 6450-13.]
- 36.75.130 Source—[1943 c 174 § 1; Rem. Supp. 1943 § 6450-95.]
- 36.75.140 Source—[1943 c 174 § 2; Rem. Supp. 1943 § 6450-96.]
- 36.75.150 Source—[1943 c 174 § 3; Rem. Supp. 1943 § 6450-97.]
- 36.75.160 Source—[1943 c 82 § 3; 1937 c 187 § 26; Rem. Supp. 1943 § 6450-26.]
Session law formerly divided as RCW 36.75.160 and second paragraph of 36.75.210 herein recombined and substantially restored.
- 36.75.170 Source—[1937 c 187 § 27; RRS § 6450-27.]
"topographical formation" restored to "stream, body of water, gulch, navigable water, swamp or other topographical formation".
- 36.75.180 Source—[1937 c 187 § 28; RRS § 6450-28.]
"topographical formation" restored to "stream, body of water, gulch, navigable water, swamp or other topographical formation".
- 36.75.190 Source—[1937 c 187 § 29; RRS § 6450-29.]
"topographical formation" restored to "stream, body of water, gulch, navigable water, swamp or other topographical formation".
". . . under the provisions of law relating thereto" restored

- to "under the provisions of the laws of this state relating thereto". Explanatory note.
- 36.75.200 Source—[1937 c 187 § 30; RRS § 6450-30.]
 "upon any city street within any incorporated city or town in such county" restored in lieu of "upon any city street in such county".
 "in such county" to "within any city or town in such county".
- 36.75.205 Source—[1959 c 83 § 1.]
- 36.75.207 Cross-reference section which will appear upon publication of this reenactment.
- 36.75.210 Source—[1937 c 187 § 23; RRS § 6450-23. Former part of section: 1943 c 82 § 3, part; 1937 c 187 § 26, part; Rem. Supp. 1943 § 6450-26, part, now codified in RCW 36.75.160.]
 Second paragraph deleted and recombined with remainder of its session law source in RCW 36.75.160.
- 36.75.220 Source—[1937 c 187 § 24; RRS § 6450-24.]
- 36.75.230 Source—[1937 c 187 § 25, part; RRS § 6450-25, part.]
 "For the purpose of carrying into effect the two preceding sections and under the circumstances therein set out the boards . . ." restored and translated.
 "in the manner provided for the taking of property for public use by counties" restored.
- 36.75.240 Source—[1937 c 187 § 25, part; RRS § 6450-25, part.]
- 36.75.250 Source—[1937 c 187 § 46; RRS § 6450-46.]
 "director" to "highway commission" in view of chapter 47.01 RCW.
 "state auditor" to "state treasurer" in view of RCW 43.88.210.
- 36.75.260 Source—[1943 c 82 § 8; 1937 c 187 § 58; Rem. Supp. 1943 § 6450-58.]
 "department" to "highway commission".
- 36.75.270 Source—[1949 c 156 § 8; Rem. Supp. 1949 § 6450-8g.]
- 36.75.280 Source—[1949 c 156 § 4; Rem. Supp. 1949 § 6450-8d.]
- 36.75.290 Source—[1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450-66, part.]

Chapter 36.76 Roads and Bridges—Bonds

This chapter containing the road and bridge bond acts of 1890 and 1913 was revised by the 1941 Code Committee to reconcile said acts with the serial bond act of 1923 codified as chapter 39.44. Such revision is herewith retained.

Act of 1890

- 36.76.010 Source—[1890 p 40 § 1; RRS § 5584.]
- 36.76.020 Source—[1913 c 150 § 1; 1891 c 90 § 1; 1890 p 41 § 2; RRS § 5585.]
- 36.75.030 Source—[1890 p 41 § 3; RRS § 5586.]
- 36.76.040 Source—[1890 p 41 § 4; RRS § 5587.]
- 36.76.050 Source—[1890 p 42 § 5; RRS § 5588.]
- 36.76.060 Source—[1890 p 42 § 6; RRS § 5589.]
- 36.76.070 Source—[1890 p 42 § 7; RRS § 5590.]

Act of 1913

- 36.76.080 Source—[1913 c 25 § 1; RRS § 5592.]
- 36.76.090 Source—[1913 c 25 § 2; RRS § 5593.]
- 36.76.100 Source—[1913 c 25 § 4; RRS § 5595.]
- 36.76.110 Source—[1913 c 25 § 5; RRS § 5596.]
- 36.76.120 Source—[1913 c 25 § 3; RRS § 5594.]
- 36.76.130 Source—[1913 c 25 § 7; RRS § 5598.]

Miscellaneous Acts

- 36.76.140 Source—[1955 c 194 § 1.]

Explanatory
note.

Chapter 36.77 Roads and Bridges—Construction

- 36.77.010 Source—[1959 c 67 § 2. Prior: 1937 c 187 § 32, part; RRS § 6450-32, part.]
- 36.77.020 Source—[1959 c 67 § 3. Prior: 1937 c 187 § 32, part; RRS § 6450-32, part.]
- 36.77.030 Source—[1959 c 67 § 4. Prior: 1937 c 187 § 32, part; RRS § 6450-32, part.]
- 36.77.040 Source—[1959 c 67 § 5. Prior: 1937 c 187 § 32, part; RRS § 6450-32, part.]
- 36.77.050 Source—[1937 c 187 § 33; RRS § 6450-33.]
- 36.77.060 Source—[1949 c 156 § 9, part; 1943 c 82 § 4, part; 1937 c 187 § 34, part; Rem. Supp. 1949 § 6450-34, part.]
- 36.77.070 Source—[1949 c 156 § 9, part; 1943 c 82 § 4, part; 1937 c 187 § 34, part; Rem. Supp. 1949 § 6450-34, part.]
“and it shall be the duty of the Prosecuting Attorney to file information and prosecute for violation of the provisions of this section” translated to “this section and RCW 36.77.060” and restored in lieu of “and the prosecuting attorney shall prosecute such violations”.

Chapter 36.80 Roads and Bridges—Engineer

- 36.80.010 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4, part.]
- 36.80.015 Source—[1955 c 9 § 1. Prior: 1895 c 77 § 10; RRS § 4148.]
- 36.80.020 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4, part.]
- 36.80.030 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4, part.]
- 36.80.040 Source—[1907 c 160 § 4; RRS § 4147.]
“The office of the county engineer shall be one of record” restored.
- 36.80.050 Source—[1907 c 160 § 2; RRS § 4149.]
“in his office” restored.
- 36.80.060 Source—[1949 c 156 § 2; Rem. Supp. 1949 § 6450-8b.]
“department of highways” to “highway commission”.
- 36.80.070 Source—[1949 c 156 § 3; Rem. Supp. 1949 § 6450-8c.]
- 36.80.080 Source—[1957 c 146 § 1.]
“department of highways” to “highway commission”.

Chapter 36.81 Roads and Bridges—Establishment

- 36.81.010 Source—[1937 c 187 § 19; RRS § 6450-19.]
- 36.81.020 Source—[1937 c 187 § 20, part; RRS § 6450-20, part.]
- 36.81.030 Source—[1937 c 187 § 20, part; RRS § 6450-20, part.]
- 36.81.040 Source—[1937 c 187 § 20, part; RRS § 6450-20, part.]
- 36.81.050 Source—[1937 c 187 § 21, part; RRS § 6450-21, part.]
- 36.81.060 Source—[1937 c 187 § 21, part; RRS § 6450-21, part.]
- 36.81.070 Source—[1937 c 187 § 22, part; RRS § 6450-22, part.]
- 36.81.080 Source—[1937 c 187 § 22, part; RRS § 6450-22, part.]
“by proper resolution” restored.
- 36.81.090 Source—[(i) 1937 c 187 § 22, part; RRS § 6450-22, part. (ii) 1937 c 187 § 20, part; RRS § 6450-20, part.]
- 36.81.100 Source—[1937 c 187 § 15; RRS § 6450-15.]
- 36.81.110 Source—[1937 c 187 § 16; RRS § 6450-16.]
“. . . in the manner provided by law for the taking of private property for public use . . .” restored.
- 36.81.121 Source—[1961 c 195 § 1.]
- 36.81.130 Source—[1949 c 156 § 7; Rem. Supp. 149 § 6450-8f.]
- 36.81.140 Source—[1953 c 199 § 1.]

Chapter 36.82 Roads and Bridges—Funds—Budget

- 36.82.010 Source—[1943 c 82 § 2, part; 1937 c 187 § 6, part; Rem. Supp. 1943 § 6450-6, part.]

- 36.82.020 Source—[1943 c 82 § 2, part; 1937 c 187 § 6, part; Rem. Supp. 1943 § 6450-6, part.] Explanatory note.
- 36.82.030 Source—[1943 c 82 § 2, part; 1937 c 187 § 6, part; Rem. Supp. 1943 § 6450-6, part.]
- 36.82.040 Source—[1937 c 187 § 7; RRS § 6450-7.]
 “. . . not to exceed ten mills on the dollar of all taxable property in the county . . .” restored to “not to exceed ten mills on the dollar of the last assessed valuation of the taxable property in the county . . .” in view of RCW 84.52.050.
- 36.82.050 Source—[1937 c 187 § 8, part; RRS § 6450-8, part.]
- 36.82.060 Source—[1937 c 187 § 8, part; RRS § 6450-8, part.]
- 36.82.070 Source—[1943 c 82 § 5, part; 1937 c 187 § 53, part; Rem. Supp. 1943 § 6450-53, part.]
- 36.82.080 Source—[1943 c 82 § 5, part; 1937 c 187 § 53, part; Rem. Supp. 1943 § 6450-53, part.]
- 36.82.090 Source—[1943 c 82 § 6; 1937 c 187 § 54; Rem. Supp. 1943 § 6450-54.]
- 36.82.100 Source—[1953 c 172 § 1; 1937 c 187 § 44, part; RRS § 6450-44, part.]
- 36.82.110 Source—[1937 c 187 § 44, part; RRS § 6450-44, part.]
- 36.82.120 Source—[1937 c 187 § 44, part; RRS § 6450-44, part.]
- 36.82.130 Source—[1937 c 187 § 47; RRS § 6450-47.]
- 36.82.140 Source—[1937 c 187 § 45; RRS § 6450-45.]
- 36.82.150 Source—[1949 c 156 § 6, part; 1943 c 82 § 7, part; 1937 c 187 § 56, part; Rem. Supp. 1949 § 6450-56, part.]
 “director of highways” to “highway commission”.
- 36.82.160 Source—[1949 c 156 § 6, part; 1943 c 82 § 7, part; 1937 c 187 § 56, part; Rem. Supp. 1949 § 6450-56, part.]
- 36.82.170 Source—[1949 c 156 § 6, part; 1943 c 82 § 7, part; 1937 c 187 § 56, part; Rem. Supp. 1949 § 6450-56, part.]
 “director of highways” to “highway commission”.
- 36.82.180 Source—[1949 c 156 § 6, part; 1943 c 82 § 7, part; 1937 c 187 § 56, part; Rem. Supp. 1949 § 6450-56, part.]
 “director of highways” to “highway commission”.
- 36.82.190 Source—[1949 c 156 § 6, part; 1943 c 82 § 7, part; 1937 c 187 § 56, part; Rem. Supp. 1949 § 6450-56, part.]
- 36.82.200 Source—[1949 c 156 § 6, part; 1943 c 82 § 7, part; 1937 c 187 § 56, part; Rem. Supp. 1949 § 6450-56, part.]
- 36.82.210 Source—[1949 c 75 § 2; 1937 c 187 § 67; Rem. Supp. 1949 § 6450-67.]
- 36.82.220 Source—[1949 c 156 § 1; Rem. Supp. 1949 § 6450-8a.]

Chapter 36.85 Roads and Bridges—Rights of Way

- 36.85.010 Source—[1937 c 187 § 9; RRS § 6450-9.]
- 36.85.020 Source—[1925 ex.s. c 41 § 1; RRS § 905-2.]
- 36.85.030 Source—[1937 c 187 § 17; RRS § 6450-17.]
 “That nothing herein contained shall be construed to invalidate the acceptance of such grant by general public use and enjoyment, heretofore or hereafter had.” restored in lieu of “That the acceptance of any grant may also be evidence by general public use and enjoyment.”
- 36.85.040 Source—[1937 c 187 § 18; RRS § 6450-18.]

Chapter 36.86 Roads and Bridges—Standards

- 36.86.010 Source—[1937 c 187 § 14; RRS § 6450-14.]
 (1) “From and after the taking effect of this act” restored and translated to “from and after April 1, 1937”.
 (2) “and the right of way for which has been secured” restored.

- Explanatory
note.
- 36.86.020 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4, part.]
“highway department” to “highway commission”.
- 36.86.030 Source—[1943 c 73 § 1, part; 1937 c 187 § 4, part; Rem. Supp. 1943 § 6450-4, part.]
(1) “Road standards may be amended” to “Road and bridge standards may be amended”.
(2) “but no standard shall be approved . . . with any minimum requirement less than that specified herein” to “with any minimum requirement less than those specified in this chapter”.
(3) “director” to “highway commission”.
- 36.86.040 Source—[1955 c 310 § 1; 1937 c 187 § 37; RRS § 6450-37.]
- 36.86.050 Source—[1937 c 187 § 36; RRS § 6450-36.]
- 36.86.060 Source—[1937 c 187 § 43; RRS § 6450-43.]
“primary state highway” to “state highway”.
- 36.86.070 Source—[1949 c 165 § 1; Rem. Supp. 1949 § 6450-8h.]
- 36.86.080 Source—[1949 c 165 § 4; Rem. Supp. 1949 § 6450-8k.]
- 36.86.090 Source—[1951 c 143 § 1.]
- 36.86.100 Source—[1955 c 310 § 6.]
“public service commission” to “Washington utilities and transportation commission”.

Chapter 36.87 Roads and Bridges—Vacation

- 36.87.010 Source—[1937 c 187 § 48; RRS § 6450-48.]
- 36.87.020 Source—[1937 c 187 § 49, part; RRS § 6450-49, part.]
- 36.87.030 Source—[1937 c 187 § 49, part; RRS § 6450-49, part.]
- 36.87.040 Source—[1937 c 187 § 50; RRS § 6450-50.]
- 36.87.050 Source—[1937 c 187 § 51, part; RRS § 6450-51, part.]
- 36.87.060 Source—[1937 c 187 § 51, part; RRS § 6450-51, part.]
- 36.87.070 Source—[1937 c 187 § 51, part; RRS § 6450-51, part.]
- 36.87.080 Source—[1937 c 187 § 51, part; RRS § 6450-51, part.]
- 36.87.090 Source—[1937 c 187 § 52; RRS § 6450-52.]

Chapter 36.88 County Road Improvement Districts

- 36.88.010 Source—[1959 c 134 § 1; 1951 c 192 § 1.]
- 36.88.015 Source—[1959 c 75 § 4; 1953 c 152 § 1.]
- 36.88.020 Source—[1951 c 192 § 2.]
- 36.88.030 Source—[1951 c 192 § 3.]
- 36.88.040 Source—[1951 c 192 § 4.]
- 36.88.050 Source—[1951 c 192 § 5.]
- 36.88.060 Source—[1951 c 192 § 6.]
- 36.88.070 Source—[1951 c 192 § 7.]
- 36.88.080 Source—[1951 c 192 § 8.]
- 36.88.090 Source—[1951 c 192 § 9.]
- 36.88.100 Source—[1951 c 192 § 10.]
- 36.88.110 Source—[1951 c 192 § 11.]
- 36.88.120 Source—[1951 c 192 § 12.]
- 36.88.130 Source—[1951 c 192 § 13.]
- 36.88.140 Source—[1951 c 192 § 14.]
- 36.88.150 Source—[1951 c 192 § 15.]
- 36.88.160 Source—[1951 c 192 § 16.]
- 36.88.170 Source—[1951 c 192 § 17.]
- 36.88.180 Source—[1951 c 192 § 18.]
- 36.88.190 Source—[1951 c 192 § 19.]
- 36.88.200 Source—[1951 c 192 § 20.]
- 36.88.210 Source—[1951 c 192 § 21.]
- 36.88.220 Source—[1959 c 134 § 2; 1951 c 192 § 22.]
- 36.88.230 Source—[1951 c 192 § 23.]
- 36.88.240 Source—[1951 c 192 § 24.]
- 36.88.250 Source—[1951 c 192 § 25.]
- 36.88.260 Source—[1951 c 192 § 26.]

- 36.88.270 Source—[1951 c 192 § 27.]
- 36.88.280 Source—[1951 c 192 § 28.]
- 36.88.290 Source—[1951 c 192 § 29.]
 “hereafter issued” to “issued after midnight, June 6, 1951”.
- 36.88.300 Source—[1951 c 192 § 30.]
- 36.88.310 Source—[1951 c 192 § 31.]
- 36.88.320 Source—[1951 c 192 § 32.]
- 36.88.330 Source—[1951 c 192 § 33.]
- 36.88.340 Source—[1953 c 152 § 2; 1951 c 192 § 34.]
- 36.88.350 Source—[1959 c 75 § 8; 1953 c 152 § 3; 1951 c 192 § 35.]
- 36.88.360 Source—[1951 c 192 § 36.]
 “state land commissioner and said commissioner” to “department of natural resources whose designated agent” in view of RCW 43.30.130.
- 36.88.370 Source—[1951 c 192 § 37.]
- 36.88.380 Source—[1959 c 75 § 5.]
- 36.88.390 Source—[1959 c 75 § 6.]
- 36.88.400 Source—[1959 c 75 § 7.]

Chapter 36.90 Southwest Washington Fair

- 36.90.010 Source—[1913 c 47 § 2; RRS § 2746.]
- 36.90.020 Source—[1959 c 34 § 1; 1913 c 47 § 3; RRS § 2747. Prior: 1909 c 237 § 4.]
- 36.90.030 Source—[1913 c 47 § 4; RRS § 2748.]
 (1) “shall notify the board of county commissioners of each of the other counties comprising the Southwest Washington Fair Commission” restored in lieu of “shall notify the board of county commissioners of each of the other counties . . . of meetings”.
 (2) “warrants signed by the chairman of the commission” restored in lieu of “warrants signed by the president”.
- 36.90.040 Source—[1913 c 47 § 5; RRS § 2749.]
- 36.90.050 Source—[1959 c 34 § 2.]
- 36.90.060 Source—[1959 c 34 § 3.]

Chapter 36.98 Construction

- 36.98.010 This section has been added to preserve continuity with the laws which this bill reenacts.
- 36.98.020 Provides that chapter, etc., headings are not part of the law.
- 36.98.030 Severability.
- 36.98.040 Repeals and saving.
 In accordance with the introductory note the laws relating to chapter 36.04—County Boundaries, and chapter 36.91—Trading Stamp Licenses, are not repealed. Except as to certain obsolete or temporary sections, the laws set forth in the schedule of repeals were either repealed previously or are substantially reenacted in this bill.
- 36.98.050 Emergency clause.

Passed the Senate January 31, 1963.

Passed the House February 14, 1963.

Approved by the Governor February 18, 1963.

CHAPTER 5.

[S. B. 48.]

SCHOOL DIRECTORS—GENERAL POWERS.

AN ACT relating to school districts; reenacting section 2, chapter 68, Laws of 1955, as last amended by section 1, chapter 66, Laws of 1961 and section 1, chapter 237, Laws of 1961 and section 1, chapter 305, Laws of 1961, and RCW 28.58.100; and declaring an emergency.

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

RCW 28.58.100
reenacted.

SECTION 1. Section 2, chapter 68, Laws of 1955, as last amended by section 1, chapter 66, Laws of 1961 and section 1, chapter 237, Laws of 1961 and section 1, chapter 305, Laws of 1961, and RCW 28.58-.100 are each reenacted to read as follows:

School
directors
—General
powers.

Every board of directors, unless otherwise specially provided by law, shall:

- (1) Employ for not more than one year, and for sufficient cause discharge teachers, and fix, alter, allow and order paid their salaries and compensation;
- (2) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils and teachers, and enforce the course of study lawfully prescribed for the schools of their districts;
- (3) Rent, repair, furnish and insure schoolhouses and employ janitors, laborers and mechanics;
- (4) Cause all schoolhouses to be properly heated, lighted and ventilated, and cause all school premises to be maintained in a cleanly and sanitary condition;
- (5) Purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property;
- (6) Suspend or expel pupils from school who refuse to obey the rules thereof. This subsection shall be construed to include, but shall not be limited to, the right to suspend or expel pupils for the viola-

tion of reasonable rules relative to discipline or scholarship.

(7) Provide free textbooks and supplies to be loaned to the pupils of the school, when in its judgment the best interests of the district will be subserved thereby, prescribe rules and regulations to preserve such books and supplies from unnecessary damage and provide for the expenditure of a reasonable amount for suitable commencement exercises;

(8) Require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state;

(9) Exclude from schools and school libraries all books, tracts, papers and other publications of immoral or pernicious tendency;

(10) Authorize schoolrooms to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical or agricultural meetings, under such regulations as the board of directors may adopt;

(11) Provide and pay for transportation of children to and from school whether such children live within or without the district when in its judgment the best interests of the district will be subserved thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse.

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

When commercial charter bus service is not reasonably available to a school district, the state board of education may authorize the use of school buses and drivers hired by the district for the transportation of school children and the school employees necessary for their supervision to and from any school activities within or without the school district

during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. The school board shall charge, for any extra-curricular uses, an amount sufficient to reimburse the district for its complete cost incurred by reason of such use.

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

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation;

(12) Establish and maintain night schools whenever it is deemed advisable;

(13) Make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned: *Provided*, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with on full day's attendance for each day's attendance of two hours or more;

(14) Join with boards of directors of other school districts in buying supplies, equipment and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, when deemed to be for the best interests of the district;

(15) Adopt such rules and regulations as the board deems necessary or advisable in regard to granting leaves to persons under contracts of em-

ployment with the school district(s) in positions requiring certification qualification, including leaves for attendance at official or private institutes and conferences, sabbatical leaves, and leaves for illness and injury and bereavement, and with such compensation as the board of directors prescribe: *Provided*, That the board of directors shall adopt rules and regulations granting to such persons annual leave with compensation for illness and injury as follows:

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) for such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for, bears to one hundred eighty days;

(c) compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(d) leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days, and such accumulated time may be taken at any time during the school year;

(e) sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(f) accumulated leave under this proviso not taken at the time such person retires or ceases to be employed in the public schools shall not be compensable;

(g) accumulated leave under this proviso shall not be transferable from one district to another;

(h) leave accumulated by a person in a district

prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

Note: See also section 1, chapter 104, Laws of 1963.

Emergency.

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

Passed the Senate January 31, 1963.

Passed the House February 14, 1963.

Approved by the Governor February 18, 1963.

EXPLANATORY NOTE

Explanatory note.

RCW 28.58.100 was thrice amended by the 1961 legislature. 1961 c 66 § 1 added the language included in subdivision (15). 1961 c 237 § 1 pertained to the use of school buses for certain school activities. 1961 c 305 § 1 pertained to grounds for suspension or expulsion of pupils. As each of these amendments were in different respects, the purpose of this bill is to give effect to all three amendments by re-enacting the section with each of the three amendments included in it.

CHAPTER 6.

[S. B. 49.]

INDUSTRIAL INSURANCE APPEALS.

AN ACT relating to industrial insurance; amending section 51.52.095, chapter 23, Laws of 1961 and RCW 51.52.095; and declaring an emergency.

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

RCW 51.52.095 amended.

SECTION 1. Section 51.52.095, chapter 23, Laws of 1961 and RCW 51.52.095 are each amended to read as follows:

Industrial insurance. Conference for disposal of matters involved in appeal.

The board, upon request of the workman, beneficiary, or employer, or upon its own motion, may direct all parties interested in appeal, together with their attorneys, if any, to appear before it, a member of the board, or an authorized representative thereof, for a conference for the purpose of determining the feasibility of settlement, the simplification of issues

of law and fact, the necessity of amendments to the notice of appeal or other pleadings, the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, the limitation of the number of expert witnesses, and such other matters as may aid in the disposition of the appeal. Such conference may be held prior to the hearing, or it may be held during the hearing, at the discretion of the member or representative of the board conducting the same, in which case the hearing will be recessed for such conference. Following the conference, if held before hearing, the board shall make an order which recites the actions taken at the conference, and the agreements made by the parties as to any of the matters considered, and which limits the issues at hearings to those not disposed of by said admissions or agreements of the parties. If the conference is held during the hearing, the board, or the member or representative thereof conducting the same, shall state on the record the results of such conference. The order or the statement on the record, as the case may be, shall control the subsequent course of the proceedings, unless modified at a subsequent hearing to prevent manifest injustice. If agreement concerning final disposition of the appeal is reached by the parties present at the conference, or by the employer and workman or beneficiary, the board may enter a final decision and order in accordance therewith, providing the board finds such agreement is in conformity with the law and the facts.

Note: See also section 3, chapter 148, Laws of 1963.

SEC. 2. This act is necessary for the immediate **Emergency.** 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 31, 1963.

Passed the House February 14, 1963.

Approved by the Governor February 18, 1963.

EXPLANATORY NOTE

Explanatory note.

This bill corrects RCW 51.52.095 to read as originally enacted in 1951 c 225 § 10. The substitution of "or" for "and" was the result of a typographical error which appeared in the temporary pamphlet edition of the 1951 session laws. This error was inadvertently copied in the preparation of the bill for the reenactment of Title 51 RCW and it was thus reenacted in that form.

CHAPTER 7.

[S. B. 50.]

EXCISES—"SALE AT RETAIL", "RETAIL SALE" DEFINED.

AN ACT relating to taxation; reenacting section 82.04.050, chapter 15, Laws of 1961, as last amended by section 1, chapter 293, Laws of 1961 and section 1, chapter 24, Laws of 1961 first extraordinary session, and RCW 82.04.050; and declaring an emergency.

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

RCW 82.04.050 reenacted.

SECTION 1. Section 82.04.050, chapter 15, Laws of 1961, as last amended by section 1, chapter 293, Laws of 1961 and section 1, chapter 24, Laws of 1961 first extraordinary session, and RCW 82.04.050 are each reenacted to read as follows:

B & O tax. "Sale at retail," "retail sale".

"Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) other than a sale to one who (a) purchases for the purpose of resale as tangible personal property in the regular course of business, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of

tangible personal property or substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsection (2), and 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, excluding, however, services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; (d) the sale of or charge made for labor and services rendered in respect to automobile towing, armored car service and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16; (e) the sale of and charge made for the furnishing of lodging and all other

services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business or professional services, including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) amusement and recreation businesses including but not limited to golf, pool, billiards, skating, ski lifts and tows and others but excluding bowling and excluding admission charges which may be subject to county or city admissions taxes levied under authority granted in RCW 35.21.280 or chapter 36.38; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

The term shall also include the renting or leasing of tangible personal property to consumers.

The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any publicly owned street, place, road, highway, bridge, or trestle which is used or to be used primarily for foot or vehicular traffic, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects.

Emergency.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety,

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 31, 1963.

Passed the House February 14, 1963.

Approved by the Governor February 18, 1963.

EXPLANATORY NOTE

RCW 82.04.050 was amended in the 1961 regular session of the legislature by 1961 c 293 § 1 and was again amended in the extraordinary session of the 1961 legislature by 1961 1st ex. s. c 24 § 1 without reference to the earlier amendment. The 1961 regular session amendment provided for the inclusion within the term "sale at retail" or "retail sale", the renting or leasing of tangible personal property to consumers. The 1961 extraordinary session amendment provided for the inclusion within the term "sale at retail" or "retail sale" amusement and recreation businesses; abstract, title insurance, and escrow businesses; credit bureau businesses; and automobile parking and storage garage businesses.

Explanatory note.

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

CHAPTER 8.

[S. B. 51.]

PROPERTY TAX—FORECLOSURE PROCEEDINGS.

AN ACT relating to property taxes; amending section 84.64.080, chapter 15, Laws of 1961 and RCW 84.64.080; validating prior actions and proceedings; and declaring an emergency.

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

SECTION 1. Section 84.64.080, chapter 15, Laws of 1961, and RCW 84.64.080 are each amended to read as follows:

RCW 84.64.080 amended.

The court shall examine each application for judgment foreclosing tax lien, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without other pleadings, and shall pronounce judgment as the right of the case may be; or said court may, in its discretion, continue

Property tax. Foreclosure proceedings—Judgment—Sale—Notice—Form of deed—Recording.

such individual cases, wherein defense is offered, to such time as may be necessary, in order to secure substantial justice to the contestants therein; but in all other cases said court shall proceed to determine the matter in a summary manner as above specified. In all judicial proceedings of any kind for the collection of taxes, and interests and costs thereon, all amendments which by law can be made in any personal action pending in such court shall be allowed, and no assessments of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax list or assessment rolls or on account of the assessment rolls or tax list not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax lists without name, or in any other name than that of the owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, shall vitiate or in any manner affect the tax or the assessment thereof, and any irregularities or informality in the assessment rolls or tax lists or in any of the proceedings connected with the assessment or levy of such taxes or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to the law by the court. The court shall give judgment for such taxes, interest and costs as shall appear to be due upon the several lots or tracts described in said notice of application for judgment or complaint, and such judgment shall be a several judgment against each tract or lot or part of a tract or lot for each kind of tax included therein, including all interest and costs, and the court shall order and direct the clerk to make and enter an order for the sale of such real property against which judgment is

made, or vacate and set aside the certificate of delinquency or make such other order or judgment as in the law or equity may be just. Said order shall be signed by the judge of the superior court and attested by the clerk thereof, and a certified copy of said order, together with the list of the property therein ordered sold, shall be delivered to the county treasurer, and shall be full and sufficient authority for him to proceed to sell said property for said sum as set forth in said order and to take such further steps in the matter as are provided by law. The county treasurer shall immediately after receiving the order and judgment of the court proceed to sell the property as provided in this chapter to the highest and best bidder for cash. All sales shall be made on Friday between the hours of 9 o'clock in the morning and 4 o'clock in the afternoon, and shall continue from day to day (Saturdays and Sundays excepted) during the same hours until all lots or tracts are sold, after first giving notice of the time and place where such sale is to take place for ten days successively by posting notice thereof in three public places in the county, one of which shall be in the office of said treasurer. The notice shall be substantially in the following form:

TAX JUDGMENT SALE

Public notice is hereby given that pursuant to real property tax judgment of the superior court of the county of _____, in the state of Washington, and an order of sale duly issued by said court, entered the _____ day of _____, _____, in proceedings for foreclosure of tax liens upon real property, as per provisions of law, I shall on the _____ day of _____, _____, at _____ o'clock a.m., at the front door of the court house in the city of _____, and county of _____, state of Washington, sell the following described

lands or lots, to the highest and best bidder for cash, to satisfy the full amount of taxes, interest and costs adjudged to be due thereon as follows, to wit:

(Description of property.)

In witness whereof, I have hereunto affixed my hand and seal this day of,

.....
Treasurer of County.

No county officer or employee shall directly or indirectly be a purchaser of such porperty at such sale.

The treasurer may include in one notice any number of separate tracts or lots.

If any buildings or improvements are upon an area encompassing more than one tract or lot, the same must be advertised and sold as a single unit.

If the highest amount bid for any such separate unit tract or lot is in excess of the entire amount of the taxes and interest due upon the whole property included in the certificate of delinquency, the excess shall be refunded, on application therefor, to the record owner of the property. In the event no claim for the said excess is received by the county treasurer within three years after the date of the sale he shall at the expiration of the three year period deposit such excess in the current expense fund of the county. The county treasurer shall execute to the purchaser of any piece or parcel of land a tax deed. The deed so made by the county treasurer, under the official seal of his office, shall be recorded in the same manner as other conveyances of real property, and shall vest in the grantee, his heirs and assigns the title to the property therein described, without further acknowledgment or evidence of such conveyance, and shall be substantially in the following form:

State of Washington }
County of } ss.

This indenture, made this day of
....., between
as treasurer of county, state of
Washington, party of the first part, and
....., party of the second part:

Witnesseth, that, whereas, at a public sale of
real property held on the day of
....., pursuant to a real property tax
judgment entered in the superior court in the county
of on the day of
....., in proceedings to fore-
close tax liens upon real property and an order of
sale duly issued by said court,
duly purchased in compliance with the laws of the
state of Washington, the following described real
property, to wit:

(Here place description of real property conveyed)
and that said has complied
with the laws of the state of Washington necessary
to entitle (him, or her or them) to a deed for said
real property.

Now, therefore, know ye, that, I,
county treasurer of said county of,
state of Washington, in consideration of the premises
and by virtue of the statutes of the state of Wash-
ington, in such cases provided, do hereby grant and
convey unto, his heirs and
assigns, forever, the said real property hereinabove
described.

Given under my hand and seal of office this
..... day of, A.D.
.....

County Treasurer.

SEC. 2. All rights acquired or any liability or ob- Validation.
ligation incurred under the provisions of this section

prior to the effective date of this 1963 amendatory act, or any process, proceeding, order, or judgment involving the assessment of any property or the levy or collection of any tax thereunder, or any certificate of delinquency, tax deed or other instrument given or executed thereunder, or any claim or refund thereunder, or any sale or other proceeding thereunder are hereby declared valid and of full force and effect.

Emergency.

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

Passed the Senate January 31, 1963.

Passed the House February 14, 1963.

Approved by the Governor February 18, 1963.

EXPLANATORY NOTE

Explanatory note.

The 1941 Code Committee divided 1939 c 206 § 47, as amended by 1951 c 220 § 1, into four RCW sections. In the course of examination and restoration of session law language, the four divided sections were restored as one single section as passed by the legislature and was reenacted as part of the Title 84 reenactment in 1961. Through inadvertence the 1951 amendatory language was not incorporated into the restored and reenacted section. The purpose of this bill is to give effect to the 1951 amendment by restoring and incorporating the amendatory language into the section.

CHAPTER 9.

[H. B. 61.]

TEACHER'S RETIREMENT.

AN ACT relating to the Washington state teachers' retirement system; and repealing section 21, chapter 80, Laws of 1947 and RCW 41.32.210.

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

Repeal.

SECTION 1. Section 21, chapter 80, Laws of 1947 and RCW 41.32.210 are each repealed.

Passed the House February 19, 1963.

Passed the Senate February 28, 1963.

Approved by the Governor March 4, 1963.

CHAPTER 10.

[H. B. 65.]

FAMILY DESERTION—PRIVILEGED COMMUNICATIONS.

AN ACT relating to the domestic relations; and adding a new section to chapter 28, Laws of 1913, and to chapter 26.20 RCW; and declaring an emergency.

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

SECTION 1. There is added to chapter 28, Laws of 1913, and to chapter 26.20 RCW a new section to read as follows: New section.

In any proceedings relating to nonsupport or family desertion the laws attaching a privilege against the disclosure of communications between husband and wife shall be inapplicable and both husband and wife in such proceedings shall be competent witnesses to testify to any relevant matter, including marriage and parentage. Nonsupport. Evidence—Spouse as witness.

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

Passed the House March 1, 1963.

Passed the Senate February 28, 1963.

Approved by the Governor March 4, 1963.

CHAPTER 11.

[H. B. 188.]

ARSON.

AN ACT relating to arson, amending section 40, page 82, Laws of 1854, as last amended by section 320, chapter 249, Laws of 1909 and RCW 9.09.010, and amending section 40, page 82, Laws of 1854, as last amended by section 1, chapter 265, Laws of 1927 and RCW 9.09.020, and declaring an emergency.

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

RCW 9.09.010 amended.

SECTION 1. Section 40, page 82, Laws of 1854, as last amended by section 320, chapter 249, Laws of 1909 and RCW 9.09.010 are each amended to read as follows:

Arson—First degree.

Every person who shall wilfully and maliciously—

(1) Burn or set on fire in the nighttime the dwelling of another, or any building in which there shall be at the time a human being; or

(2) Set any fire manifestly dangerous to any human life, shall be guilty of arson in the first degree and be punished by imprisonment in the state penitentiary for not less than five years.

RCW 9.09.020 amended.

SEC. 2. Section 40, page 82, Laws of 1854 as last amended by section 1, chapter 265, Laws of 1927 and RCW 9.09.020 are each amended to read as follows:

Arson—Second degree.

Every person who, under circumstances not amounting to arson in the first degree, shall wilfully and maliciously burn or set on fire any building, or any structure or erection appurtenant to or adjoining any building, or any wharf, dock, threshing machine, threshing engine, automobile or other motor vehicle, motorboat, steamboat, sailboat, aircraft, bridge or trestle, or any hay, grain, crop or timber, whether cut or standing, or any lumber,

shingle or other timber products, or other property, shall be guilty of arson in the second degree, and shall be punished by imprisonment in the state penitentiary for not more than ten years, or by a fine of not more than five thousand dollars, or by both.

SEC. 3. This act is necessary for the immediate Emergency. 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 1, 1963.

Passed the Senate February 28, 1963.

Approved by the Governor March 4, 1963.

CHAPTER 12.

[H. B. 242.]

LOG PATROLS—LICENSES.

AN ACT relating to licensing of log patrol activities; and amending section 3, chapter 116, Laws of 1947, as last amended by section 3, chapter 182, Laws of 1957 and RCW 76.40.030.

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

SECTION 1. Section 3, chapter 116, Laws of 1947, as last amended by section 3, chapter 182, Laws of 1957 and RCW 76.40.030 are each amended to read as follows: RCW 76.40.030 amended.

Before any person may engage in log patrol activities he must have an existing license from the state therefor. Before any license is issued the applicant must apply to the department of natural resources on a form to be prescribed by said department. The application must contain the name and address of the applicant or applicants, the name, type, and size of equipment to be used, and the mailing address of the principal place of business at Log patrol license—Bond—Equipment stickers or devices—Fees.

which address process may be served upon the applicant. Before any license may be issued the applicant must execute and file with said department, to be approved by it, a surety bond running to the state in the sum of five thousand dollars, conditioned that the applicant will comply with all the requirements of the laws of the state governing such activities, and will account for all stray logs taken into possession. Each application shall be accompanied by a remittance of one hundred dollars for each boat or truck to be used or operated in such activities by the licensee or agent. All licenses shall expire on June 30th following the date of issuance. The department shall issue each applicant a license and shall also issue distinctive stickers or other suitable devices for each piece of equipment listed in the application identifying it as engaged in log patrol activities. A fee of four dollars shall be paid for each pair of such stickers or devices used.

Passed the House February 14, 1963.

Passed the Senate February 28, 1963.

Approved by the Governor March 4, 1963.

CHAPTER 13.

[S. B. 54.]

GARNISHMENT—EXEMPTIONS.

AN ACT relating to the exemption of wages, salary or other compensation from garnishment; and amending section 23, chapter 56, Laws of 1893, as last amended by section 1, chapter 287, Laws of 1927, and RCW 7.32.280.

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

SECTION 1. Section 23, chapter 56, Laws of 1893, as last amended by section 1, chapter 287, Laws of 1927, and RCW 7.32.280 are each amended to read as follows:

RCW 7.32.280
amended.

Thirty-five dollars out of each week's wages, salary or other compensation regularly paid for personal services rendered by any person having one or more individuals dependent upon him or her for support, and in addition thereto five dollars per week for each dependent shall be exempt from garnishment, whether such wages, salary or other such compensation are paid, or to be paid, weekly, monthly, or at other regular intervals, and whether there be due the defendant wages, salary or other such compensation for one week or for a longer period: *Provided*, That the total amount exempted shall not exceed the sum of fifty dollars per week.

Garnishment.
Exemption of
wages.

Twenty-five dollars out of each week's wages, salary or other compensation of any person without dependents, shall be exempt from garnishment whether such wages, salary or other such compensation are paid, or are to be paid, weekly, monthly or at other regular intervals, and whether there is due the defendant wages, salary or other compensation for one week or for a longer period.

No money due or earned as wages, salary or other compensation shall be exempt from garnishment under the provisions of RCW 6.16.020, as now or hereafter amended.

This act shall apply to garnishments in both the superior courts and justice courts in the state of Washington.

Passed the Senate February 19, 1963.

Passed the House March 2, 1963.

Approved by the Governor March 7, 1963.

CHAPTER 14.

[S. B. 92.]

DAYLIGHT SAVING TIME.

AN ACT relating to daylight saving time; and amending section 1, chapter 3, Laws of 1961 and RCW 1.20.051.

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

RCW 1.20.051 amended.

SECTION 1. Section 1, chapter 3, Laws of 1961 and RCW 1.20.051 are each amended to read as follows:

Daylight saving time.

At two o'clock antemeridian Pacific Standard Time of the last Sunday in April each year the time of the state of Washington shall be advanced one hour, and at two o'clock antemeridian Pacific Standard Time of the last Sunday in October in each year the time of the state of Washington shall, by the retarding of one hour, be returned to Pacific Standard Time.

Passed the Senate February 6, 1963.

Passed the House March 2, 1963.

Approved by the Governor March 7, 1963.

CHAPTER 15.

[H. B. 70.]

LICENSED PRACTICAL NURSES.

AN ACT relating to licensed practical nurses; amending section 1, chapter 222, Laws of 1949 and RCW 18.78.010; amending section 6, chapter 222, Laws of 1949 and RCW 18.78.060; amending section 9, chapter 222, Laws of 1949 and RCW 18.78.080; amending section 10, chapter 222, Laws of 1949 and RCW 18.78.090; adding a new section to chapter 222, Laws of 1949 and to chapter 18.78 RCW; and repealing section 1, chapter 231, Laws of 1961 and RCW 18.78.180.

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

RCW 18.78.010 amended.

SECTION 1. Section 1, chapter 222, Laws of 1949 and RCW 18.78.010 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:

Practical
nurses.
Definitions.

(1) "Board" shall mean "Washington state board of practical nurse examiners."

(2) "Director" shall mean "director of licenses."

(3) "Licensed practical nurse, abbreviated L.P.N." shall mean "a person licensed by the board to practice practical nursing."

(4) "Licensed practical nurse practice" shall mean "the performing for compensation or personal profit, services required in the nursing care of the ill, injured or infirm, under the direction of a licensed physician and surgeon, osteopathic physician and surgeon, or dentist or under the supervision of a registered nurse and not involving the specialized education, knowledge, skill and exercise of independent judgment required in professional nursing."

SEC. 2. Section 6, chapter 222, Laws of 1949 and RCW 18.78.060 are each amended to read as follows:

RCW 18.78.060
amended.

An applicant for a license to practice nursing as a licensed practical nurse shall submit to the board written evidence, on a form provided by the board, verified under oath, that the applicant:

Qualifications
of applicants
for license—
Examination.

(1) Is at least nineteen years of age;

(2) Is of good moral character;

(3) Is of good physical and mental health;

(4) Has completed at least a tenth grade course or its equivalent, as determined by the board;

(5) Has completed an approved course of not less than nine months for the training of practical nurses, or its equivalent, as determined by the board.

To be licensed as a licensed practical nurse, each applicant shall be required to pass a written examination in such subjects as the board may determine within the scope of and commensurate with the work to be performed by a licensed practical nurse. Each

written examination may be supplemented by an oral or practical examination. Any applicant failing to pass such an examination may apply for reexamination. Upon passing such examination as determined by the board, the director shall issue to the applicant a license to practice as a licensed practical nurse, providing the license fee is paid by the applicant and the applicant meets all other requirements of the board.

RCW 18.78.080 amended.

SEC. 3. Section 9, chapter 222, Laws of 1949 and RCW 18.78.080 are each amended to read as follows:

License fee.

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 of twenty dollars to the department of licenses: *Provided, however,* That the applicant applying for a reexamination shall pay a fee of five dollars.

RCW 18.78.090 amended.

SEC. 4. Section 10, chapter 222, Laws of 1949 and RCW 18.78.090 are each amended to read as follows:

License renewal.

Every licensed practical nurse in this state shall register annually with the director of licenses at a time fixed by him and shall pay an annual registration fee of three dollars.

New section.

SEC. 5. There is added to chapter 222, Laws of 1949 and to chapter 18.78 RCW a new section to read as follows:

Nurse permitted to give medication, when.

A licensed practical nurse may give medication under the direction and supervision of a licensed practitioner of medicine and surgery, dentistry, or licensed osteopathic physician and surgeon, or under the direction and supervision of a registered nurse, when the licensed practical nurse is selected to do so by a licensed practitioner, as defined herein, or a registered nurse.

Repeal.

SEC. 6. Section 1, chapter 231, Laws of 1961 and RCW 18.78.180 are each repealed.

Passed the House February 5, 1963.

Passed the Senate February 28, 1963.

Approved by the Governor March 7, 1963.

CHAPTER 16.

[H. B. 143.]

MOTOR VEHICLES—SPEED LIMITS.

AN ACT relating to motor vehicle speed limits; adding new sections to chapter 46.48 RCW; amending section 46.48.023, chapter 12, Laws of 1961 and RCW 46.48.023; and repealing sections 46.48.010, 46.48.020, 46.48.022, 46.48.024, 46.48.030, 46.48.040, 46.48.044, 46.48.070, 46.48.090, and 46.48.100, chapter 12, Laws of 1961 and RCW 46.48.010, 46.48.020, 46.48.022, 46.48.024, 46.48.030, 46.48.040, 46.48.044, 46.48.070, 46.48.090, and 46.48.100, and section 46.48.021, chapter 12, Laws of 1961 as amended by section 1, chapter 120, Laws of 1961 and RCW 46.48.021.

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

SECTION 1. There is added to chapter 46.48 RCW New section.
a new section to read as follows:

(1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care. Speed limits, generally.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

- (a) Twenty-five miles per hour within the limits of incorporated cities and towns;
- (b) Fifty miles per hour on county roads;
- (c) Sixty miles per hour in other locations.

The maximum speed limits set forth in this section may be altered as authorized in sections 2, 3, and 4.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

New section.

SEC. 2. There is added to chapter 46.48 RCW a new section to read as follows:

Decrease of speed limit by commission.

Whenever the state highway commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe under the conditions found to exist at any intersection or upon any other part of the state highway system, said commission may determine and declare a lower reasonable and safe maximum limit thereat, which shall be effective when appropriate signs giving notice thereof are erected. Such a maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

New section.

SEC 3. There is added to chapter 46.48 RCW a new section to read as follows:

The state highway commission may increase the maximum speed limit on any part of a multiple lane, limited access highway constructed under chapter 47.52 RCW to not more than seventy miles per hour whenever said commission determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

Increase of speed limit by commission.

SEC. 4. There is added to chapter 46.48 RCW a new section to read as follows:

New section.

(1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under this act is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

Alteration of speed limits by local authorities.

- (a) Decreases the limit at intersections; or
- (b) Increases the limit but not to more than sixty miles per hour; or
- (c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater

or less than the maximum speed permitted under subsection (2) of section 1 but shall not exceed sixty miles per hour.

(3) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(4) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the state highway commission.

RCW 46.48.023
amended.

SEC. 5. Section 46.48.023, chapter 12, Laws of 1961 and RCW 46.48.023 are each amended to read as follows:

Maximum
speed for
school and
playground
crosswalk
zone.

Subject to subsection (1) of section 1 of this amendatory act of 1963, and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a public highway either inside or outside an incorporated city or town when passing any marked public school or playground crosswalk when such marked crosswalk is fully posted with standard portable school or speed control signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk.

New section.

SEC. 6. There is added to chapter 46.48 RCW a new section to read as follows:

(1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.

Impeding traffic by slow speed prohibited — Minimum speed limits.

(2) Whenever the state highway commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the commission or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law.

SEC. 7. This act shall not repeal or invalidate existing orders and resolutions of the state highway commission or existing resolutions and ordinances of local authorities establishing speed limits within their respective jurisdictions.

Savings.

SEC. 8. Sections 46.48.010, 46.48.020, 46.48.022, 46.48.024, 46.48.030, 46.48.040, 46.48.044, 46.48.070, 46.48.090, and 46.48.100, chapter 12, Laws of 1961 and RCW 46.48.010, 46.48.020, 46.48.022, 46.48.024, 46.48.030, 46.48.040, 46.48.044, 46.48.070, 46.48.090 and 46.48.100, and section 46.48.021, chapter 12, Laws of 1961 as amended by section 1, chapter 120, Laws of 1961 and RCW 46.48.021 are each repealed.

Repeal.

Passed the House February 9, 1963.

Passed the Senate February 28, 1963.

Approved by the Governor March 7, 1963.

CHAPTER 17.

[H. B. 151.]

MUNICIPAL CORPORATIONS—HEALTH SERVICES.

AN ACT relating to health services and authorizing municipal corporations to contract for health services.

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

Municipal corporation defined.

SECTION 1. As used in this act "municipal corporation" means health districts, counties, cities, towns, or other municipal corporations where the position of health officer has been created by the appropriate governing body of such municipality pursuant to law.

Contracts for health services authorized.

SEC. 2. In addition to powers already granted them, any municipal corporation, as that term is defined herein, may contract for either the sale or purchase of health services from any other municipal corporation: *Provided*, That nothing herein should be construed as allowing any municipal corporation to abdicate its responsibility of creating and filling the position of health officer.

Supervision of services.

SEC. 3. Whenever a contract for health services has been entered into under the authority of this act, such services shall be performed under the supervision of the health officer in the municipal corporation which is to receive the services.

Passed the House February 9, 1963.

Passed the Senate February 28, 1963.

Approved by the Governor March 7, 1963.

CHAPTER 18.

[S. B. 247.]

TOW TRUCKS—FEES.

AN ACT relating to motor vehicles; providing in lieu fees for certain fixed load vehicles; and adding a new section to chapter 12, Laws of 1961 and to chapter 46.16 RCW.

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

SECTION 1. There is added to chapter 12, Laws of 1961 and to chapter 46.16 RCW a new section to read as follows: New section.

The licensee of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a fee of twenty-five dollars in lieu of the additional fees provided in RCW 46.16.070 or 46.16.072. Tow vehicle—
In lieu fee.

Passed the Senate February 14, 1963.

Passed the House March 2, 1963.

Approved by the Governor March 8, 1963.

CHAPTER 19.

[S. B. 43.]

WITNESSES—ATTENDANCE IN CIVIL PROCEEDINGS.

AN ACT relating to the attendance of witnesses in civil proceedings; and amending section 393, Code of 1881, as amended by section 2, chapter 19, Laws of 1891, and RCW 5.56.010.

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

SECTION 1. Section 2, chapter 19, Laws of 1891 and RCW 5.56.010 are each amended to read as follows: RCW 5.56.010
amended.

Any person may be compelled to attend as a witness before any court of record, judge, commissioner, or referee, in any civil action or proceeding in this state. No such person shall be compelled to attend When
witnesses
must attend.
civil pro-
ceedings.

as a witness in any civil action or proceeding unless the fees be paid or tendered him which are allowed by law for one day's attendance as a witness and for traveling to and returning from the place where he is required to attend, together with any allowance for meals and lodging theretofore fixed as specified herein: *Provided*, That such fees be demanded by any witness residing within the same county where such court of record, judge, commissioner, or referee is located, or within twenty miles of the place where such court is located, at the time of service of the subpoena: *Provided further*, That a party desiring the attendance of a witness residing outside of the county in which such action or proceeding is pending, or more than twenty miles of the place where such court is located, shall apply ex parte to such court, or to the judge, commissioner, referee or clerk thereof, who, if such application be granted and a subpoena issued, shall fix without notice an allowance for meals and lodging, if any to be allowed, together with necessary travel expenses, and the amounts so fixed shall be endorsed upon the subpoena and tendered to such witness at the time of the service of the subpoena: *Provided further*, That the court shall fix and allow at or after trial such additional amounts for meals, lodging and travel as it may deem reasonable for the attendance of such witness.

Passed the Senate February 13, 1963.

Passed the House March 2, 1963.

Approved by the Governor March 9, 1963.

CHAPTER 20.

[S. B. 115.]

ASSESSMENTS AGAINST STATE LANDS.

AN ACT relating to assessments against state lands; adding new sections to chapter 164, Laws of 1919 and to chapter 79.44 RCW; amending section 1, chapter 164, Laws of 1919 and RCW 79.44.010; amending section 2, chapter 164, Laws of 1919 and RCW 79.44.020; amending section 4, chapter 164, Laws of 1919 and RCW 79.44.040; amending section 5, chapter 164, Laws of 1919 as amended by section 1, chapter 108, Laws of 1933 and RCW 79.44.050; amending section 1, chapter 205, Laws of 1947 and RCW 79.44.060; amending section 6, chapter 164, Laws of 1919 and RCW 79.44.070; amending section 7, chapter 164, Laws of 1919 and RCW 79.44.080; amending section 8, chapter 164, Laws of 1919 and RCW 79.44.090; amending section 10, chapter 164, Laws of 1919 and RCW 79.44.100; amending section 11, chapter 164, Laws of 1919 and RCW 79.44.130; amending section 12, chapter 164, Laws of 1919 and RCW 79.44.140; amending section 2, chapter 180, Laws of 1919 as last amended by section 1, chapter 15, Laws of 1951, 2nd extraordinary session, and RCW 87.03.025; repealing chapter 154, Laws of 1909; and repealing sections 1 and 2, chapter 58, Laws of 1953 and RCW 79.44.150 and 79.44.160.

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

SECTION 1. There is added to chapter 164, Laws of 1919 and chapter 79.44 RCW a new section to read as follows:

New section.

As used in this chapter "assessing district" means:

Assessing district defined.

- (1) Incorporated cities and towns;
- (2) Diking districts;
- (3) Drainage districts;
- (4) Port districts;
- (5) Irrigation districts; and

(6) Any municipal corporation or public agency having power to levy local improvement or other assessments which by statute are expressly made applicable to lands of the state.

SEC. 2. Section 1, chapter 164, Laws of 1919 and RCW 79.44.010 are each amended to read as follows:

RCW 79.44.010 amended.

Public lands
subject to local
assessments.

All lands, including school lands, granted lands, escheated lands, tidelands, shorelands, or other lands, (including harbor areas lying between tide or shore lands and outer harbor line) held or owned by the state of Washington in fee simple (in trust or otherwise), situated within the limits of any assessing district in this state, may be assessed and charged for the cost of local or other improvements specially benefiting such lands which may be ordered by the proper authorities of any such assessing district and may be assessed by any irrigation district to the same extent as private lands within the district are assessed: *Provided*, That the leasehold, contractual or possessory interest of any person, firm, association, private or municipal corporation in any such lands shall be charged and assessed in the proportional amount such leasehold, contractual or possessory interest is benefited: *Provided, further*, That no lands of the state shall be included within an irrigation district except as provided in RCW 87.03.025 and 89.12.090.

RCW 79.44.020
amended.

SEC. 3. Section 2, chapter 164, Laws of 1919 and RCW 79.44.020 are each amended to read as follows:

State to be
charged its
proportion
of cost—
Construction
of chapter.

In all local improvement assessment districts in any assessing district in this state, property in such district, held or owned by the state shall be assessed and charged for its proportion of the cost of such local improvements in the same manner as other property in such district, it being the intention of this chapter that the state shall bear its just and equitable proportion of the cost of local improvements specially benefiting state lands: *Provided*, That none of the provisions of this chapter shall have the effect, or be construed to have the effect, to alter or modify in any particular any existing lease of any lands or property owned by the state, or release or discharge any lessee of any such lands or property from any of the obligations, covenants

or conditions of the contract under which any such lands or property are leased or held by any such lessee.

SEC. 4. Section 4, chapter 164, Laws of 1919 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 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.

RCW 79.44.040 amended.

Notice to state of intention to improve—Consent.

SEC. 5. Section 5, chapter 164, Laws of 1919 as amended by section 1, chapter 108, Laws of 1933 and RCW 79.44.050 are each amended to read as follows:

RCW 79.44.050 amended.

Certification
of roll—
Administrative
officer's record.

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 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 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.

RCW 79.44.060
amended.

SEC. 6. Section 1, chapter 205, Laws of 1947 and RCW 79.44.060 are each amended to read as follows:

Payment of
assessments—
No lien for
unpaid
assessments.

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 that the assessment is one properly chargeable to the state. The budget director shall pay such assessments from funds available or appropriated to him for this purpose.

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. 7. Section 6, chapter 164, Laws of 1919 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 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. 8. Section 7, chapter 164, Laws of 1919 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 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 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 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.

RCW 79.44.090
amended.

SEC. 9. Section 8, chapter 164, Laws of 1919 and RCW 79.44.090 are each amended to read as follows:

Payment by
state after
forfeiture of
lease or
contract.

If by reason of default in the payment of rentals or installments, or other causes, the state shall cancel any lease or contract against which assessments have been levied as herein provided, the chief administrative officer of the agency having jurisdiction over the lands shall cause such assessments or installments as shall fall due subsequent to the cancellation of said contract or leasehold interest to be paid as provided in RCW 79.44.060, the same as if the assessments or installments thereof had been levied on the state's interest in said lands.

SEC. 10. Section 10, chapter 164, Laws of 1919 and RCW 79.44.100 are each amended to read as follows:

RCW 79.44.100 amended.

Whenever any such tide, state, school, granted or other lands situated within the limits of any assessing district, has been included within any local improvement district by such assessing district, and the contract, leasehold or other interest of any individual has been sold to satisfy the lien of such assessment for local improvement, the purchaser of such interest at such sale shall be entitled to receive from the state of Washington, on demand, an assignment of the contract, leasehold or other interest purchased by him, and shall assume, subject to the terms and conditions of the contract or lease, the payment to the state of the amount of the balance which his predecessor in interest was obligated to pay.

Assignment of lease or contract to purchasers at foreclosure sale.

SEC. 11. Section 11, chapter 164, Laws of 1919 and RCW 79.44.130 are each amended to read as follows:

RCW 79.44.130 amended.

The provisions of this chapter shall apply to all assessing districts as herein defined, any charter or ordinance provisions to the contrary notwithstanding.

Local provisions suspended.

SEC. 12. Section 12, chapter 164, Laws of 1919 and RCW 79.44.140 are each amended to read as follows:

RCW 79.44.140 amended.

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,

Application of chapter—Eminent domain assessments.

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 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.

RCW 87.03.025
amended.

SEC. 13. Section 2, chapter 180, Laws of 1919 as last amended by section 1, chapter 15, Laws of 1951, 2nd extraordinary session, and RCW 87.03.025 are each amended to read as follows:

Irrigation
districts, state
lands situated
in or taken
into.
Procedure—
Assessments,
collection.

Whenever public lands of the state are situated in or taken into an irrigation district they shall be treated the same as other lands, except as herein-after provided. The commissioner of public lands shall be served with a copy of the petition proposing to include such lands, together with a map of the district and notice of the time and place of hearing thereon, at least thirty days before the hearing, and if he determines that such lands will be benefited by being included in the district he shall give his consent thereto in writing. If he determines that they will not be benefited he shall file with the board a statement of his objections thereto.

Any public lands of the state which are situated within the boundaries of an irrigation district, but which were not included in the district at the time of its organization, may be included after a hearing as herein provided.

Whenever the commissioner or any interested person desires to have state public lands included in an existing district, he shall file a request to that effect in writing with the district board, which shall

thereupon fix a time and place for hearing the request and post notice thereof in three public conspicuous places in the district, one of which shall be at the place of hearing, at least twenty days before the hearing, and send by registered mail a copy of the notice to the commissioner. The notice shall describe the lands to be included and direct all persons objecting to such inclusion to appear at the time and place stated and present their objections. At the hearing the district board shall consider all objections and may adjourn to a later date, and by resolution determine the matter, and its determination shall be final: *Provided*, That no such lands shall be included in a district without the written consent of the commissioner of public lands.

Any public lands of the state situated in any irrigation district shall be subject to the provisions of the laws of this state relating to the collection of irrigation district assessments to the same extent and in the same manner in which lands of like character held under private ownership are subject thereto, but collection and payment of the assessments shall be governed solely by the provisions of chapter 79.44 RCW.

SEC. 14. There is added to chapter 164, Laws of 1919 and to chapter 79.44 RCW a new section to read as follows: New section.

The budget director shall adopt rules and regulations:

(1) Governing the preparation, certification, and submission of all notices and statements required by chapter 79.44 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

Assessments
against public
lands, rules
and
regulations.

(4) Protecting the state against illegal or inequitable assessments.

Repeal.

SEC. 15. The following acts or parts of acts are hereby repealed: (1) Chapter 154, Laws of 1909; (2) section 1, chapter 58, Laws of 1953 and RCW 79.44-.150; and (3) section 2, chapter 58, Laws of 1953 and RCW 79.44.160.

Severability.

SEC. 16. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 5, 1963.

Passed the House March 3, 1963.

Approved by the Governor March 9, 1963.

CHAPTER 21.

[S. B. 121.]

MOTOR VEHICLES—USE TAX.

AN ACT relating to revenue and taxation; and amending section 82.12.045, chapter 15, Laws of 1961, and RCW 82.12.045.

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

RCW 82.12.045 amended.

SECTION 1. Section 82.12.045, chapter 15, Laws of 1961, and RCW 82.12.045 are each amended to read as follows:

Motor vehicle use tax. Collection by county auditor or director of licenses—Remittance.

In the collection of the use tax on motor vehicles, the tax commission 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 ex-

hibits 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 tax commission, 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 tax commission 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 fifty cents 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 audi-

tor's transmittal report to the state treasurer shall be forwarded forthwith to the tax commission.

Any applicant who has paid use tax to a county auditor under this section may apply to the tax commission 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 tax commission within two years after payment of the tax. Upon receipt of an application for refund the tax commission 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, inclusive, for the collection of the tax imposed by this chapter. The tax commission 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 licenses but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

Passed the Senate February 6, 1963.

Passed the House March 2, 1963.

Approved by the Governor March 9, 1963.

CHAPTER 22.

[S. B. 122.]

EXCISES TAXES—REFUNDS AND CREDITS.

AN ACT relating to revenue and taxation; and amending section 82.32.060, chapter 15, Laws of 1961, and RCW 82.32.060.

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

SECTION 1. Section 82.32.060, chapter 15, Laws of 1961, and RCW 82.32.060 are each amended to read as follows:

RCW 82.32.060
amended.

If, upon application by a taxpayer for a refund or for an audit of his records, or upon an examination of the returns or records of any taxpayer, it is determined by the tax commission that within the two years immediately preceding the receipt of the commission of the application by the taxpayer for a refund or for an audit, or, in the absence of such an application, within the two years immediately preceding the commencement by the commission of such examination, a tax has been paid in excess of that properly due, the excess amount paid within such period of two years shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at his option. No refund or credit shall be allowed with respect to any payments made to the commission more than two years before the date of such application or examination. Where a refund or credit may not be made because of the lapse of said two year period, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding the two year period may be offset against the amount of any tax deficiency which may be determined by the commission for such statutory assessment period. Notwithstanding the foregoing, no refund or credit shall be granted with respect to taxes paid prior to May 1, 1950, but where a refund or credit may not be

Excise tax.
Excess
payment—
Credit or
refund—
Payment of
judgment for
refund.

made because the tax was paid prior to May 1, 1950, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding May 1, 1950, may be offset against the amount of any tax deficiency which may be determined by the commission for such preceding period.

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the tax commission within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: *Provided*, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the tax commission and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the tax commission of a certified copy of the order or judgment of the court. Interest at the rate of three per cent per annum shall be allowed by the tax commission and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by him after May 1, 1949, and interest at the same rate shall be allowed

on any judgment recovered by a taxpayer for taxes, penalties, or interest paid after such date.

Passed the Senate February 6, 1963.

Passed the House March 2, 1963.

Approved by the Governor March 9, 1963.

CHAPTER 23.

[S. B. 285.]

STATE UNIVERSITIES—MAJOR LINES.

AN ACT relating to courses of instructions at Washington State University and the University of Washington; amending section 1, chapter 71, Laws of 1961, and RCW 28.76.060; and amending section 2, chapter 71, Laws of 1961, and RCW 28.76.080.

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

SECTION 1. Section 1, chapter 71, Laws of 1961, and RCW 28.76.060 are each amended to read as follows:

RCW 28.76.060 amended.

The courses of instruction of the University of Washington shall embrace as exclusive major lines, law, medicine, forest products, logging engineering, commerce, journalism, library economy, marine and aeronautic engineering, and fisheries.

Courses exclusive to University of Washington.

SEC. 2. Section 2, chapter 71, Laws of 1961, and RCW 28.76.080 are each amended to read as follows:

RCW 28.76.080 amended.

The courses of instruction of both the University of Washington and Washington State University shall embrace as major lines, liberal arts, pure science, pharmacy, mining, architecture, civil engineering, electrical engineering, mechanical engineering, chemical engineering, home economics, and forest management as distinguished from forest products and logging engineering which are exclusive to the

Courses common to University of Washington and Washington State University.

University of Washington. These major lines shall be offered and taught at said institutions only.

Passed the Senate February 15, 1963.

Passed the House March 2, 1963.

Approved by the Governor March 9, 1963.

CHAPTER 24.

[S. B. 291.]

HIGHWAYS—ROUTES—NUMBERING.

AN ACT relating to public highways; permitting the state highway commission to change the numbers of state highway routes or portions thereof on signs installed along such routes and on maps of the same; amending section 47.04.020, chapter 13, Laws of 1961 and RCW 47.04.020; and declaring an emergency.

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

Renumbering of highway routes authorized.

SECTION 1. If the state highway commission shall conclude that a clearer understanding of state highway routes, or portions thereof, throughout the state by members of the traveling public will be facilitated by installing on any state highway route or routes, or portions thereof, signs having route numbers differing from the number and letter designations given to any such highway route or routes in the legislative establishments thereof as contained in chapters 47.16 and 47.20 RCW or as hereafter established, the state highway commission is authorized to adopt such a numbering system on any state highway route or routes, or portions thereof, and to install signs in accord therewith on such state highway or highways, or portions thereof. Such system may be changed from time to time and shall be extended to new state highways, or portions thereof, as they are hereafter established by the legislature. Under any such numbering system the state highway com-

mission need make no distinction between primary and secondary state highways.

SEC. 2. The renumbering of state highways as provided in section 1 of this act shall extend only to the installation of signs along such routes, or portions thereof, numbered in accordance with the system adopted by the state highway commission and the designation of such route numbers on maps and similar information prepared to assist the traveling public. The state highway commission shall maintain at its office in Olympia records showing how each state highway route, heretofore or hereafter established by the legislature, is signed under such signing system.

Scope of renumbering—
Record of system used.

SEC. 3. Section 47.04.020, chapter 13, Laws of 1961 and RCW 47.04.020 are each amended to read as follows:

RCW 47.04.020 amended.

All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns shall be divided and classified as primary state highways, secondary state highways, and county roads. All primary state highways shall be established by the legislature of the state of Washington and shall be described, and designated by convenient number and descriptive name. All secondary state highways shall be established by the legislature of the state of Washington as branches of primary state highways and shall be described and designated by convenient number. All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns, not established as primary state highways or secondary state highways, are hereby declared to be county roads. Nothing herein shall be deemed to prevent the state highway commission from signing any state highway route or routes, or portions thereof, by a number differ-

Classification of highways.

ing from that contained in the legislative establishment thereof.

Emergency.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety, and the support of the state government and its existing institutions, and shall take effect immediately.

Passed the Senate February 7, 1963.

Passed the House March 2, 1963.

Approved by the Governor March 9, 1963.

CHAPTER 25.

[S. B. 120.]

OPTOMETRY BOARD ACT.

AN ACT relating to the licensing, regulation and discipline of optometrists; and repealing section 12, chapter 144, Laws of 1919 and RCW 18.53.110.

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

Regulating optometrists. Definitions.

SECTION 1. Unless the context clearly indicates otherwise, the terms used in this act take their meanings as follows:

- (1) "Board" means the optometry board;
- (2) "License" means a certificate or permit to practice optometry as provided in RCW 18.53.020 as amended from time to time;
- (3) "Members" means members of the optometry board.

Optometry board. Constituted.

SEC. 2. The examining committee, heretofore created pursuant to RCW 43.24.060, is reorganized and reconstituted as the optometry board.

—Membership—
Qualifications—
Terms—
Vacancies.

SEC. 3. The initial composition of the optometry board includes the three members of the examining committee for optometry plus two more optometrists to be appointed by the governor.

The governor must make all appointments to the optometry board. Only optometrists who are citizens of the United States, residents of this state, having been licensed to practice and practicing optometry in this state for a period of at least four years immediately preceding the effective date of appointment, and who have no connection with any school or college embracing the teaching of optometry or with any optical supply business may be appointed.

The governor may set the terms of office of the initial board at his discretion, to establish the following perpetual succession: The terms of the initial board include one position for one year, two for two years and two for three years; and upon the expiration of the terms of the initial board, all appointments are for three years.

In the event that a vacancy occurs on the board in the middle of an appointee's term, the governor must appoint a successor for the unexpired portion of the term only.

SEC. 4. The board must elect a chairman and secretary from its members, to serve for a term of one year or until their successors are elected and qualified.

—Chairman,
secretary,
elected—
Terms.

SEC. 5. The board must meet at least once yearly or more frequently upon call of the chairman or the director of licenses at such times and places as the chairman or the director of licenses may designate by giving three days' notice.

—Meetings—
Notice of.

SEC. 6. Three members constitute a quorum for the transaction of business of the board.

—Quorum.

SEC. 7. The board has the following powers and duties:

—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 licenses all lists, signed by all members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination and a separate list of the names and addresses 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 board shall investigate all complaints and charges of unprofessional conduct against any licensed optometrist, and 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 licenses.

(4) The board may employ stenographic and clerical help, investigating officers, attorneys, and such other assistance as may be necessary to enforce the provisions of this act.

“Unprofessional conduct” defined.

SEC. 8. The term “unprofessional conduct” as used in this act means and includes the following acts and omissions, or any one or any combination thereof, as follows:

(1) Any one or more of the acts enumerated as grounds for revocation of a certificate of registration, under the provisions of RCW 18.53.100; or

(2) Any one or more of the acts enumerated as unlawful under the provisions of RCW 18.53.140.

Optometry board. As administrative agency.

SEC. 9. The board is an administrative agency of the state of Washington, and the provisions of the administrative procedure act, chapter 34.04 RCW

as amended from time to time, govern the conduct and proceedings of the board. Nothing in this act shall be construed to give the board the power to set or recommend a minimum schedule of fees to be charged by licensed optometrist.

SEC. 10. The filing by the board in the office of the director of licenses of a certificate or order of revocation or suspension, after due notice, hearing, and findings and conclusions, in accordance with the procedure set forth in this act, certifying that a holder of a license has been found guilty of unprofessional conduct by the board, constitutes revocation or suspension of the license to practice optometry in this state, and it is unlawful for any person to practice optometry contrary to the terms and conditions imposed by the board and embodied in the board's certificate or order of revocation or suspension.

—Effect of board's orders.

SEC. 11. Any person whose license has been revoked or suspended may seek judicial review of the board's action or decision under the provisions of chapter 34.04 RCW as amended from time to time.

—Judicial review of board's action.

SEC. 12. Any person whose license has been revoked or suspended may apply to the board for reinstatement at any time; and the board may hold hearings on such petition, may impose such terms or conditions as are appropriate under the circumstances, and may order a reinstatement.

—Board power of reinstatement.

SEC. 13. Members of the board are entitled to receive their actual and necessary expenses, not exceeding twenty-five dollars per day, plus mileage, for time spent in the performance of their duties as members of the board.

—Members to receive expenses.

SEC. 14. The board may draw from the optometry account created and held pursuant to RCW 18.53.050. on vouchers approved by the director of

—Funds available to board.

licenses, so much money as is necessary to carry into effect, to administer, and to enforce the provisions of this act.

—Powers transferred to board.

SEC. 15. All powers previously vested in the director of licenses under the provisions of RCW 18.53.100 are vested in the optometry board.

Short title.

SEC. 16. This act may be known and cited as the "optometry board act."

Severability.

SEC. 17. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

Inapplicable provisions.

SEC. 18. The provisions of RCW 43.24.060, 43.24.110 and 43.24.120 are not applicable to the licensing and regulation of the practice of optometry.

Repeal.

SEC. 19. Section 12, chapter 144, Laws of 1919 and RCW 18.53.110 are each repealed.

Passed the Senate February 14, 1963.

Passed the House March 2, 1963.

Approved by the Governor March 9, 1963.

CHAPTER 26.

[S. B. 91.]

ELEVATORS AND OTHER LIFTING
DEVICES—MOVING WALKS.

AN ACT relating to the operation, erection, installation, alteration and repair of elevators, escalators, dumbwaiters, belt manlifts, automobile parking elevators and moving walks; providing for the inspection, issuance of permits, collection of fees; prescribing certain powers and duties of certain officials in connection therewith; providing penalties.

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

SECTION 1. For the purposes of this chapter, except where a different interpretation is required by the context:

Lifting devices, regulation of. Definitions.

(1) "Owner" means any person having title to or control of a conveyance, as guardian, trustee, lessee or otherwise;

(2) "Conveyance" means an elevator, escalator, dumbwaiter, belt manlift, automobile parking elevator and moving walk, all as defined herein;

(3) "Existing installations" means all conveyances for which plans were completed and accepted by the owner, or the plans and specifications for which have been filed with and approved by the department of labor and industries before the effective date of this act and work on the erection of which was begun not more than twelve months thereafter;

(4) "Elevator" means a hoisting or lowering machine equipped with a car or platform which moves in guides in a substantially vertical direction and which serves two or more floors or landings of a building structure;

(a) "Passenger elevator" means an elevator on which passengers are permitted to ride and may be used to carry freight or materials when the load carried does not exceed the capacity of the elevator;

Lifting devices, regulation of.
Definitions.

(b) "Freight elevator" means an elevator used primarily for carrying freight and on which only the operator, the persons necessary for loading and unloading and such employees as may be approved by the department of labor and industries are permitted to ride;

(c) "Sidewalk elevator" means a freight elevator which operates between a sidewalk or other area exterior to the buildings and floor levels inside the building below such area, which has no landing opening into the building at its upper limit of travel and which is not used to carry automobiles;

(5) "Escalator" means a power driven, inclined, continuous stairway used for raising and lowering passengers;

(6) "Dumbwaiter" means a hoisting and lowering mechanism equipped with a car which moves in guides in a substantially vertical direction, the floor area of which does not exceed nine square feet, whose total inside height, whether or not provided with fixed or removable shelves, does not exceed four feet, the capacity of which does not exceed five hundred pounds and is used exclusively for carrying materials;

(7) "Automobile parking elevator" means an elevator located in either a stationary or horizontally moving hoistway and used exclusively for parking automobiles where, during the parking process, each automobile is moved either under its own power or by means of a power driven transfer device onto and off the elevator directly into parking spaces or cubicles in line with the elevator and where no persons are normally stationed on any level except the receiving level;

(8) "Moving walk" means a type of passenger carrying device on which passengers stand or walk and whose passenger carrying surface remains parallel to its direction of motion;

(9) "Manlift" means a device consisting of a power driven endless belt provided with steps or platforms and hand hold attached to it for the transportation of personnel from floor to floor;

(10) "Division" means the division of safety of the department of labor and industries;

(11) "Supervisor" means the supervisor, of the division of safety of the department of labor and industries;

(12) "Inspector" means any safety or elevator inspector of the division including assistant and deputy inspectors, or the mechanical or elevator inspectors of the municipality having in effect an elevator ordinance as hereinafter set forth;

(13) "Permit" means a permit issued by the supervisor to construct, install or operate a conveyance.

SEC. 2. The purpose of this act is to provide for Purpose.
the safe mechanical and electrical operation, erection, installation, alteration, inspection, and repair of conveyances, and all such operation, erection, installation, alteration, inspection, and repair subject to the provisions of this act shall be reasonably safe to persons and property and in conformity with the provisions of this act and the applicable statutes of the state of Washington, and all orders, rules and regulations of the department of labor and industries issued by authority thereof. Conformity in this respect with the applicable rules and regulations set forth in the American Standard Safety Code for Elevators, Dumbwaiters and Escalators shall be prima facie evidence that such operation, erection, installation, alteration, inspection and repair is reasonably safe to persons and property.

SEC. 3. The director of the department of labor Administrator.
and industries shall administer this act through the supervisor of the division of safety. The supervisor

Rules and regulations.

shall promulgate and adopt such rules and regulations governing the mechanical and electrical operation, erection, installation, alterations, inspection, acceptance tests, and repair of conveyances as may be necessary and appropriate and shall also promulgate and adopt minimum standards governing existing installations: *Provided*, That in the execution of this rule making power and prior to the promulgation and adoption of rules and regulations by the supervisor, he shall consider generally the rules and regulations for the safe mechanical operation, erection, installation, alteration, inspection, and repair of conveyances, including the American Standard Safety Code for Elevators, Dumbwaiters and Escalators, and any amendatory or supplemental provisions thereto, and he shall be guided by the provisions thereof where pertinent and consistent with the purposes of this act. Nothing in this act shall limit the authority of the division to prescribe or enforce general or special safety orders in accordance with the provisions of chapter 49.16 RCW.

Proviso.

Conveyances subject to act.

SEC. 4. All privately owned conveyances and all publicly owned conveyances are subject to the provisions of this act except as hereinafter specifically excluded.

Scope as to joint occupancy with exempted municipality.

SEC. 5. In the event that municipalities otherwise exempted herein, which occupy any building or structure exclusively or jointly with a county or other political subdivision, those municipalities shall govern the operation, erection, installation, alteration, inspection and repair of any conveyance located in such building or structure.

Party responsibility enumerated.

SEC. 6. (1) The person or firm installing, relocating or altering any conveyance shall be responsible for its operation and maintenance until the operating permit therefor has been issued by the supervisor except during the period when any limited

operating permit as defined in section 9 paragraph (2) of this act shall be in effect, and shall also be responsible for all tests of new, relocated, and altered equipment until the operating permit thereof has been issued by the supervisor.

(2) The owner or his duly appointed agent shall be responsible for the safe operation and proper maintenance of the conveyance after the operating permit has been issued by the supervisor and also during the period of effectiveness of any limited operating permit as defined in section 9 paragraph (2) of this act. The owner shall be responsible for all periodic tests required by the supervisor.

SEC. 7. All new and existing conveyances shall have a serial number painted on or attached as directed by the supervisor. This serial number shall be assigned by the supervisor and shown on all required permits.

Conveyances
to have serial
number.

SEC. 8. (1) An installation permit shall be obtained from the supervisor before erecting, installing, relocating, or altering a conveyance.

Installation
permit
required.

(2) The installer of the conveyance shall submit an application for such permit in duplicate, in such form as the supervisor may prescribe.

(3) The permit issued by the supervisor shall be kept posted conspicuously at the site of installation.

(4) No permit shall be required for repairs and replacement normally necessary for maintenance and made with parts of equivalent materials, strength and design.

SEC. 9. (1) An operating permit shall be required for each conveyance operated in the state of Washington except during its erection by the person or firm responsible for its installation. A permit issued by the supervisor shall remain in

Operating per-
mit required.

effect and be kept conspicuously posted near the conveyance or in the machine room thereof.

(2) The supervisor may permit the temporary use of any conveyance during its installation or alteration, under the authority of a limited permit issued by the supervisor for each class of service. Limited permits shall be issued for a period not to exceed thirty days and may be renewed at the discretion of the supervisor. Where a limited permit is issued, a notice bearing the information that the equipment has not been finally approved shall be conspicuously posted.

(3) The supervisor may at any time and after giving notice and an opportunity to be heard in accordance with the provisions of chapter 34.04 RCW, in the interest of safety, revoke any current permit to operate a conveyance.

Acceptance tests—Notice of.

SEC. 10. (1) The person or firm installing, relocating or altering conveyances shall notify the supervisor in writing, at least seven days before completion of the work, and shall subject the new, moved, or altered portions of the equipment to the acceptance tests.

(2) All new, altered, or relocated conveyances where a permit has been issued, shall be inspected for compliance with the requirements of this act by an inspector in the employ of the division who shall also witness the test specified.

Requirement modifications, when.

SEC. 11. The requirements of this act are intended to apply to all conveyance installations except as modified or waived by the supervisor. They are intended to be modified or waived whenever any requirements are shown to be impracticable, such as involving expense not justified by the protection secured: *Provided*, That equivalent or safer construction is secured in other ways. Such exceptions shall apply only to the installation covered by the application for waiver.

Proviso.

SEC. 12. (1) The supervisor shall appoint and employ inspectors, as may be necessary to carry out the provisions of this act, under the provisions of the rules and regulations adopted by the state personnel board in accordance with chapter 41.06 RCW.

Employment
of inspectors.

(2) The supervisor shall cause all conveyances to be inspected and tested at least once each year. Inspectors shall have the right during reasonable hours to enter into and upon any building or premises in the discharge of their official duties, for the purpose of making any inspection or testing any conveyance contained thereon or therein. Inspections and tests shall conform with the rules and regulations promulgated and adopted by the supervisor. All installations shall be inspected by the supervisor before any initial permit for operation shall be issued. Permits shall not be issued until the fees required herein have been paid.

Annual in-
spections—
Scope.

(3) If inspection shows a conveyance to be in an unsafe condition, the supervisor shall issue an inspection report in writing requiring the repairs or alterations to be made to the conveyance which are necessary to render it safe, and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed.

(4) No fee shall be charged for the yearly inspections or for the initial inspection after installation or alteration. If however, the conveyance does not meet the requirements of the department, and if another inspection is required to confirm compliance by the person having control over the conveyance with the regulations of the department, then an inspection fee of ten dollars per conveyance to be inspected shall be charged for such first reinspection, and if there is still failure to comply with the rules of the department, a fee of twenty-five

Reinspection
fees.

dollars shall be charged for every unit requiring a further reinspection. These fees are in addition to the fees charged under section 13 of this act and must be paid before issuance of an operating permit.

Supplemental inspection fees.

(5) Any person, firm, corporation or governmental agency may secure supplemental inspections of conveyances by paying to the division a fee of twenty-five dollars per day plus the standard per diem and mileage allowed by the division to its inspectors.

(6) Any inspection of a conveyance by the supervisor in accordance with the provisions of this act shall constitute inspection and compliance with the requirements of chapter 49.16 RCW.

Construction or alteration permits—Application for.

SEC. 13. (1) Before a permit is issued for the construction, alteration, relocation or installation of a conveyance subject to the provisions of this act, application for such permit shall be made to the supervisor accompanied by a fee as set forth in the fee schedule in this section. No work shall be done until the permit has been issued. Construction and alteration permits shall be valid for one year from date of issue. Renewals may be obtained for one dollar for each permit. No permit or fees shall be required for ordering repairs and replacement of damaged, broken or worn parts necessary for normal maintenance and no permit or fee shall be required for any conveyance exempted by section 20 of this act.

Construction and alteration fee schedule.

The construction and alteration fee schedule shall be:

TOTAL COST	FEE
\$250.00 to and including \$1,000.....	\$ 10.00
\$1,001 to and including \$15,000	
For first \$1,001.....	15.00
For each additional \$1,000.....	2.00

\$15,001 to and including \$50,000	
For each \$15,001.....	43.00
For each additional \$1,000 or fraction....	1.00
Over \$50,001	
For first \$50,001.....	78.00
For each additional \$1,000 or fraction....	.50

(2) Fees for annual operation shall be paid in accordance with the following schedule and no annual operating permit shall be issued for the operation of a conveyance until such fees have been received by the division.

Annual operation fee.

CONVEYANCE	ANNUAL FEE
Each power operated passenger and freight elevator	\$ 15.00
Each belt manlift	8.00
Each dumbwaiter	8.00
Each escalator	7.50
Each moving walk	8.00
Each automobile parking elevator	15.00

SEC. 14. Whenever any conveyance is being operated without the permit herein required, the attorney general or the prosecuting attorney of the county may apply to the superior court of the county in which the conveyance is located for an injunction restraining the operation thereof until such condition is corrected. No bond shall be required from the division in such proceedings.

Injunctive relief to prevent unauthorized operation.

SEC. 15. If all corrections stated on the inspection report are not complied with, a hearing before the supervisor may be held at the supervisor's request in accordance with the provisions of chapter 34.04 RCW, at which the owner, operator, or other person in charge of the conveyance shall appear and show cause why he should not comply with the report. Failure to do so, without sufficient reasons, will be prima facie evidence of noncompliance.

Hearing to determine compliance.

Hearing order
—Review.

SEC. 16. If it appears to the supervisor after hearing that the conveyance is unsafe and that the requirements contained in the inspection report should be complied with or that other things should be done to make such equipment safe, the supervisor may order or confirm the withholding of the permit and may make such requirements as he deems proper for repair or alterations and for the correction of such unsafe conditions. Such orders may thereafter be reheard by the supervisor or reviewed by the courts in the manner specified for safety orders of the division.

Review under
chapter 34.04
RCW.

SEC. 17. Any person aggrieved by any order of the supervisor may have the same reviewed by the courts in accordance with the provisions of chapter 34.04 RCW.

Penalty.

SEC. 18. (1) The construction, installation, relocation, alteration, or operation of a conveyance by any person owning or having the custody, management or operation thereof without a permit except as provided in sections 8 and 9 of this act is a misdemeanor and shall be punishable by a fine not to exceed two hundred fifty dollars, or ninety days in the county jail. Each day of violation shall be a separate offense. No prosecution shall be maintained where the issuance or renewal of a permit has been requested but upon which no action has been taken by the supervisor.

(2) Every person who shall wilfully or continuously violate or fail to comply with any rule or regulation of the division promulgated under authority of this act, shall be punished by a penalty of not more than two hundred fifty dollars.

Accidents—
Notice of and
investigation.

SEC. 19. The owner or his duly authorized agent shall promptly notify the supervisor of each and every accident to a person requiring the service of a physician or disability exceeding one day, and shall

afford the supervisor every facility for investigating and inspecting such accident. The supervisor shall without delay, after being notified, make an inspection and shall have placed on file a full and complete report of such accident. Such report shall give in detail all material facts and information available and the cause or causes, so far as they can be determined. The report shall be open to public inspection at all reasonable hours. When an accident involves the failure or destruction of any part of the construction or the operating mechanism of a conveyance, the use of such device is forbidden until it has been made safe and until it has been reinspected and any repairs, changes, or alterations have been approved by the supervisor and a permit on such a form as he may prescribe has been issued by him. The removal of any part of the damaged construction or operating mechanism from the premises is forbidden until permission to do so has been granted by the supervisor.

SEC. 20. The provisions of this act shall not apply where; Act inapplicable, where.

(1) Conveyances are permanently removed from service and made effectively inoperative;

(2) Where the conveyance is of a temporary nature erected or for use during or for the duration of construction work only;

(3) Conveyances are located within and are subject to the inspection of any municipality having in effect an elevator code prior to the adoption of this act, and the provisions of which municipal elevator code are equal to or in conformity with the provisions and safety standards of the American Standard Safety Code for Elevators, Dumbwaiters and Escalators.

(4) Belt manlifts are installed and used exclusively by persons enumerated by or governed by

Title 51 RCW and which are subject to inspection as required by RCW 49.16.120.

Disposition of moneys.

SEC. 21. All moneys received or collected under the terms of this act shall be deposited in the general fund.

Severability.

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

Passed the Senate February 21, 1963.

Passed the House March 5, 1963.

Approved by the Governor March 11, 1963.

CHAPTER 27.

[S. B. 149.]

AIR POLLUTION.

AN ACT relating to the control and prevention of air pollution; amending sections 11 and 16, chapter 232, Laws of 1957 and RCW 70.94.110 and 70.94.160; and adding a new section to chapter 232, Laws of 1957 and chapter 70.94 RCW.

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

RCW 70.94.110 amended.

SECTION 1. Section 11, chapter 232, Laws of 1957 and RCW 70.94.110 are each amended to read as follows:

Air pollution. City selection committees.

There shall be a separate and distinct city selection committee for each county included within a district. The membership of such committees shall consist of the mayor of each city and town within such county, which is also included within the district. A majority of the members of each city selection committee shall constitute a quorum.

RCW 70.94.160 amended.

SEC. 2. Section 16, chapter 232, Laws of 1957 and RCW 70.94.160 are each amended to read as follows:

Ordinances of cities or towns pertaining to control and prevention of air pollution shall be enforced in the same manner as other similar ordinances. Any violation of resolutions of a county or valid rules and regulations of a district pertaining to the prevention and control of air pollution, not permitted by an existing variance order, may be enjoined in a civil action brought in the name of the state of Washington by the prosecuting attorney of the county in which the violation occurred.

Enforcement
of ordinances,
resolutions,
rules.

SEC. 3. There is added to chapter 232, Laws of 1957 and to chapter 70.94 RCW a new section to read as follows:

New section.

The state board may, after the director of health has made recommendations as to appropriate measures, including appropriate areas and territories, for the control and prevention of air pollution as provided herein, and when a recommended control district has not been formed within a reasonable time, hold a public hearing in accordance with chapter 42.32 RCW for the purpose of examining the need for an air pollution control district. If the state board finds that an air pollution control district is necessary for the effective control of air pollution, it shall specify the geographic area and cities, towns, and counties therein which should be included, and such cities, towns, and counties may proceed with the formation of an air pollution control district by ordinance or resolution without the necessity for further hearings as provided for in RCW 70.94.050. Unincorporated areas within the geographic area of the recommended air pollution control district, which incorporate after the date on which the state board makes public its findings, shall become a component part of such air pollution control district when formed, subject in all respects to district regulations. The failure of any municipality within the geographic area of the recommended district, to take necessary

Alternative
method for
forming
district.

steps to join the district, shall not preclude its formation.

Passed the Senate February 20, 1963.

Passed the House March 7, 1963.

Approved by the Governor March 11, 1963.

CHAPTER 28.

[S. B. 233.]

PUBLIC UTILITY DISTRICTS—COLLECTIVE BARGAINING.

AN ACT relating to labor relations of public utility districts and employees thereof; and adding new sections to chapter 54.04 RCW.

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

New section.

SECTION 1. There is added to chapter 54.04 RCW a new section to read as follows:

PUD employees may enter into collective bargaining.

Employees of public utility districts are hereby authorized and entitled to enter into collective bargaining relations with their employers with all the rights and privileges incident thereto as are accorded to similar employees in private industry.

New section.

SEC. 2. There is added to chapter 54.04 RCW a new section to read as follows:

PUD may enter into collective bargaining.

Any public utility district may enter into collective bargaining relations with its employees in the same manner that a private employer might do and may agree to be bound by the result of such collective bargaining.

Passed the Senate March 1, 1963.

Passed the House March 7, 1963.

Approved by the Governor March 11, 1963.

CHAPTER 29.

[S. B. 314.]

DIRECTOR OF LABOR AND INDUSTRIES—
GENERAL POWERS.

AN ACT relating to the department of labor and industries; and amending section 51.04.020, chapter 23, Laws of 1961 and RCW 51.04.020.

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

SECTION 1. Section 51.04.020, chapter 23, Laws of 1961 and RCW 51.04.020 are each amended to read as follows:

RCW 51.04.020
amended.

The director shall:

(1) Establish and promulgate rules governing the administration of this title;

(2) Ascertain and establish the amounts to be paid into and out of the accident fund;

(3) Regulate the proof of accident and extent thereof, the proof of death and the proof of relationship and the extent of dependency;

(4) Supervise the medical, surgical, and hospital treatment to the intent that it may be in all cases efficient and up to the recognized standard of modern surgery;

(5) Issue proper receipts for moneys received and certificates for benefits accrued or accruing;

(6) Investigate the cause of all serious injuries and report to the governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department;

(7) Create a division of statistics within which shall be compiled such statistics as will afford reliable information upon which to base operations of all divisions under the department;

(8) Make annual report to the governor (one of them not more than sixty nor less than thirty

Industrial
insurance. De-
partmental
functions,
generally.

days prior to each regular session of the legislature) of the workings of the department, and showing the financial status and the outstanding obligations of the accident fund and the statistics aforesaid;

(9) Be empowered to enter into agreements with the appropriate agencies of other states relating to conflicts of jurisdiction where the contract of employment is in one state and injuries are received in the other state, and insofar as permitted by the Constitution and laws of the United States, to enter into similar agreements with the provinces of Canada.

Severability.

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 25, 1963.

Passed the House March 7, 1963.

Approved by the Governor March 11, 1963.

CHAPTER 30.

[H. B. 216.]

SCHOOLS—PURCHASE, PARTICIPATION, INFORMATION AND RESEARCH SERVICES.

AN ACT relating to education; authorizing school districts and county superintendents to contract for or purchase information and research services and become members of non-profit organizations providing such services.

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

SECTION 1. For the purpose of obtaining information on school organization, administration, operation and instruction, school districts and county superintendents may contract for or purchase information and research services from public uni-

School districts, county superintendents may purchase research services.

versities, colleges and other public bodies. For the same purpose, school districts and county superintendents may become members of any nonprofit organization whose principal purpose is to provide such services. Charges payable for such services and membership fees payable to such organizations may be based on the cost of providing such services, on the benefit received by the participating school districts measured by enrollment, or on any other reasonable basis, and may be paid before, during, or after the receipt of such services or the participation as members of such organizations.

Passed the House February 23, 1963.

Passed the Senate March 7, 1963.

Approved by the Governor March 11, 1963.

CHAPTER 31.

[H. B. 280.]

SCHOOL CURRICULA—WASHINGTON HISTORY AND GOVERNMENT.

AN ACT relating to education, and amending section 1, chapter 203, Laws of 1941 as amended by section 2, chapter 47, Laws of 1961, and RCW 28.05.050.

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

SECTION 1. Section 1, chapter 203, Laws of 1941, as amended by section 2, chapter 47, Laws of 1961, and RCW 28.05.050 are each amended to read as follows:

RCW 28.05.050 amended.

To promote good citizenship and a greater interest in and better understanding of our national and state institutions and system of government, the state board of education shall prescribe a one-year course of study in the history and government of the United States, and the equivalent of a one-semester course of study in state of Washington

History and government in common schools and teachers' courses.

Proviso.

history and government. No person shall be graduated from any eighth grade or high school without completing such courses of study: *Provided*, That students in the twelfth grade who have not completed such course of study because of previous residence outside the state shall be graduated upon having received special instruction in Washington history and government as may be determined by the local school authorities as equivalent to the one-semester course required by this section.

Proviso.
Examination,
when required
for teacher
certification.

There shall also be a one quarter or semester course in either Washington state history and government, or Pacific Northwest history and government in the curriculum of all teachers' colleges and teachers' courses in all institutions of education. No person shall be graduated from any of said schools without completing such course of study: *Provided*, That no person who has not completed said course of study shall be granted the standard general teaching certificate until he has passed an examination prepared by the state superintendent of public instruction and administered by the county superintendent of schools satisfactorily demonstrating his knowledge of Washington state history and government.

Passed the House February 23, 1963.

Passed the Senate March 7, 1963.

Approved by the Governor March 11, 1963.

CHAPTER 32.

[H. B. 83.]

STATE BOARD OF EDUCATION—POWERS AND DUTIES.

AN ACT relating to education and the state board of education; and amending section 1, chapter 47, Laws of 1961 and RCW 43.63.140.

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

SECTION 1. Section 1, chapter 47, Laws of 1961 and RCW 43.63.140 are each amended to read as follows:

RCW 43.63.140 amended.

The state board of education shall:

State board of education — Powers and duties.

(1) Approve the preparatory entrance requirements for the University of Washington, Washington State University, and the state colleges of education;

(2) Approve courses for the state colleges of education, for the departments of education of the University of Washington, and Washington State University, and for all normal training departments of higher institutions within the state which may be accredited and whose graduates may become entitled to receive teachers' certificates or life diplomas;

(3) Investigate the character of the work required to be performed as a condition of entrance to and graduation from colleges of education, colleges, universities, and other institutions of higher education, and prepare an accredited list of those higher institutions of learning of this and other states whose graduates may be awarded teachers' certificates by the superintendent of public instruction without examination: *Provided*, That the entrance and graduation requirements of all colleges and universities whose diplomas are accredited must be equal to those of the University of Washington and Washington State University; and the requirements for normal schools shall be equal to the ad-

Proviso.

State board
of education
—Powers and
duties.

vanced course of the colleges of education of this state;

(4) Supervise the issuance of normal diplomas and teachers' certificates, and determine the types and kinds of certificates necessary for the several departments of the common schools;

Proviso.

(5) Examine and accredit secondary schools: *Provided*, That no public high school or private academy shall be placed upon the accredited list so long as secret societies are allowed to exist among its students;

(6) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board;

(7) Prepare an outline course or courses of study for the kindergarten, elementary school, junior high school, and high school departments of the common schools, and prescribe such rules for the general government of the common schools, as shall secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools;

(8) Prepare a uniform series of questions to be used by the county superintendents in the examination of teachers, and determine rules and regulations for conducting the same, and prepare questions for the examination of applicants for state elementary certificates, and life diplomas;

(9) Prepare answers to all examination questions which are prepared under the supervision of the board;

(10) Prepare uniform questions or provide other bases for use in the examination of the pupils completing the course of study in any division of the common schools;

(11) Arrange such courses and adopt and enforce such regulations as will place the state institutions in harmonious relations with the common schools and with each other, and unify the work of the public school system;

(12) Prepare courses of instruction in physical education, and direct and enforce such instruction throughout the state, with the assistance of the school officials, principals, county superintendents, boards of directors of the public schools, boards of trustees of the state colleges, and boards of regents of the University of Washington, and of Washington State University;

(13) Hear and decide appeals as provided by law;

(14) Define the meaning of the word "education" insofar as the state's obligation is concerned, as it appears in article 9, section 1 of the state constitution.

Passed the House February 19, 1963.

Passed the Senate March 7, 1963.

Approved by the Governor March 13, 1963.

CHAPTER 33.

[H. B. 198.]

BLIND STUDENTS—ASSISTANCE.

AN ACT relating to assistance to blind students; and amending section 2, chapter 175, Laws of 1955, and RCW 28.76.140.

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

SECTION 1. Section 2, chapter 175, Laws of 1955 and RCW 28.76.140 are each amended to read as follows:

RCW 28.76.140 amended.

All blind student assistance shall be distributed under the supervision of the state board of education. The moneys or any part thereof allocated in the manner referred to in RCW 28.76.130 shall, for furnishing said books or equipment or supplying said

Administration of funds for blind students.

services, be paid by said state board of education directly to the state institution of higher learning, directly to such blind student, heretofore mentioned, or to his parents, guardian, or some adult person, if the blind student is a minor, designated by said blind student to act as trustee of said funds, as shall be determined by the state board of education: *Provided*, That no blind student shall be charged any tuition or laboratory fee while attending any state institution.

Proviso.

The state board of education shall have power to prescribe and enforce all rules and regulations necessary to carry out the provisions of this section and RCW 28.76.130.

Passed the House February 23, 1963.

Passed the Senate March 7, 1963.

Approved by the Governor March 13, 1963.

CHAPTER 34.

[S. B. 57.]

MORTGAGES, REAL ESTATE—FORECLOSURE.

AN ACT relating to foreclosure of real estate mortgages; and adding new sections to chapter 53, Laws of 1899 and to chapter 61.12 RCW.

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

New section.

SECTION 1. There is added to chapter 53, Laws of 1899 and to chapter 61.12 RCW a new section to read as follows:

Mortgage foreclosures. Voluntary relinquishment of rights as bar to redemption.

In actions to foreclose mortgages on real property improved by structure or structures, if the court finds that there has been a voluntary relinquishment of ownership rights by the mortgagor or his successors in interest of the mortgaged property with the intention of terminating ownership therein more than six months prior to the date of the decree of

foreclosure, the purchaser at the sheriff's sale shall take title in and to such property free from redemption rights of the mortgagor as judgment debtor or his successor in interest as provided for in RCW 6.24.130 et seq. upon confirmation of the sheriff's sale by the court.

SEC. 2. There is added to chapter 53, Laws of 1899 and to chapter 61.12 RCW a new section to read as follows: New section.

When proceeding under this act no deficiency judgment shall be allowed. No mortgagee shall deprive any mortgagor of redemption rights by default decree without alleging such intention in the complaint. —Deficiency judgment precluded—
Allegations for default decree.

SEC. 3. There is added to chapter 53, Laws of 1899 and to chapter 61.12 RCW a new section to read as follows: New section.

Sections 1 and 2 of this act shall not apply to property used for agricultural purposes. Agricultural property exempt.

Passed the Senate February 14, 1963.

Passed the House March 7, 1963.

Approved by the Governor March 13, 1963.

CHAPTER 35.

[S. B. 157.]

ADDITIONAL JUDGE, SNOHOMISH COUNTY.

AN ACT relating to judges; and amending section 6, chapter 125, Laws of 1951 as last amended by section 2, chapter 67, Laws of 1961, and RCW 2.08.064.

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

SECTION 1. Section 6, chapter 125, Laws of 1951 as last amended by section 2, chapter 67, Laws of 1961, and RCW 2.08.064 are each amended to read as follows: RCW 2.08.064 amended.

Superior court judges—Benton, Franklin, Clallam, Jefferson, Snohomish, Asotin, Columbia, Garfield, Cowlitz, Klickitat and Skamania counties.

There shall be in the counties of Benton and Franklin jointly, two judges of the superior court; in the counties of Clallam and Jefferson jointly, one judge of the superior court; in the county of Snohomish four judges of the superior court; in the counties of Asotin, Columbia and Garfield jointly, one judge of the superior court; in the county of Cowlitz, two judges of the superior court; in the counties of Klickitat and Skamania jointly, one judge of the superior court.

Passed the Senate February 12, 1963.

Passed the House March 7, 1963.

Approved by the Governor March 13, 1963.

CHAPTER 36.

[S. B. 56.]

INDIANS—STATE JURISDICTION.

AN ACT relating to state jurisdiction over Indians, reservations and other lands; amending section 1, chapter 240, Laws of 1957 and RCW 37.12.010; amending section 3, chapter 240, Laws of 1957 and RCW 37.12.030; amending section 4, chapter 240, Laws of 1957 and RCW 37.12.040; amending section 6, chapter 240, Laws of 1957 and RCW 37.12.060; adding a new section to chapter 240, Laws of 1957 and chapter 37.12 RCW; and repealing section 2, chapter 240, Laws of 1957 and RCW 37.12.020; and declaring an emergency.

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

RCW 37.12.010 amended.

SECTION 1. Section 1, chapter 240, Laws of 1957 and RCW 37.12.010 are each amended to read as follows:

Indians, Indian lands. Assumption of criminal and civil jurisdiction by state.

The state of Washington hereby obligates and binds itself to assume criminal and civil jurisdiction over Indians and Indian territory, reservations, country, and lands within this state in accordance with the consent of the United States given by the act of August 15, 1953 (Public Law 280, 83rd Con-

gress, 1st Session), but such assumption of jurisdiction shall not apply to Indians when on their tribal lands or allotted lands within an established Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States, unless the provisions of section 5 of this amendatory act have been invoked, except for the following:

- (1) Compulsory school attendance;
- (2) Public assistance;
- (3) Domestic relations;
- (4) Mental illness;
- (5) Juvenile delinquency;
- (6) Adoption proceedings;
- (7) Dependent children; and

(8) Operation of motor vehicles upon the public streets, alleys, roads and highways: *Provided further*, Proviso.
That Indian tribes that petitioned for, were granted and became subject to state jurisdiction pursuant to this chapter on or before the effective date of this amendatory act shall remain subject to state civil and criminal jurisdiction as if this amendatory act had not been enacted.

SEC. 2. Section 3, chapter 240, Laws of 1957 and RCW 37.12.030 are each amended to read as follows:

Upon the effective date of this amendatory act the state of Washington shall assume jurisdiction over offenses as set forth in section 1 of this amendatory act committed by or against Indians in the lands prescribed in section 1 of this amendatory act to the same extent that this state has jurisdiction over offenses committed elsewhere within this state, and such criminal laws of this state shall have the same force and effect within such lands as they have elsewhere within this state.

SEC. 3. Section 4, chapter 240, Laws of 1957 and RCW 37.12.040 are each amended to read as follows:

Effective date
for assumption
of jurisdiction
—Civil causes.

Upon the effective date of this amendatory act the state of Washington shall assume jurisdiction over civil causes of action as set forth in section 1 of this amendatory act between Indians or to which Indians are parties which arise in the lands prescribed in section 1 of this amendatory act to the same extent that this state has jurisdiction over other civil causes of action and, except as otherwise provided in this chapter, those civil laws of this state that are of general application to private persons or private property shall have the same force and effect within such lands as they have elsewhere within this state.

RCW 37.12.060
amended.

SEC. 4. Section 6, chapter 240, Laws of 1957 and RCW 37.12.060 are each amended to read as follows:

Chapter lim-
ited in ap-
plication.

Nothing in this chapter shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights and tidelands, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall confer jurisdiction upon the state to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under federal treaty, agreement, statute, or executive order with respect to Indian land grants, hunting, trapping, or fishing or the control, licensing, or regulation thereof.

New section.

SEC. 5. There is hereby added to chapter 240, Laws of 1957 and chapter 37.12 RCW a new section to read as follows:

Whenever the governor of this state shall receive

from the majority of any tribe or the tribal council or other governing body, duly recognized by the Bureau of Indian Affairs, of any Indian tribe, community, band or group in this state a resolution expressing its desire that its people and lands be subject to the criminal or civil jurisdiction of the state of Washington to the full extent authorized by federal law, he shall issue within sixty days a proclamation to the effect that such jurisdiction shall apply to all Indians and all Indian territory, reservations, country, and lands of the Indian body involved to the same extent that this state exercises civil and criminal jurisdiction or both elsewhere within the state: *Provided*, That jurisdiction assumed pursuant to this section shall nevertheless be subject to the limitations set forth in section 4 of this amendatory act.

Resolution of request for total possible jurisdiction—Proclamation by governor.

SEC. 6. Section 2, chapter 240, Laws of 1957 and RCW 37.12.020 are each repealed.

Repeal.

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.

Emergency.

Passed the Senate March 6, 1963.

Passed the House March 5, 1963.

Approved by the Governor March 13, 1963.

***NOTICE OF REFERENDUM: CHAPTER 37,
LAWS OF 1963.**

Dr. Homer W. Humiston, of Tacoma, sponsored Referendum Measure No. 34 for the purpose of referring the below Chapter 37 to the voters for final decision at the November 3, 1964 state general election. Some 5,530 petition sheets containing 82,995 supporting signatures were stolen from my office. Since only 48,630 valid signatures were necessary, I, nevertheless, certified Referendum Measure No. 34 to the ballot and my action was sustained by the Thurston County Superior Court.

This court action (Rouso vs. Meyers) has been appealed to the State Supreme Court and I wish to alert all interested persons that the final decision will not be issued until after this publication of the session laws has been printed.

VICTOR A. MEYERS,
Secretary of State.

***CHAPTER 37.**

[S. B. 360.]

**MECHANICAL DEVICES, SALESBOARDS, BINGO
EQUIPMENT AND CARDROOMS.**

AN ACT relating to the maintenance and operation of certain machines or mechanical devices, salesboards, bingo equipment and cardrooms in certain governmental subdivisions; adding new sections to chapter 249, Laws of 1909 and chapter 9.47 RCW; and declaring an emergency.

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

New section.

SECTION 1. There is added to chapter 9.47 RCW and chapter 249, Laws of 1909, a new section to read as follows:

Certain mechanical devices authorized.

Notwithstanding any other provision of this chapter, it shall be lawful for any person to have in his possession, or permit to be placed in any building or part thereof owned or leased or occupied by him, or to conduct, carry on or operate, whether as owner, manager, agent, clerk or employee, whether for hire or not, or for any person to participate in the use of any machine or mechanical device which is not manufactured or equipped with an automatic payoff mechanism, registers free plays and permits the playing of additional games, the operation of which depends in any part upon the skill or manual dexterity of the player, if said device is located in any incorporated city or town, or all that portion of

any county not included within the limits of incorporated cities and towns, where the same is licensed *or taxed.

*Vetoed.

SEC. 2. It shall be unlawful for the user of any device described in section 1 of this act to receive any piece of money, credit, allowance or thing of value or any check, slug, token or memorandum, whether of value or otherwise, which may be exchanged for any money, credit, allowance or thing of value, or which may be given in trade: *Provided*, That this section shall not prevent the registering of free plays and the playing of additional games: *And provided further*, That it shall be lawful to transfer manually free plays or games registered on any device described in section 1 of this act, from one such device to another at the same location.

Unlawful acts relative to mechanical devices enumerated.

Proviso.

Proviso.

SEC. 3. There is added to chapter 9.47 RCW and chapter 249, Laws of 1909, a new section to read as follows:

New section.

It shall be lawful to sell, operate or use, to permit to be operated or used, or to participate in the use thereof, or to possess, exhibit or display any salesboard or sales ticket intended for trade stimulation purposes where merchandise only is dispensed, if said board or ticket is located in any incorporated city or town, or all that portion of any county not included within the limits of incorporated cities and towns, where the same is licensed *or taxed.

Certain sales-boards or sales tickets authorized.

*Vetoed.

SEC. 4. There is added to chapter 9.47 RCW and chapter 249, Laws of 1909, a new section to read as follows:

New section.

It shall be lawful to own, operate or conduct or permit to be operated or conducted, or to participate in the operation of any public cardroom not to exceed eight tables wherein persons engage in games of skill, in which success depends upon knowledge, attention, experience, and the skill of the player

Certain cardrooms authorized.

whereby elements of chance in any such game are overcome, improved or turned to the advantage of the said player, if said cardroom is located in any incorporated city or town, or all that portion of any county not included within the limits of incorporated cities and town, where the same is licensed *or taxed.

*Vetoed.

New section.

SEC. 5. There is added to chapter 9.47 RCW and chapter 249, Laws of 1909, a new section to read as follows:

Certain bingo devices authorized, when.

It shall be lawful to sell, operate or use or permit to be operated or used, or participate in the use thereof, or to possess, exhibit or display any cards, slips, discs, markers, spheres, or cages intended for use in the game of bingo, or any devices commonly used as trade stimulants at county or state fairs, unless such cards, slips, discs, markers, spheres or cages or devices are located in any incorporated city or town or all that portion of any county not included within the limits of incorporated cities and towns where the same are specifically enumerated as unlawful by the legislative body of the governmental subdivision: *Provided*, That such use is conducted by and for the benefit of a bona fide nonprofit charitable, religious, veteran, fraternal, civic, athletic or other nonprofit organization duly existing under the laws of the state of Washington and that the proceeds thereof are not to inure to the profit of any individual: *And provided further*, That such organization before conducting such game shall give fifteen days written notice of the time and place thereof to the governing body of the governmental subdivision in which it intends to conduct such game and that such governing body does not pass a resolution objecting thereto.

Proviso.

Proviso.

Licensing procedure—Qualifications.

SEC. 6. Before granting a license hereafter under sections 1, 3 and 4 of this act the city, town or county shall first cause a verified application to be filed in

duplicate with such city, town or county with copy to be filed with the state director of licenses, containing the full name and address of each person, firm or corporation having an interest, either directly or indirectly, in said license, and other material facts, including a full financial disclosure, which may be deemed appropriate by such local authority, together with a written affidavit by three residents of Washington who shall recommend said applicant and the officers thereof, if a corporation, as being of good moral character. No licenses shall be issued in accordance with the provisions of sections 1, 3 and 4 of this act except to citizens of the United States who have been residents of the state of Washington for at least five years prior to application therefor; or to corporations, all of whose officers and stockholders have fulfilled such residential qualifications.

Sec. 7. Any person, firm or corporation which has been licensed by a city council, board of trustees or board of county commissioners prior to March 1, 1963 shall be qualified and eligible to receive a license under section 5 of this act. } Vetoed.

SEC. 8. If any provision of this act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected. } Severability.

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. } Supreme court ruled emergency clause not valid (No. 36998 filed April 11, 1963).

Passed the Senate March 7, 1963.

Passed the House March 7, 1963.

Section 7 and certain items in Section 1, 3, and 4 are vetoed.

ALBERT D. ROSELLINI,
Governor of Washington.

I hereby refuse to attach my signature of approval to the remainder of the bill.

Veto message,
excerpt.

GOVERNOR'S STATEMENT EXPLAINING PARTIAL VETOES AND REASON FOR ALLOWING BILL TO BECOME LAW WITHOUT HIS SIGNATURE IS AS FOLLOWS:

"I am filing herewith to be transmitted to the Senate without my approval as to certain items and without my approval as to certain sections Senate Bill No. 360 entitled:

"'An Act relating to the maintenance and operation of certain machines or mechanical devices, salesboards, bingo equipment and cardrooms in certain governmental subdivisions; adding new sections to chapter 249, Laws of 1909 and chapter 9.47 RCW; and declaring an emergency.'

"Senate Bill No. 360 allows counties, cities and towns to permit the operation of certain amusement devices and authorizes them to license certain games without allowing gambling.

"Section 1, page 1, line 19, contains the words 'or taxed.' Section 3, page 2, line 11, contains the words 'or taxed.' Section 4, page 2, line 22, contains the words 'or taxed.' I hereby veto these items in Sections 1, 3 and 4 to make it plain that the non-gambling activities permitted under this statute may be exercised only by such municipal subdivisions of the state as are willing to license the respective activities or devices.

"Section 7 would permit persons, firms, or corporations which had been licensed by a city council, board of trustees or board of county commissioners prior to March 1, 1963 to become automatically eligible to receive a bingo, state fair or similar license. I believe that each licensee under this act should be carefully scrutinized and only those persons who are citizens of the United States and who have been residents of the State of Washington for at least five years prior to application should be allowed to obtain licenses under this act. In the case of firms or corporations, I believe all officers and stockholders should first fulfill the residence requirements provided in Section 6 of the statute.

"I have full faith and confidence that the local licensing authorities will, by resolution or ordinance, place additional stringent requirements concerning character, morality and good reputation of all persons seeking to be licensed by them. As to whether or not all or any part of the activities permissible under this statute shall be exercised is a matter which this bill places entirely upon the local executive and law enforcement agencies.

"For the reasons indicated, the items previously quoted from Sections 1, 3 and 4 of the act are vetoed. Likewise, Section 7 of Senate Bill No. 360 is vetoed. I will allow the remainder of the bill to become law without my signature, in accordance with the additional explanation appended to the bill and to this message."

Respectfully submitted,

ALBERT D. ROSELLINI,
Governor.

STATEMENT BY THE GOVERNOR

RE: Item Veto of Senate Bill No. 360

"I have carefully analyzed Senate Bill 360. My legal staff has done likewise. As a result, I am vetoing several items and one section of Senate Bill 360, and instructing that the altered bill be filed without my signature.

"It is my firm conviction that Senate Bill 360, as partially vetoed, does not legalize gambling.

"Article 2, Section 24 of the State Constitution, as construed repeatedly by the Supreme Court of the State of Washington, prohibits

lotteries and gambling in the State of Washington. It is elementary, therefore, that no act of this legislature can overrule or circumvent the mandate contained in the constitutional provision mentioned above.

Veto message,
excerpt.

"I have deliberately refrained from vetoing an emergency clause contained in Senate Bill 360 in order to allow the constitutionality of this measure to be tested at once. This emergency clause permits the bill to take effect immediately; therefore, allowing a court test of the constitutionality of this bill at once by anyone who might desire to do so.

"I wish to emphasize that nowhere in its provisions does Senate Bill 360 expressly repeal the numerous state statutes against gambling. These statutes continue to exist and to have full force and effect. Anyone found gambling in any part of the state still is subject to arrest and prosecution.

"While I continue to question the need of Senate Bill 360, nevertheless it has been requested by many local public officials. Furthermore, the elected representatives of the people have approved this bill by an almost two-thirds margin in both Houses of the Legislature. With the partial vetoes that I have executed, the bill now has proper safeguards against gambling. It is primarily because of these factors that I have allowed most of Senate Bill 360 to become law without my signature.

"Senate Bill 360 does allow cities and counties to license and regulate the use of certain amusement devices, trade stimulants, and certain card playing. Senate Bill 360 does not, nor could it, constitutionally, allow wagering by means of these devices.

"Under this act, as vetoed by me, no one can engage in activities covered by this act without first obtaining approval of local public officials. This applies to past licensees and future applicants.

"I am against gambling and will continue to do everything within my power to see that the gambling laws of this state are enforced. The laws of our state place the primary responsibility for law enforcement on local enforcement agents. This is as it should be. But be assured that I would not hesitate a moment to use state law enforcement officials to enforce state anti-gambling laws if local enforcement agents cannot or do not do the job.

"I am proud of Washington's fine record as a clean state, free of syndicates and the crime and vice associated with them. I have been privileged to have a part in establishing this record during my years as deputy prosecuting attorney in King County, as a State Senator, as chairman of the Legislative Crime Committee, and as Governor. I wish to assure the citizens of Washington that I shall continue to do everything within the power invested in me as chief executive to guarantee that Washington will remain a state that is free of gambling."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 38.

[S. B. 328.]

PHARMACY BOARD—PHARMACISTS— DRUGS AND MEDICINES.

AN ACT relating to drugs and medicine; regulating the possession, sale and dispensing thereof; requiring licenses for the privilege of manufacturing, selling, dispensing and compounding the same, and fixing fees therefor; adding additional members to the state board of pharmacy, and prescribing additional powers and duties; prescribing penalties; amending section 10, chapter 121, Laws of 1899, as

last amended by section 1, chapter 153, Laws of 1949, and RCW 18.64.040; amending section 12, chapter 213, Laws of 1909 as last amended by section 4, chapter 153, Laws of 1949, and RCW 18.64.043; amending section 5, chapter 153, Laws of 1949, and RCW 18.64.045; amending section 16, chapter 121, Laws of 1899, as last amended by section 3, chapter 153, Laws of 1949, and RCW 18.64.047; amending section 9, chapter 98, Laws of 1935, and RCW 18.64.050; amending section 3, chapter 180, Laws of 1923, as last amended by section 1, chapter 56, Laws of 1931, and RCW 18.64.080; amending section 9, chapter 180, Laws of 1923, and RCW 18.64.110; amending section 11, chapter 121, Laws of 1899, as last amended by section 2, chapter 153, Laws of 1949, and RCW 18.64.140; amending section 10, chapter 213, Laws of 1909, and RCW 18.64.160; amending section 11, chapter 213, Laws of 1909, and RCW 18.64.200; amending section 13, chapter 121, Laws of 1899, as last amended by section 6, chapter 98, Laws of 1935, and RCW 18.64.250; amending section 14, chapter 121, Laws of 1899, and RCW 18.64.270; amending section 13, chapter 213, Laws of 1909, and RCW 18.64.280; amending section 1, chapter 98, Laws of 1935; and RCW 43.69.010; amending section 2, chapter 98, Laws of 1935, and RCW 43.69.020; amending section 3, chapter 98, Laws of 1935, and RCW 43.69.030; amending section 69.33.410, chapter 27, Laws of 1959, and RCW 69.33.410; amending section 2, chapter 6, Laws of 1939, and RCW 69.40.070; adding new sections to chapter 121, Laws of 1899, and chapter 18.64 RCW; adding new sections to chapter 98, Laws of 1935, and chapter 43.69 RCW; adding new sections to chapter 69.40 RCW; repealing section 10, chapter 98, Laws of 1935, and RCW 18.64.055; repealing section 2, chapter 180, Laws of 1923, and RCW 18.64.060; repealing section 1, chapter 180, Laws of 1923, and RCW 18.64.065; repealing section 4, chapter 180, Laws of 1923, as amended by section 2, chapter 253, Laws of 1927, and RCW 18.64.070; repealing section 5, chapter 180, Laws of 1923, as amended by section 3, chapter 253, Laws of 1927, and RCW 18.64.090; repealing section 7, chapter 180, Laws of 1923, and RCW 18.64.100; repealing section 6, chapter 121, Laws of 1899, as amended by section 3, chapter 213, Laws of 1909, and RCW 18.64.120; and repealing section 2, chapter 23, Laws of 1955, and RCW 69.40.062.

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

New section. SECTION 1. There is added to chapter 121, Laws of 1899 and to chapter 18.64 RCW a new section to read as follows:

Definitions as used in this chapter:

(1) "Person" includes individual, partnership, corporation and association.

(2) "Board" means the Washington state board of pharmacy.

(3) "Drugs" mean

(a) Articles recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary.

(b) Articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals.

(c) Articles (other than food) intended to affect the structure or any function of the body of man or other animals.

(d) Articles intended for use as a component of any articles specified in subclauses (a), (b), or (c), 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.

(8) "Prescription" means a written or oral order

Pharmacists.
Definitions.

for drugs issued by a duly licensed medical practitioner in the course of his professional practice for a legitimate medical purpose.

(9) "Medical practitioner" means a physician, dentist, veterinarian or other person duly authorized and licensed by law to prescribe drugs.

(10) "Pharmacist" means a person duly licensed by the 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.

Proviso.

(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 Wash-

ington pesticide act (chapter 15.57 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 act (chapter 15.57 RCW), as enacted or hereafter amended.

SEC. 2, Section 10, chapter 121, Laws of 1899 as last amended by section 1, chapter 153, Laws of 1949 and RCW 18.64.040 are each amended to read as follows:

RCW 18.64.040 amended.

Every applicant for registration by examination under this chapter shall pay the sum of ten dollars before the examination be 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 ten dollars for the same, and annually thereafter the sum of ten 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 ten dollars.

Registrant by examination, fee—Shopkeeper's license and fee.

Penalty for late payment.

SEC. 3. Section 12, chapter 213, Laws of 1909 as last amended by section 4, chapter 153, Laws of 1949 and RCW 18.64.043 are each amended to read as follows:

RCW 18.64.043 amended.

The owner of each and every drug store, pharmacy or dispensary, shall pay an original license fee of twenty-five dollars, and annually thereafter, on

Drugstore, pharmacy and dispensary licenses.

Fees.

or before the first day of June, a fee of ten dollars, for which he 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 for the year ending on the next succeeding May 31st, and each such owner shall at the time of filing proof of payment of such fee as hereinafter provided, 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. It shall be the duty of the owner to immediately notify the board of any change of location and ownership and to keep the license and registration of location or the renewal thereof properly exhibited in said drug store, pharmacy or dispensary. Failure to conform with this provision shall be deemed a misdemeanor, and upon conviction thereof the owner shall be fined not less than ten dollars nor more than fifty dollars; and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional ten dollars.

Declaration of ownership and location.

Penalties.

Failure to conform with this provision shall be deemed a misdemeanor, and upon conviction thereof the owner shall be fined not less than ten dollars nor more than fifty dollars; and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional ten dollars.

RCW 18.64.045 amended.

SEC. 4. Section 5, chapter 153, Laws of 1949 and RCW 18.64.045 are each amended to read as follows:

Wholesale druggist license—Fees.

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 fifty dollars, and annually thereafter, on or before the first day of June, a like fee of fifty dollars, for which he shall receive a license and registration of location from the state board of pharmacy, which shall entitle such owner to manufacture or to sell drugs and drug sundries at the location specified for the year ending

on the next succeeding May 31st, 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 and registration of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this provision shall be deemed a misdemeanor, and upon conviction thereof the owner shall be fined not less than ten dollars nor more than fifty dollars; and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for ninety days from date due, no renewal or new license shall be issued except upon payment of an additional fifty dollars.

Declaration of ownership and location.

Penalties.

SEC. 5. Section 16, chapter 121, Laws of 1899 as last amended by section 3, chapter 153, Laws of 1949 and RCW 18.64.047 are each amended to read as follows:

RCW 18.64.047 amended.

Any itinerant vendor, shopkeeper, or any peddler of any medicine, drug, or nostrum, or preparation for the treatment of disease or injury, shall pay a license fee of ten dollars annually on or before the first day of June. The state board of pharmacy shall issue a license to such itinerant vendor or peddler on 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 any such medicine, drug, or nostrum, or preparation without having a license to do so as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be

Itinerant vendor's or peddler's license fee—Penalty.

fined in any sum not less than twenty dollars and not exceeding fifty 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 days from date due, no renewal or new license shall be issued except upon payment of an additional ten dollars.

RCW 18.64.050 amended.

SEC. 6. Section 9, chapter 98, Laws of 1935 and RCW 18.64.050 are each amended to read as follows:

Duplicates and certified documents—Fees.

In the event that a license or certificate issued by the board of pharmacy is lost or destroyed, the person to whom it was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the board of pharmacy and the payment of a fee of five dollars to the board of pharmacy.

In the event any person desires any certified document to which he is entitled, he shall receive the same upon payment of a fee of five dollars.

RCW 18.64.080 amended.

SEC. 7. Section 3, chapter 180, Laws of 1923, as last amended by section 1, chapter 56, Laws of 1931 and RCW 18.64.080 are each amended to read as follows:

Qualifications for licensing pharmacist.

(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 twenty-one years of age and a citizen of the United States;

(b) Has satisfied the board that he is of good moral and professional character, that he will probably carry out the duties and responsibilities required of a pharmacist, and that he is not unfit or unable to practice pharmacy by reason of the extent or manner of his use of alcoholic beverages, narcotic drugs or dangerous drugs or by reason of a physical or mental disability;

(c) Holds a degree in pharmacy granted by a school or college of pharmacy which is accredited by the board of pharmacy;

(d) Has completed the internship requirements as prescribed;

(e) Has satisfactorily passed such 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. 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 has satisfactorily completed additional preparation as directed and approved by the board.

Examinations
—Contents.

(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.

Internship
requirements.

(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.

Experience in
lieu of
internship.

Application
for intern cer-
tificate—Fee.

(5) Any person enrolled as a student of pharmacy 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 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. 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.

Intern
experience.

(6) To assure adequate practical instruction, pharmacy internship experience as required under this chapter shall be obtained after registration as a pharmacy intern by employment in any licensed pharmacy 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.

Licensing
former
out-of-state
pharmacist.

(7) 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 as pharmacists by examination in other states prior to the time this amendatory act takes effect shall be required to satisfy only the requirements which existed in this state at the time they became licensed in such other states: *Provided further*, That the state in which said person is licensed shall under similar conditions grant reciprocal registration as pharmacist without examination to

Proviso.

Proviso.

Reciprocal
registration.

pharmacists duly licensed by examination in this state. Every application under this subsection shall be accompanied by a fee of fifty dollars.

(8) Each pharmacy intern applying for examination shall pay to the state board of pharmacy an examination fee of ten 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.

Examination
fee for phar-
macy interns.

(9) The board shall provide for, regulate and require all persons registered as pharmacists to renew their registration biennially, and shall prescribe the form of such registration and information required to be submitted by all applicants.

Registration
renewals.

SEC. 8. Section 9, chapter 180, Laws of 1923 and RCW 18.64.110 are each amended to read as follows:

RCW 18.64.110
amended.

The board of pharmacy shall have the power to grant permits to practice pharmacy to persons making application for examination, such permits to be valid only from date of issuance to the date of the next regular examination: *Provided*, That if the applicant fails to pass the examination his permit may be extended to the date of the next examination at the discretion of the board of pharmacy.

Temporary
permits.

Proviso.

SEC. 9. Section 11, chapter 121, Laws of 1899, as last amended by section 2, chapter 153, Laws of 1949 and RCW 18.64.140 are each amended to read as follows:

RCW 18.64.140
amended.

Every registered pharmacist who desires to continue the practice of his profession shall secure from the board a renewal registration license, the fee for which shall be twenty dollars; with registered pharmacists whose last name begins with the initial A through L paying ten dollars on or before June 1,

License—
Annual re-
newal—Fee—
Display—
Penalty for
late renewal.

1963, and twenty dollars on or before June 1, 1964, and biennially thereafter; with registered pharmacists whose last name begins with the initial M through Z paying twenty dollars on or before June 1, 1963, and biennially thereafter; and pharmacists registered after June 1, 1963, will pay ten dollars if the license will expire within one year, and twenty dollars biennially thereafter. Pharmacists shall pay an additional twenty dollars for the late renewal of their license. Every certificate of registration or the current renewal thereof shall be conspicuously exposed in the drug store, pharmacy or dispensary to which it applies.

RCW 18.64.160 amended.

SEC. 10. Section 10, chapter 213, Laws of 1909 and RCW 18.64.160 are each amended to read as follows:

Pharmacists, interns. Refusal and revocation of licenses—Grounds—Procedure.

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 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;
- (3) He is unfit to practice pharmacy because of habitual intemperance in the use of alcoholic beverages, narcotics, dangerous drugs 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) His license to practice pharmacy issued by any other properly constituted licensing authority of any other state has been suspended or revoked;

(6) He has knowingly violated or permitted the violation of any provision of this chapter, Title 69 RCW, or rule and regulation of the board;

(7) He 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, except a pharmacy intern in the presence of and under the immediate supervision of a licensed pharmacist;

(8) He has compounded, dispensed, sold or caused the compounding, dispensing or sale of any drug or device which contains more or less than the proportionate 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*, Proviso. *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.

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

Pharmacists,
interns.
Refusal and
revocation
of licenses.

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.

RCW 18.64.200
amended.

SEC. 11. Section 11, chapter 213, Laws of 1909 and RCW 18.64.200 are each amended to read as follows:

Appeal under
chapter
34.04 RCW.

In any case of the refusal, suspension or revocation of a license by said board under the provisions of this chapter, appeal may be taken in accordance with the administrative procedure act.

RCW 18.64.250
amended.

SEC. 12. Section 13, chapter 121, Laws of 1899, as last amended by section 6, chapter 98, Laws of 1935 and RCW 18.64.250 are each amended to read as follows:

Penalty for
violations—
Exceptions.

Any person not a registered 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 Proviso. 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 any person who shall permit the compounding and dispensing of prescriptions, or vending of drugs, medicines or poisons in his store or place of business, except upon the supervision of a registered pharmacist, or any registered pharmacist or shopkeeper registered under this chapter while continuing in business, who shall fail or neglect to procure his renewal of registration, or any person who shall wilfully make any false representations to procure registration for himself or any other person, or 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 Proviso. 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 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

Pharmacists.
Penalty for
violations—
Exceptions.

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 any person who shall take or use or exhibit in or upon any place of business, or advertise in a newspaper, telephone or other directory, by radio, or in any manner the title of pharmacist, 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 bottles or globes, either colored or filled with colored liquids, without having continuously and regularly employed in his shop, store, or place of business 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.

RCW 18.64.270
amended.

SEC. 13. Section 14, chapter 121, Laws of 1899 and RCW 18.64.270 are each amended to read as follows:

Responsibility
for drug
purity—
Adulteration
—Penalty.

Every proprietor of a wholesale or retail drug store shall be held responsible for the quality of all drugs, chemicals or medicines sold or dispensed by him except those sold in original packages of the manufacturer and except those articles or preparations known as patent or proprietary medicines. Any person who shall knowingly, wilfully or fraudulently falsify or adulterate any drug or medicinal substance or preparation authorized or recognized by an official compendium or used or intended to be used in medical practice, or shall wilfully, knowingly or fraudulently offer for sale, sell or cause the same to be sold for medicinal purposes, shall be

deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not less than seventy-five nor more than one hundred and fifty dollars or by imprisonment in the county jail for a period of not less than one month nor more than three months, and any person convicted a third time for violation of any of the provisions of this section may suffer both fine and imprisonment. In any case he shall forfeit to the state of Washington all drugs or preparations so falsified or adulterated.

SEC. 14. Section 13, chapter 213, Laws of 1909 and RCW 18.64.280 are each amended to read as follows:

RCW 18.64.280 amended.

Any person who shall violate any of the provisions of chapter 18.64 RCW and for which a penalty is not provided shall be deemed guilty of a gross misdemeanor.

General penalty.

SEC. 15. There is added to chapter 121, Laws of 1899 and to chapter 18.64 RCW, a new section to read as follows:

New section.

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:

Refusal and revocation of licenses of wholesaler, drug store, etc.

(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, cosmetics, or drug sundries, or has violated any of the rules and regulations of the board of pharmacy.

SEC. 16. Section 1, chapter 98, Laws of 1935 and RCW 43.69.010 are each amended to read as follows:

RCW 43.69.010 amended.

There shall be a state board of pharmacy consisting of three members, to be appointed by the governor by and with the advice and consent of the Senate.

State board of pharmacy. Created.

State board of
pharmacy.
Member
qualifications.

Each member shall be a citizen of the United States and a resident of this state, and at the time of his appointment shall have been a duly registered pharmacist under the laws of this state for a period of a least five consecutive years immediately preceding his appointment and shall at all times during his incumbency continue to be a duly licensed pharmacist.

Terms.

Members of the board shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

Oath.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his appointment and until his successor is appointed and qualified.

Removal.

Each member shall be subject to removal at the pleasure of the governor, but no such removal shall be made by the governor unless he furnishes the member with a letter setting forth his reasons for the removal, and files a copy thereof with the secretary of state where it shall remain subject to public inspection.

Vacancies.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.

RCW 43.69.020
amended.

SEC. 17. Section 2, chapter 98, Laws of 1935 and RCW 43.69.020 are each amended to read as follows:

Meetings—
Chairman—
Remuneration.

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 from among its members. Each member shall receive twenty-five dollars a day for each day actually spent in the performance of his official duties and in going to and returning

from the place of such performance, together with his actual and necessary traveling expenses.

SEC. 18. Section 3, chapter 98, Laws of 1935 and RCW 43.69.030 are each amended to read as follows:

RCW 43.69.030
amended.

The board shall:

Powers and
duties.

(1) Regulate the practice of pharmacy, and administer 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;

(3) Examine, inspect and investigate all applicants for registration as pharmacists or pharmacy interns and to grant certificates of registration to all applicants whom it shall judge to be properly qualified;

(4) Employ an executive officer, inspectors, chemists and other agents to assist it for any purpose which it may deem necessary;

(5) 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) Make inspections of all pharmacies and other places including dispensing machines in which drugs or devices are stored, held, compounded, dispensed or sold 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 or compounded in violation or contrary to law;

(7) Have the power to conduct hearings for the revocation or suspension of licenses, permits or registrations and/or to appoint a hearing officer to conduct such hearings;

(8) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, narcotics, and practice of pharmacy;

State board of pharmacy. Powers and duties.

(9) Regulate the distribution of drugs, nostrums, 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 to practice pharmacy.

New section.

SEC. 19. There is added to chapter 98, Laws of 1935 and to chapter 43.69 RCW, a new section to read as follows:

Executive officer— Powers and duties.

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, and shall:

- (1) Be responsible for the administration 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;
- (5) Attend to the correspondence of the board and perform all other duties as the board may require;
- (6) Receive and receipt for all fees collected.

RCW 69.33.410 amended.

SEC. 20. Section 69.33.410, chapter 27, Laws of 1959, and RCW 69.33.410 are each amended to read as follows:

Uniform narcotic drug act —Penalties.

Whoever violates any provision of this chapter shall, upon conviction, be fined and imprisoned as herein provided:

- (1) For the first offense the offender shall be

guilty of a felony and the court shall impose a fine of not to exceed ten thousand dollars and a sentence of not less than five years or more than twenty years in the state penitentiary, or both such fine and imprisonment;

(2) For a second offense, or if, in the case of a first conviction of violation of any provision of this chapter, the offender shall previously have been convicted of any violation of the laws of the United States or of any other state, territory or district relating to dangerous drugs, narcotic drugs or marihuana, the offender shall be guilty of a felony and shall be fined not more than ten thousand dollars and be imprisoned in the state penitentiary not less than ten or more than twenty years;

(3) For a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the law of the United States or of any other state, territory or district relating to dangerous drugs, narcotic drugs or marihuana, the offender shall be guilty of a felony and shall be fined not more than twenty-five thousand dollars and be imprisoned in the state penitentiary not less than fifteen or more than forty years;

(4) For any offense under the provisions of this chapter knowingly involving a sale to or other transaction with a minor the offender shall be guilty of a felony and shall be fined not more than fifty thousand dollars and be imprisoned in the state penitentiary not less than twenty or more than forty years.

SEC. 21. There is hereby added to chapter 69.40 RCW a new section to read as follows:

Dangerous drugs are those referred to in RCW 69.40.060 or any other drug which is required by any applicable federal or state law or regulation to be used only on prescription.

New section.

Dangerous
drugs.
Defined—
Offenses
relating to.

(1) No person shall obtain or attempt to obtain a dangerous drug, or procure or attempt to procure the administration of a dangerous drug, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure a dangerous drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a dangerous drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing drugs.

New section.

SEC. 22. There is hereby added to chapter 69.40 RCW a new section to read as follows:

Dangerous drugs—Requisites for prescription legalizing possession.

A prescription, in order to be effective in legalizing the possession of dangerous drugs, must be issued for a legitimate medical purpose by one authorized to prescribe the use of such dangerous drugs. An order purporting to be a prescription issued to an addict or habitual user of dangerous drugs, not in the course of professional treatment is not a prescription within the meaning and intent of this section; and the person who knows or should know that he is filling such an order, as well as the person issuing it, may be charged with violation of this chapter.

SEC. 23. Section 2, chapter 6, Laws of 1939 and RCW 69.40.070 are each amended to read as follows: amended.

Whoever violates any provision of chapter 69.40 RCW shall, upon conviction, be fined and imprisoned as herein provided: Penalties for violation of chapter 69.40 RCW.

(1) For the first offense, the offender shall be guilty of a misdemeanor, and punishable by a fine not exceeding two hundred dollars or by imprisonment in the county jail, not exceeding six months, or by both such fine and imprisonment;

(2) For a second offense, or if, in the case of a first conviction of violation of any provision of this chapter, the offender shall previously have been convicted of any violation of the laws of the United States, this state or any other state, territory, or district relating to dangerous drugs, narcotic drugs or marihuana, the offender shall be guilty of a gross misdemeanor and the court may in its discretion impose a fine of not to exceed one thousand dollars or a sentence not to exceed one year in the county jail, or both such fine and imprisonment;

(3) For a third or subsequent offense, or if the offender shall previously have been convicted two or more times in the aggregate of any violation of the laws of the United States or of this state, or of any other state, territory or district relating to dangerous drugs, narcotic drugs or marihuana, the offender shall be guilty of a felony and shall be fined not more than ten thousand dollars and be imprisoned in the state penitentiary not more than ten years.

(4) For any offense under the provisions of this chapter involving a sale to or other transaction with a minor the offender shall be guilty of a felony and shall be fined not more than fifty thousand dollars and be imprisoned in the state penitentiary not more than twenty years.

SEC. 24. If any provision of this act, or its application to any person or circumstance is held invalid, Severability.

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

Repeal.

SEC. 25. Section 10, chapter 98, Laws of 1935, and RCW 18.64.055; section 2, chapter 180, Laws of 1923, and RCW 18.64.060; section 1, chapter 180, Laws of 1923, and RCW 18.64.065; section 4, chapter 180, Laws of 1923, as amended by section 2, chapter 253, Laws of 1927, and RCW 18.64.070; section 5, chapter 180, Laws of 1923, as amended by section 3, chapter 253, Laws of 1927, and RCW 18.64.090; section 7, chapter 180, Laws of 1923, and RCW 18.64.100; section 6, chapter 121, Laws of 1899, as amended by section 3, chapter 213, Laws of 1909, and RCW 18.64.120; and section 2, chapter 23, Laws of 1955, and RCW 69.40.062, are each repealed.

Passed the Senate March 1, 1963.

Passed the House March 7, 1963.

Approved by the Governor March 14, 1963.

CHAPTER 39.

[H. B. 94.]

MOTOR VEHICLES—DRIVER EDUCATION.

AN ACT relating to the training of motor vehicle operators; prescribing certain penalty assessments for the financing thereof; creating a driver education account in the general fund of the state treasury; amending sections 46.20.030, 46.20.070, and 46.68.040, chapter 12, Laws of 1961 and RCW 46.20.030, 46.20.070, and 46.68.040; and amending section 46.20.110, chapter 12, Laws of 1961 as amended by section 1, chapter 214, Laws of 1961 and RCW 46.20.110.

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

Driver
education.
Purpose.

SECTION 1. It is the purpose of this act to provide the financial assistance necessary to enable each high school district to offer a course in driver education and by that means to develop in the youth of this

state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, and an understanding of the causes and consequences of traffic accidents. The course in driver education shall further provide to the youthful drivers of this state training in the skills necessary for the safe operation of motor vehicles.

SEC. 2. The following words and phrases whenever used in this act shall have the following meaning: Definitions.

(1) "Superintendent" or "state superintendent" shall mean the superintendent of public instruction.

(2) "Driver education course" shall mean an accredited course of instruction in driver education which shall consist of three parts: Classroom instruction, behind-the-wheel instruction or equivalent, and observation time. Each of said parts 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 driver education. Any or all 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 driver education" shall mean an instructor certificated by the superintendent of public instruction to teach either the classroom part or the behind-the-wheel part of the driver education course, or both, under regulations promulgated by the superintendent but such teacher need not be certificated under the provisions of chapter 28.70 RCW.

SEC. 3. (1) The superintendent of public instruction is authorized to establish a section of driver education, under the division of curriculum and instruction and through such section shall administer, supervise, and develop the driver education program

Implementa-
tion of driver
education
program.

and shall assist local school districts in the conduct of their driver education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the driver education program.

(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 driver education course. If a school district elects to offer a driver 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 driver education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) Subject to the rules and regulations adopted by the superintendent of public instruction, the board of directors of a school district may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the behind-the-wheel part of the driver education program. Instructors provided by any such contracting drivers' school must be certificated as qualified teachers of driver education.

SEC. 4. There shall be levied and paid into the driver education account of the general fund of the state treasury a penalty assessment in addition to the fine or bail forfeiture on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles, in the following amounts:

- (1) Where a fine is imposed, two dollars for each twenty dollars of fine, or fraction thereof.
- (2) If bail is forfeited, two dollars for each twenty dollars of bail, or fraction thereof.
- (3) Where multiple offenses are involved, the

Driver education. Penalty assessment to finance.

penalty assessment shall be based on the total fine or bail forfeited for all offenses.

Where a fine is suspended, in whole or in part, the penalty assessment shall be levied in accordance with fine actually imposed.

SEC. 5. When any deposit of bail is made for an offense to which section 4 applies, the person making the deposit shall also deposit a sufficient amount to include the penalty assessment for forfeited bail.

Bail deposit to include penalty assessment.

SEC. 6. The gross proceeds of the penalty assessments provided for in section 4 shall be transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall transmit to the state treasurer monthly and without deduction the amount of such penalty assessments received, which shall be credited to the driver education account in the general fund.

Disposition of penalty assessment.

SEC. 7. There is hereby created the driver education account in the general fund of the state treasury to the credit of which shall be deposited all moneys directed by law to be credited thereto. All expenses incurred by the superintendent of public instruction in administering this act and all payments by the superintendent of public instruction to school districts as authorized by this act shall be borne by appropriations from this account.

Driver education account created—Use.

SEC. 8. (1) Each school district offering a course in driver education shall, in such manner as the superintendent of public instruction may direct, keep accurate records of the cost thereof. Subject to section 7 each school district shall be reimbursed from the driver education account in an amount not to exceed thirty dollars for each pupil who is instructed

Districts to keep records—Reimbursement for driver education costs.

Proviso.

in the course in accordance with the regulations set forth by the superintendent: *Provided*, That beginning June 30, 1964 and on June 30 of each year thereafter the state superintendent shall determine the approximate per pupil cost of driver education and may increase to more than thirty dollars the amount of reimbursement to the school district but in no instance shall the amount of reimbursement exceed more than seventy-five percent of the estimated per pupil cost of driver education. Per pupil cost of driver education shall include the per pupil cost of vehicles used exclusively in driver education programs and simulators used in such programs amortized by school districts over a twenty-four month period.

A simulator is any automobile driver training device approved by the superintendent of public instruction to be used for purposes of driver education instruction under simulated driving conditions.

Driver
education.
Fee—
Disposition.

(2) The directors of any school district or combination of school districts shall establish a driver education fee, which fee when imposed shall be required to be paid by any duly enrolled student in such school district prior to the enrollment in a driver education course. Driver education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the driver education course.

RCW 46.20.070
amended.

SEC. 9. Section 46.20.070, chapter 12, Laws of 1961 and RCW 46.20.070 are each amended to read as follows:

Juvenile
agricultural
driving
permit.

Upon receiving a written application on a form provided by the director of licenses for permission for a person under the age of sixteen 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 issue a limited driving per-

mit 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 operator'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 authorize 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 sixteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle operator's license.

The director of licenses 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 operator's licenses and deposited to the credit of the driver education account in the general fund.

The director shall have authority to 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 deny the issuance of a juvenile agricultural driving permit to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property.

The director shall have authority to suspend, revoke or cancel the juvenile agricultural driving

permit of any person when in his sound discretion he has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle operator's license is provided by law.

The director shall have authority to suspend, cancel or revoke a juvenile agricultural driving permit when in his sound discretion he is satisfied the restricted character of the permit has been violated.

RCW 46.20.110
amended.

SEC. 10. Section 46.20.110, chapter 12, Laws of 1961 as amended by section 1, chapter 214, Laws of 1961 and RCW 46.20.110 are each amended to read as follows:

Temporary
instruction
permits—Fee.

The director of licenses upon receiving from any person over the age of fifteen and one-half years an application for a temporary instruction permit may in his discretion issue such a permit entitling the applicant, while having such permit in his immediate possession, to operate a motor vehicle upon the public highways for a period of six months when accompanied by a licensed vehicle operator who has had at least five years of driving experience and is licensed in the state of Washington and who is actually occupying a seat beside the operator: *Provided*, That a temporary instruction permit valid for the school semester may be issued to any person of the age of fifteen years if such a person is at the time enrolled in the behind-the-wheel part of an approved driver education course, recognized and accredited by the superintendent of public instruction. Temporary instruction permit shall be issued upon payment of a fee of one dollar and fifty cents in the manner provided for the payment of fees for vehicle operator licenses.

Proviso.

RCW 46.68.040
amended.

SEC. 11. Section 46.68.040, chapter 12, Laws of 1961 and RCW 46.68.040 are each amended to read as follows:

The director shall forward all funds accruing under the provisions of chapter 46.20 to the state treasurer, together with a proper identifying, detailed report. The state treasurer shall deposit such moneys to the credit of the highway safety fund, except that out of each fee of four dollars collected for a vehicle operator's license the sum of two dollars and twenty cents shall be paid into the state parks and parkways account to be used for carrying out the provisions of chapter 43.51 and for no other purpose except as hereinafter provided. All expenses incurred in carrying out the provisions of chapter 46.20 relating to vehicle operators' licenses shall be paid from the highway safety fund and not to exceed fifty thousand dollars in a biennium from the state parks and parkways account of the general fund as by appropriation provided: *Provided*, That one dollar of the fees collected for temporary instruction permits under RCW 46.20.110 shall be deposited in the driver education account in the general fund.

Disposition
of operators'
license fees—
Support of
state parks.

Proviso.

SEC. 12. Section 46.20.030, chapter 12, Laws of 1961 and RCW 46.20.030 are each amended to read as follows:

RCW 46.20.030
amended.

(1) The director of licenses shall not issue a vehicle operator's license to any person under the age of sixteen years;

Operators'
licenses.
Persons
ineligible
generally.

(2) The director of licenses shall not issue a vehicle operator's license to any person whose vehicle operator's license has been suspended, during the period for which such license was suspended, nor shall the director issue a vehicle operator's license to any person whose vehicle operator's license has been revoked until the expiration of one year from the revocation of such license, nor shall the director issue a vehicle operator's license to any person whose vehicle operator's license has been canceled until he shall determine that it is proper

to do so and the applicant is otherwise entitled thereto;

(3) The director of licenses shall not issue a vehicle operator's license to any person whom he has determined is an habitual drunkard or is addicted to the use of narcotic drugs;

(4) The director of licenses shall not issue a vehicle operator's license to any person who has previously been adjudged insane or an idiot, epileptic, imbecile or feeble-minded, and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent; nor shall the director then issue vehicle operator's license to such person unless he is satisfied that such person is competent to operate a motor vehicle with safety to persons and property;

(5) The director of licenses shall not issue a vehicle operator's license to any person when in the opinion of the director such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising a reasonable and ordinary control of a motor vehicle while operating the same upon the public highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs in the English language: *Provided, however,* That the director of licenses may permit any such person to demonstrate personally that notwithstanding such disability or disease he is a proper person to operate a motor vehicle and may further require a certificate of such person's condition signed by a proper authority designated by the director and the director in his discretion may cause to be issued to such person a restricted vehicle operator's license containing such restriction as he may deem advisable

Operators'
licenses.
Procedure as
to disabled—
Restricted
licenses.

Proviso.

under all the circumstances and such restriction shall be endorsed on such restricted vehicle operator's license. A person holding such a restricted vehicle operator's license shall not operate a motor vehicle except as, when and where permitted under such restriction and the director of licenses may at any time with or without further cause cancel or revoke such restricted license: *Provided further*, That this subsection shall not be construed to prevent the director from refusing a vehicle operator's license, either restricted or unrestricted, to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property. Proviso.

Passed the House March 9, 1963.

Passed the Senate March 8, 1963.

Approved by the Governor March 15, 1963.

CHAPTER 40.

[H. B. 155.]

SUPREME COURT—JUDGES PRO TEMPORE.

AN ACT relating to judges pro tempore of the supreme court; adding new sections to chapter 2.04 RCW; making an appropriation; and declaring an emergency.

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

SECTION 1. There is added to chapter 2.04 RCW a new section to read as follows: New section.

(1) *Declaration of Policy.* Whenever necessary for the prompt and orderly administration of justice, as authorized and empowered by Article IV, Section 2 (a), Amendment 38, of the state Constitution, a majority of the supreme court may appoint any regularly elected and qualified judge of the superior court or any retired judge of a court of record in this state to serve as judge pro tempore of the supreme court. Supreme court
—Judge pro
tempore.
Appointment
—Oath.

(2) Before entering upon his duties as judge pro tempore of the supreme court, the appointee shall take and subscribe an oath of office as provided for in Article IV, Section 28 of the state Constitution.

New section.

SEC. 2. There is added to chapter 2.04 RCW a new section to read as follows:

Supreme court
—Judge pro
tempore.
Expenses—
Compensation,
if retired.

(1) A superior court judge serving as a judge pro tempore of the supreme court as provided in section 1 of this act shall receive, in addition to his regular salary, his actual traveling expenses not to exceed one round trip at ten cents per mile from his residence during his term of service as judge pro tempore and twenty dollars per day in lieu of subsistence and lodging.

(2) A retired judge of a court of record in this state serving as a judge pro tempore of the supreme court as provided in section 1 of this act shall receive, in addition to any retirement pay he may be receiving, the following compensation and expenses:

(a) His actual traveling expenses not to exceed one round trip at ten cents per mile from his residence during his term of service as judge pro tempore and twenty dollars per day in lieu of subsistence and lodging.

(b) During the period of his service as a judge pro tempore, an amount equal to the salary of a regularly elected judge of the court in which he last served for such period diminished by the amount of retirement pay accrued to him for such period.

(3) Whenever a superior court judge is appointed to serve as judge pro tempore of the supreme court and a visiting judge is assigned to replace him, the full amount of the actual traveling and living expenses incurred by such visiting judge as a result of such assignment shall be paid upon application of such judge from the appropriation of the supreme court.

(4) The provisions of this act shall not be construed as impairing or enlarging any right or privilege acquired in any retirement or pension system by any judge or his dependents.

SEC. 3. For the remainder of the 1961-1963 biennium there is hereby appropriated from the state general fund to the state supreme court, the sum of twenty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act. Appropriation.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the House March 14, 1963.

Passed the Senate March 13, 1963.

Approved by the Governor March 17, 1963.

CHAPTER 41.

[H. B. 131.]

SCHOOLS—EMINENT DOMAIN.

AN ACT relating to education; amending section 13, page 289, chapter 97, Laws of 1909, as last amended by section 1, chapter 155, Laws of 1957, and RCW 28.58.070.

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

SECTION 1. Section 13, page 289, chapter 97, Laws of 1909, as last amended by section 1, chapter 155, Laws of 1957, and RCW 28.58.070 are each amended to read as follows: RCW 28.58.070 amended.

The board of directors of any school district of this state may proceed to condemn and appropriate not more than fifteen acres of land for any elementary school purpose; not more than twenty-five acres for any junior high school purpose; not more School districts—Eminent domain.

than forty acres for any senior high school purpose; not more than seventy-five acres for any community college or vocational technical school purpose, and not more than fifteen acres for any other school district purpose. Such condemnation proceedings shall be in accordance with the laws of this state providing for appropriating private property for public use.

Passed the House February 28, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 19, 1963.

CHAPTER 42.

[Sub. H. B. 184.]

FIRE PROTECTION DISTRICTS—MERGERS.

AN ACT relating to fire district mergers; and amending section 5, chapter 176, Laws of 1953 and RCW 52.24.090.

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

RCW 52.24.090
amended.

SECTION 1. Section 5, chapter 176, Laws of 1953 and RCW 52.24.090 are each amended to read as follows:

Fire protec-
tion districts.
Merger of part
with adjacent
district.

A part of one district may be transferred and merged with an adjacent district whenever such area can be better served by the merged district. To effect such a merger a petition, signed by not less than fifteen percent of the qualified electors residing in the area to be merged, shall be filed with the commissioners of the merging district. Such petition shall be promoted by one or more qualified electors within the area to be transferred. If the commissioners of the merging district act favorably upon the petition, then the petition shall be presented to the commissioners of the merger district. If the commissioners of the merger district act favorably

upon the petition, an election shall be called in the area merged.

In the event that either board of fire district commissioners should not concur with the petition, the petition may then be presented to a county review board established for such purposes, if there be no county review board for such purposes then to the state review board and if there be no state review board, then to the county commissioners of the county in which the area to be merged is situated, who shall decide if the area can be better served by such a merger; upon an affirmative decision an election shall be called in the area merged.

A majority of the votes cast shall be necessary to approve the transfer. If the original petition should be signed by at least seventy-five percent of the electors in the area to be transferred, no vote shall be necessary.

Passed the House February 21, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 19, 1963.

CHAPTER 43.

[H. B. 190.]

PROBATE—CLAIMS AGAINST ESTATES.

AN ACT relating to probate law and procedure; and amending section 109, chapter 156, Laws of 1917 and RCW 11.40.030.

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

SECTION 1. Section 109, chapter 156, Laws of 1917 and RCW 11.40.030 are each amended to read as follows:

When a claim, accompanied by the affidavit required in RCW 11.40.020 has been served and filed, it shall be the duty of the executor or administrator to indorse thereon his allowance or rejection, with

RCW 11.40.030
amended.

Claims against
estate—Allow-
ance or
rejection.

the day and date thereof. If he allow the claim, it shall be presented to the judge of the court, who shall in the same manner indorse on it his allowance or rejection, or he may by order allow or reject the claim. If the executor or administrator reject the claim in whole or in part, he shall notify the claimant forthwith of said rejection and file in the office of the clerk an affidavit showing such notification and the date thereof. Such notification shall be by personal service or registered mail.

Claims against estate—Failure to act.

If the executor or administrator shall neglect for the period of sixty days after service upon him or his attorney to act upon any such claim, the claimant may take the matter up before the court and the court may require the executor or administrator to act on such claim and in its discretion may impose costs and attorney's fees.

Passed the House February 28, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 19, 1963.

CHAPTER 44.

[H. B. 195.]

MOTOR VEHICLES—STOLEN AND ABANDONED VEHICLES.

AN ACT relating to motor vehicles; and amending section 46.52-.110, chapter 12, Laws of 1961, and RCW 46.52.110.

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

RCW 46.52.110 amended.

SECTION 1. Section 46.52.110, chapter 12, Laws of 1961, and RCW 46.52.110 are each amended to read as follows:

Stolen and abandoned vehicles. Reports of.

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 re-

port 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 licenses as will permit the director of licenses 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 of licenses shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

Stolen and
abandoned
vehicles.
Reports of—
Notice—Sale
—Violations,
penalties.

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 found abandoned on a public highway or at any other place and the same shall be taken into the custody of the sheriff of the county wherein found abandoned and stored and the same shall, for the purposes of listing the same, be considered as a recovered vehicle. Personal notice that such vehicle has been found abandoned shall be forwarded to the registered and legal owners of such vehicle if any record of registered or legal owner thereof exists in this state. In the event there appears to be a registered or legal ownership thereof in another state the sheriff shall send notice thereof to the official having cognizance of issuing legal or registered ownerships in such other state. If, at the expiration of twenty days from the date of mailing such notices by registered or certified mail with return receipt requested, the vehicle remains unclaimed and has not been reported as a stolen vehicle, then the same may be sold at public auction either at the site of the vehicle or at the court house door upon notice published in one issue of a paper of general circulation in the county in which such vehicle has been found abandoned, such publication to describe the vehicle and set forth the place, date and time at which such vehicle shall be put up for public auction, which date shall be not sooner than three days following the date of such publication. Any surplus accruing at said sale after deducting the cost of placing the vehicle in custody, advertising and selling the same, shall be held for the owner a period of ten days and if not claimed by the expiration thereof shall be certified one-half to the county treasurer of such county to be placed in the county

current expense fund and one-half to the state treasurer to be credited to the highway safety fund.

If no bids are received at said sale the sheriff shall deliver the vehicle to the garage operators who may be entitled to reimbursement for towing and storing the vehicle. In this event such garage operators may dispose of all or any part of the vehicle as they may determine.

Any vehicle left in a garage for storage more than fifteen 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 the person leaving the same shall be an abandoned vehicle and shall be delivered to the sheriff of the county with notice of such fact. Any garage keeper failing to report such fact to the sheriff and tender delivery to him of such vehicle at the end of fifteen days shall thereby forfeit any claims for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of in accordance with the procedure prescribed above for abandoned vehicles.

Except for the forfeiture of claim for storage as set forth herein for failure to report vehicle left in excess of fifteen 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.

Passed the House February 19, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 19, 1963.

CHAPTER 45.

[H. B. 200.]

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT.

AN ACT relating to family support and amending the uniform reciprocal enforcement of support act; amending sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, chapter 196, Laws of 1951, and RCW 26.21.010, 26.21.030, 26.21.040, 26.21.050, 26.21.060, 26.21.070, 26.21.080, 26.21.090, 26.21.100, 26.21.110, 26.21.120, 26.21.130, 26.21.140, 26.21.150, 26.21.160 and 26.21.170; and adding new sections to chapter 196, Laws of 1951 and to chapter 26.21 RCW; and declaring an emergency.

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

RCW 26.21.010 amended.

SECTION 1. Section 2, chapter 196, Laws of 1951 and RCW 26.21.010 are each amended to read as follows:

Enforcement of support. Definitions.

As used in this chapter unless the context requires otherwise:

(1) "State" includes any state, territory or possession of the United States and the District of Columbia in which this or a substantially similar reciprocal law has been enacted.

(2) "Initiating state" means any state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

(3) "Responding state" means any state in which any proceeding pursuant to the proceeding in the initiating state is or may be commenced.

(4) "Court" means the superior court of this state and when the context requires, means the court of any other state as defined in a substantially similar reciprocal law.

(5) "Law" includes both common and statute law.

(6) "Duty of support" includes any duty of support imposed or imposable by law, or by any court order, decree or judgment, whether interlocutory or

final, whether incidental to a proceeding for divorce, separate maintenance or otherwise.

(7) "Obligor" means any person owing a duty of support.

(8) "Obligee" means any person to whom a duty of support is owed and a state or political subdivision thereof.

(9) "Governor" includes any person performing the functions of governor or the executive authority of any territory covered by the provisions of this act.

(10) "Support order" means any judgment, decree or order of support whether temporary or final, whether subject to modification, revocation or remission regardless of the kind of action in which it is entered.

(11) "Rendering state" means any state in which a support order is originally entered.

(12) "Registering court" means any court of this state in which the support order of the rendering state is registered.

(13) "Register" means to file in the registry of foreign support orders as required by the court.

(14) "Certification" shall be in accordance with the laws of the certifying state.

SEC. 2. Section 4, chapter 196, Laws of 1951 and RCW 26.21.030 are each amended to read as follows:

Duties of support arising under the law of this state, when applicable under section 5 of this 1963 amendatory act, bind the obligor, present in this state, regardless of the presence or residence of the obligee.

RCW 26.21.030 amended.

Residence, presence of obligee not material.

SEC. 3. Section 5, chapter 196, Laws of 1951 and RCW 26.21.040 are each amended to read as follows:

The governor of this state (1) may demand from the governor of any other state the surrender of any person found in such other state who is charged in this state with the crime of failing to provide for

RCW 26.21.040 amended.

Extradition or surrender of obligor.

the support of any person in this state and (2) may surrender on demand by the governor of any other state any person found in this state who is charged in such other state with the crime of failing to provide for the support of any person in such other state. The provisions for extradition of criminals not inconsistent herewith shall apply to any such demand although the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and although he had not fled therefrom. Neither the demand, the oath nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in the demanding or other state.

RCW 26.21.050
amended.

Enforcement
of support.
Extradition or
surrender of
obligor—
Conditions.

SEC. 4. Section 6, chapter 196, Laws of 1951 and RCW 26.21.050 are each amended to read as follows:

(1) Before making the demand of the governor of any other state for the surrender of a person charged in this state with the crime of failing to provide for the support of any person, the governor of this state may require any prosecuting attorney of this state to satisfy him that at least sixty days prior thereto the obligee brought an action for the support under this act, or that the bringing of an action would be of no avail.

(2) When under this or a substantially similar act, a demand is made upon the governor of this state by the governor of another state for the surrender of a person charged in the other state with the crime of failing to provide support, the governor may call upon any prosecuting attorney to investigate or assist in investigating the demand, and to report to him whether any action for support has been brought under this act or would be effective.

(3) If an action for the support would be effective and no action has been brought, the governor

may delay honoring the demand for a reasonable time to permit prosecution of an action for support.

(4) If an action for support has been brought and the person demanded has prevailed in that action, the governor may decline to honor the demand.

(5) If an action for support has been brought and pursuant thereto the person demanded is subject to a support order, the governor may decline to honor the demand so long as the person demanded is complying with the support order.

SEC. 5. Section 7, chapter 196, Laws of 1951 and RCW 26.21.060 are each amended to read as follows:

Duties of support applicable under this law are those imposed or imposable under the laws of any state where the obligor was present during the period for which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

RCW 26.21.060 amended.

Duty to support—Applicable law—Presumption as to presence.

SEC. 6. Section 8, chapter 196, Laws of 1951 and RCW 26.21.070 are each amended to read as follows:

Whenever the state or a political subdivision thereof furnishes support to an obligee it has the same right to invoke the provisions hereof as the obligee to whom the support was furnished for the purposes of securing reimbursement of expenditures so made and of obtaining continuing support.

RCW 26.21.070 amended.

Subrogation by state, political subdivision.

SEC. 7. Section 9, chapter 196, Laws of 1951 and RCW 26.21.080 are each amended to read as follows:

All duties of support, including arrearages, are enforceable by action irrespective of the relationship between the obligor and the obligee. Jurisdiction of all proceedings hereunder shall be vested in the superior court.

RCW 26.21.080 amended.

Support, arrearages, enforceable by action—Jurisdiction.

SEC. 8. Section 10, chapter 196, Laws of 1951 and RCW 26.21.090 are each amended to read as follows:

RCW 26.21.090 amended.

Enforcement
of support.
Petition—
Contents.

The petition shall be verified and shall state the name and, so far as known to the petitioner, the address and circumstances of the respondent and his dependents for whom support is sought and all other pertinent information. The petitioner may include in or attach to the petition any information which may help in locating or identifying the respondent, such as a photograph of the respondent, a description of any distinguishing marks of his person, other names and aliases by which he has been or is known, the name of his employer, his finger prints, or social security number.

New section.

SEC. 9. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Petitioner
represented.

The prosecuting attorney, upon the request of the court, shall represent the petitioner in any proceeding under this act.

New section.

SEC. 10. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Petition on
behalf of
minor obligee.

A petition on behalf of a minor obligee may be brought by a person having legal custody of the minor without appointment as guardian ad litem.

RCW 26.21.100
amended.

SEC 11. Section 11, chapter 196, Laws of 1951 and RCW 26.21.100 are each amended to read as follows:

Findings of
court—Cer-
tificate—
Transmittal.

If the court of this state acting as an initiating state finds that the petition sets forth facts from which it may be determined that the respondent owes a duty of support and that a court of the responding state may obtain jurisdiction of the respondent or his property, it shall so certify and shall cause three copies of (1) the petition, (2) its certificate and (3) this act to be transmitted to the court in the responding state. If the name and address of such court is unknown and the responding state has an information agency comparable to that established in the initiat-

ing state it shall cause such copies to be transmitted to the state information agency or other proper official of the responding state, with a request that it forward them to the proper court, and that the court of the responding state acknowledge their receipt to the court of the initiating state.

SEC. 12. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

There shall be no filing fee or other costs taxable to the obligee but a court of this state acting either as an initiating or responding state may in its discretion direct that any part of or all fees and costs incurred in this state, including without limitation by enumeration, fees for filing, service of process, seizure of property, and stenographic service of both petitioner and respondent or either, be paid by the obligor. Enforcement of support. Costs taxable to obligor.

SEC. 13. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

When the court of this state, acting either as an initiating or responding state, has reason to believe that the respondent may flee the jurisdiction it may (1) as an initiating state request in its certificate that the court of the responding state obtain the body of the respondent by appropriate process if that be permissible under the law of the responding state, or (2) as a responding state, obtain the body of the respondent by appropriate process. Court action to prevent respondent fleeing jurisdiction.

SEC. 14. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

The attorney general is hereby designated as the state information agency under this act, and he shall (1) compile a list of the courts and their addresses in this state having jurisdiction under this act and Attorney general as state information agency.

transmit the same to the state information agency of every other state which has adopted this or a substantially similar act, and (2) maintain a register of such lists received from other states and transmit copies thereof as soon as possible after receipt to every court in this state having jurisdiction under this act.

Information agent.

The attorney general shall appoint as information agent an assistant attorney general who shall represent the attorney general in the administration of this act.

Attorney general as petitioner's representative.

The attorney general may, upon notice to the prosecuting attorney and order of the court, represent the petitioner in any proceeding arising under this act which involves a petition received from another state.

RCW 26.21.110 amended.

SEC. 15. Section 12, chapter 196, Laws of 1951 and RCW 26.21.110 are each amended to read as follows:

Duties of court, responding and prosecuting attorney.

(1) After the court of this state, acting as a responding state has received from the court of the initiating state the aforesaid copies, the clerk of the court shall docket the cause and notify the prosecuting attorney of his action. (2) It shall be the duty of the prosecuting attorney diligently to prosecute the case. He shall take all action necessary in accordance with the laws of this state to give the court jurisdiction of the respondent or his property and shall request the court to set a time and place for a hearing.

New section.

SEC. 16. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Prosecuting attorney's duty to locate respondent, his property.

(1) The prosecuting attorney shall, on his own initiative, use all means at his disposal to trace the respondent or his property and if, due to inaccuracies of the petition or otherwise, the court cannot obtain jurisdiction, the prosecuting attorney shall inform

the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the court in the initiating state. (2) If the respondent or his property is not found in the county and the prosecuting attorney discovers by any means that the respondent or his property may be found in another county of this state or in another state he shall so inform the court and thereupon the clerk of the court shall forward the documents received from the court in the initiating state to the court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that he forward the documents to the proper court. Thereupon both the court of the other county and any court of this state receiving the documents and the prosecuting attorney have the same powers and duties under this act as if the documents had been originally addressed to them. When the clerk of a court of this state retransmits documents to another court, he shall notify forthwith the court from which the documents came. (3) If the prosecuting attorney has no information as to the whereabouts of the obligor or his property he shall so inform the initiating court.

SEC. 17. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

The court shall conduct proceedings under this act in the manner prescribed by law for an action for enforcement of the type of duty of support claimed. Type of proceedings.

SEC. 18. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

If the petitioner is absent from the responding state and the respondent presents evidence which constitutes a defense, the court shall continue the Continuance, when.

case for further hearing and the submission of evidence by both parties.

RCW 26.21.120 amended.

SEC. 19. Section 13, chapter 196, Laws of 1951 and RCW 26.21.120 are each amended to read as follows:

Enforcement of support. Order—Enforcement against property—In counties other than where order issued.

If the court of the responding state finds a duty of support, it may order the respondent to furnish support or reimbursement therefor and subject the property of the respondent to such order. The court and prosecuting attorney of any county where the obligor is present or has property have the same powers and duties to enforce the order as have those of the county where it was first issued. If enforcement is impossible or cannot be completed in the county where the order was issued, the prosecuting attorney shall transmit a certified copy of the order to the prosecuting attorney of any county where it appears that procedures to enforce payment of the amount due would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

RCW 26.21.130 amended.

SEC. 20. Section 14, chapter 196, Laws of 1951 and RCW 26.21.130 are each amended to read as follows:

Orders—Transmittal to initiating state.

The court of this state when acting as a responding state shall cause to be transmitted to the court of the initiating state a copy of all orders of support or for reimbursement therefor.

RCW 26.21.140 amended.

SEC. 21. Section 15, chapter 196, Laws of 1951 and RCW 26.21.140 are each amended to read as follows:

Orders—Enforcement—Particular powers.

In addition to the foregoing powers, the court of this state when acting as the responding state has the power to subject the respondent to such terms and conditions as the court may deem proper to assure compliance with its orders and in particular:

(1) To require the respondent to furnish recognizance in the form of a cash deposit or bond of such

character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the respondent;

(2) To require the respondent to make payments at specified intervals to the clerk of the court and to report personally to such clerk at such times as may be deemed necessary;

(3) To punish the respondent who shall violate any order of the court to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court.

SEC. 22. Section 16, chapter 196, Laws of 1951 and RCW 26.21.150 are each amended to read as follows:

RCW 26.21.150 amended.

The court of this state when acting as a responding state shall have the following duties which may be carried out through the clerk of the court:

Payments—
Transmittal—
Statement.

(1) Upon the receipt of a payment made by the respondent pursuant to any order of the court or otherwise, to transmit the same forthwith to the court of the initiating state, and

(2) Upon request to furnish to the court of the initiating state a certified statement of all payments made by the respondent.

SEC. 23. Section 17, chapter 196, Laws of 1951 and RCW 26.21.160 are each amended to read as follows:

RCW 26.21.160 amended.

The court of this state when acting as an initiating state shall have the duty which may be carried out through the clerk of the court to receive and disburse forthwith all payments made by the respondent or transmitted by the court of the responding state.

Payments—
Receipt—
Disbursement.

SEC. 24. Section 18, chapter 196, Laws of 1951 and RCW 26.21.170 are each amended to read as follows:

RCW 26.21.170 amended.

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this act. Husband and wife are competent witnesses and may be com-

Evidence—
Spouse as
witness.

pelled to testify to any relevant matter, including marriage and parentage.

New section.

SEC. 25. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Enforcement of support. Other orders not to stay proceedings.

No proceeding under this act shall be stayed because of the existence of a pending action for divorce, separate maintenance, annulment, dissolution, habeas corpus or custody proceeding.

New section.

SEC. 26. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Multiple orders of support—Effect—Application of payments.

No order of support issued by a court of this state when acting as a responding state shall supersede any other order of support but the amounts for a particular period paid pursuant to either order shall be credited against amounts accruing or accrued for the same period under both.

New section.

SEC. 27. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Jurisdiction limitation.

Participation in any proceeding under this act shall not confer upon any court jurisdiction of any of the parties thereto in any other proceeding.

New section.

SEC. 28. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Inter-county proceedings.

This act is applicable when both the petitioner and the respondent are in this state but in different counties. If the court of the county in which this petition is filed finds that the petition sets forth facts from which it may be determined that the respondent owes a duty of support and finds that a court of another county in this state may obtain jurisdiction of the respondent or his property, the clerk of the court shall send three copies of the petition and a certification of the findings to the court of the county in

which the respondent or his property is found. The clerk of the court of the county receiving these copies shall notify the prosecuting attorney of their receipt. The prosecuting attorney and the court of the county to which the copies are forwarded shall then have duties corresponding to those imposed upon them when acting for the state as a responding state.

SEC. 29. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

If the duty of support is based on a foreign support order, the obligee has the additional remedies provided in the following sections and the prosecuting attorney shall, pursuant to the provisions of section 9 of this amendatory act of 1963, represent the petitioner upon the request of the court in asserting the remedies provided for therein. Foreign support order, additional remedies—Duty of prosecuting attorney.

SEC. 30. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

The obligee may register the foreign support order in a court of this state in the manner, with the effect and for the purposes herein provided. Registration of foreign order.

SEC. 31. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

The clerk of the court shall maintain a registry of foreign support orders in which he shall file foreign support orders. Registry of foreign orders.

SEC. 32. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows: New section.

The petition for registration shall be verified and shall set forth the amount remaining unpaid and a list of any other states in which the support order is registered and shall have attached to it a certified Petition for registration of foreign order.

copy of the support order with all modifications thereof. The foreign support order is registered upon the filing of the petition subject only to subsequent order of confirmation.

New section.

SEC. 33. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Enforcement
of support,
Foreign orders,
jurisdiction
and procedure.

The procedure to obtain jurisdiction of the person or property of the obligor shall be as provided in civil cases. The obligor may assert any defense available to a defendant in an action on a foreign judgment. If the obligor defaults, the court shall enter an order confirming the registered support order and determining the amounts remaining unpaid. If the obligor appears and a hearing is held, the court shall adjudicate the issues including the amounts remaining unpaid.

New section.

SEC. 34. There is added to chapter 196, Laws of 1951 and to chapter 26.21 RCW a new section to read as follows:

Foreign orders,
effect and
enforcement.

The support order as confirmed shall have the same effect and may be enforced as if originally entered in the court of this state. The procedures for the enforcement thereof shall be as in civil cases, including the power to punish the respondent for contempt as in the case of other orders for payment of alimony, maintenance or support entered in this state.

Severability.

SEC. 35. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Emergency.

SEC. 36. 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 19, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 19, 1963.

CHAPTER 46.

[H. B. 227.]

PROBATE—BOND OF EXECUTOR OR ADMINISTRATOR.

AN ACT relating to probate; amending section 67, chapter 156, Laws of 1917 as amended by section 1, chapter 27, Laws of 1939, and RCW 11.28.180; and amending section 82, chapter 156, Laws of 1917, and RCW 11.32.020.

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

SECTION 1. Section 67, chapter 156, Laws of 1917 as amended by section 1, chapter 27, Laws of 1939, and RCW 11.28.180 are each amended to read as follows:

RCW 11.28.180 amended.

Every person to whom letters testamentary or of administration are directed to issue must, before receiving them, execute a bond to the state of Washington, except as hereinafter provided, with such surety, or sureties, as the court may judge sufficient, which bond shall be in a sum to be fixed by the court, and which bond must be conditioned that the executor or administrator shall faithfully execute the duties of the trust according to law, and such bond shall be approved by the court. The court may at any time and for any reason require the executor or administrator to give additional bonds, the same to be conditioned and to be approved as above provided; or, the court may allow a reduction of the bond upon proper showing. When the petition for letters testamentary or of administration is made by or upon the written request of the surviving

Probate. Bond of executor or administrator—Exceptions.

spouse and the court is satisfied from the petition and the evidence introduced at the hearing thereon that the value of the estate does not exceed the exemptions allowed by law to the surviving spouse, the court in its discretion may order that letters testamentary or of administration be issued without bond; and in all other estates where it appears from the petition for letters testamentary or of administration and from the evidence submitted at the hearing thereon that the value of the estate does not exceed five hundred dollars and that the rights of heirs and creditors will not be jeopardized thereby, the court may order that letters testamentary or of administration be issued without bond; and in all cases where a bank or trust company authorized to act as executor or administrator is appointed as executor or administrator or acts as executor or administrator under an appointment as such heretofore made, no bond shall be required.

RCW 11.32.020 amended.

SEC. 2. Section 82, chapter 156, Laws of 1917, and RCW 11.32.020 are each amended to read as follows:

Probate. Special administrators—Bond.

Every such administrator shall, before entering on the duties of his trust, give bond, with sufficient surety or sureties, in such sum as the judge shall order, payable to the state of Washington, with condition as required of an executor or in other cases of administration: *Provided*, That in all cases where a bank or trust company authorized to act as administrator is appointed special administrator or acts as special administrator under an appointment as such heretofore made, no bond shall be required.

Proviso.

Passed the House February 23, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 19, 1963.

CHAPTER 47.

[H. B. 228.]

SCHOOLS—PUPILS FROM OTHER DISTRICTS AND
OTHER STATES—RECIPROCITY.

AN ACT relating to education; and amending section 8, chapter 142, Laws of 1899 as last amended by section 1, chapter 44, Laws of 1921 and RCW 28.58.240 and 28.58.250.

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

SECTION 1. Section 8, chapter 142, Laws of 1899 as last amended by section 1, chapter 44, Laws of 1921 (heretofore divided and codified as RCW 28.58.240 and 28.58.250) is divided and amended as set forth in sections 2 and 3 of this act.

SEC. 2. (RCW 28.58.240) Any board of directors may make arrangements with adults wishing to attend school or with the directors of adjoining districts for the attendance of children in the school district of either as may be best accommodated therein; in absence of an express arrangement therefor a reasonable tuition shall be paid. Children from nonadjoining districts may also be permitted to attend upon payment of a reasonable tuition. All tuition money must be paid over to the county treasurer within thirty days of its collection for the credit of the district.

RCW 28.58.240 amended.

School districts. Tuition and charges for children from other districts.

Reimbursement of a high school district for cost of educating high school pupils of a nonhigh school district shall not be deemed a tuition charge as affecting the apportionment of current state school funds.

SEC. 3. (RCW 28.58.250) If the laws of another state permit its school districts to extend similar privileges to pupils resident in this state, the board of directors of any school district contiguous to a school district in another state may make arrangements with the officers of the school district of that

RCW 28.58.250 amended.

Reciprocity exchanges with other states.

School dis-
tricts. Reci-
procity ex-
changes with
other states.

state for the attendance of any pupils resident therein upon the payment of tuition.

If a district accepts out-of-state pupils whose resident district is contiguous to a Washington school district, such district shall charge and collect that district's average per capita cost for elementary or secondary pupils as the case may be and shall not include such out-of-state pupils in the computation of the district's share of state and/or county funds.

The board of directors of any school district which is contiguous to a school district in another state may make arrangements for and pay tuition for any children of their district desiring to attend school in the contiguous district of the other state. The tuition to be paid for the attendance of resident pupils in an out-of-state school as provided in this act shall be no greater than the average per capita cost of educating elementary or secondary pupils, as the case may be, of the out-of-state educating district.

Passed the House February 21, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 19, 1963.

CHAPTER 48.

[Sub. H. B. 243.]

ADDITIONAL JUDGES—CLARK, KING, SPOKANE,
AND YAKIMA COUNTIES.

AN ACT relating to the superior courts and the number of judges thereof in certain counties; amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 67, Laws of 1961 and RCW 2.08.061; amending section 4, chapter 125, Laws of 1951 and RCW 2.08.062; and amending section 5, chapter 125, Laws of 1951 as amended by section 1, chapter 19, Laws of 1955 and RCW 2.08.063.

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

SECTION 1. Section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 67, Laws of 1961, and RCW 2.08.061 are each amended to read as follows:

RCW 2.08.061
amended.

There shall be in the county of King twenty-one judges of the superior court; in the county of Spokane seven judges of the superior court; in the county of Pierce seven judges of the superior court.

Superior court
judges. King,
Spokane and
Pierce coun-
ties.

SEC. 2. Section 4, chapter 125, Laws of 1951, and RCW 2.08.062 are each amended to read as follows:

RCW 2.08.062
amended.

There shall be in the county of Chelan one judge of the superior court; in the county of Clark three judges of the superior court; in the county of Grays Harbor two judges of the superior court; in the county of Kitsap two judges of the superior court; in the county of Kittitas one judge of the superior court; in the county of Lewis one judge of the superior court.

Chelan, Clark,
Grays Harbor,
Kitsap, Kittit-
tas and Lewis
counties.

SEC. 3. Section 5, chapter 125, Laws of 1951, as amended by section 1, chapter 19, Laws of 1955, and RCW 2.08.063 are each amended to read as follows:

RCW 2.08.063
amended.

There shall be in the county of Lincoln one judge of the superior court; in the county of Skagit and Island jointly, two judges of the superior court; in

Lincoln,
Skagit, Island,
Walla Walla,
Whitman,
Yakima and
Adams
counties.

the county of Walla Walla, two judges of the superior court; in the county of Whitman, one judge of the superior court; in the county of Yakima four judges of the superior court; in the county of Adams, one judge of the superior court.

Passed the House March 4, 1963.

Passed the Senate March 10, 1963.

Approved by the Governor March 19, 1963.

CHAPTER 49.

[H. B. 29.]

REAL PROPERTY—CONVEYANCE BY
GOVERNMENT—RECORDING.

AN ACT relating to the recording of conveyances of real property by public bodies; and adding a new section to chapter 278, Laws of 1927 and to chapter 65.08 RCW.

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

New section.

SECTION 1. There is added to chapter 278, Laws of 1927 and to chapter 65.08 RCW a new section to read as follows:

Recording of real property conveyance as delivery.

Every conveyance of fee title to real property hereafter executed by the state or by any political subdivision or municipal corporation thereof shall be recorded by the grantor, after having been reviewed as to form by the grantee, at the expense of the grantee at the time of delivery to the grantee, and shall constitute legal delivery at the time of filing for record.

Passed the House February 7, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 20, 1963.

CHAPTER 50.

[H. B. 42.]

UNIFORMS FOR SHERIFFS AND THEIR DEPUTIES.

AN ACT relating to uniforms for sheriffs and their deputies.

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

SECTION 1. The executive secretary of the Washington state association of elected county officials, upon written approval of a majority of the sheriffs in the state, shall file with the secretary of state a description of a standard uniform which may be withdrawn or modified by re-filing in the same manner as originally filed. A uniform of the description so filed shall thereafter be reserved exclusively for the use of sheriffs and their deputies: *Provided*, That the filing of a standard uniform description shall not make mandatory the adoption of said uniform by any county sheriff or his deputies.

Standard uniform for sheriffs, deputies, to be filed.

SEC. 2. A county may from available funds provide for a uniform allowance for the sheriff and his deputies.

Uniform allowance authorized.

Passed the House February 7, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 20, 1963.

CHAPTER 51.

[H. B. 51.]

SOFT TREE FRUITS—WASHINGTON STATE FRUIT COMMISSION.

AN ACT relating to agriculture and marketing; and amending sections 15.28.010, 15.28.060, 15.28.160 and 15.28.180, chapter 11, Laws of 1961 and RCW 15.28.010, 15.28.060, 15.28.160 and 15.28.180.

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

RCW 15.28.010 amended.

SECTION 1. Section 15.28.010, chapter 11, Laws of 1961 and RCW 15.28.010 are each amended to read as follows:

Soft tree fruits. Definitions.

As used in this chapter:

(1) "Commission" means the Washington state fruit commission.

(2) "Shipment" or "shipped" includes loading in a conveyance to be transported to market for resale, and includes delivery to a processor or processing plant, but does not include movement from the orchard where grown to a packing or storage plant within this state for fresh shipment;

(3) "Handler" means any person who ships or initiates the shipping operation, whether as owner, agent or otherwise;

(4) "Dealer" means any person who handles, ships, buys, or sells soft tree fruits other than those grown by him, or who acts as sales or purchasing agent, broker, or factor of soft tree fruits;

(5) "Processor" or "processing plant" includes every person or plant receiving soft tree fruits for the purpose of drying, dehydrating, canning, pressing, powdering, extracting, cooking, quick-freezing, brining, or for use in manufacturing a product;

(6) "Soft tree fruits" means Bartlett pears and all varieties of cherries, apricots, prunes, plums and peaches. "Bartlett pears" means and includes all

standard Bartlett pears and all varieties, strains, sub-varieties, and sport varieties of Bartlett pears including Red Bartlett pears, that are harvested and utilized at approximately the same time and approximately in the same manner.

(7) "Commercial fruit" or "commercial grade" means soft tree fruits meeting the requirements of any established or recognized fresh fruit or processing grade. Fruit bought or sold on orchard run basis and not subject to cull weighback shall be deemed to be "commercial fruit."

(8) "Cull grade" means fruit of lower than commercial grade except when such fruit included with commercial fruit does not exceed the permissible tolerance permitted in a commercial grade;

(9) "Producer" means any person who is a grower of any soft tree fruit;

(10) "District No. 1" or "first district" includes the counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane and Lincoln;

(11) "District No. 2" or "second district" includes the counties of Kittitas, Yakima, Benton, Franklin, Walla Walla, Columbia, Asotin, Garfield, Whitman and Adams;

(12) "District No. 3" or "third district" comprises all of the state not included in the first and second districts.

SEC. 2. Section 15.28.060, chapter 11, Laws of 1961 and RCW 15.28.060 are each amended to read as follows:

RCW 15.28.060
amended.

Commissioners shall be elected by a majority vote of the qualified growers, dealers, or processors present at their respective district meetings called by the director for this purpose. The name of any qualified person may be placed before the respective meetings by oral nomination. After nominations are closed a secret written ballot shall be taken. Each qualified grower, dealer, or processor present shall

District
meetings for
elections.

be entitled to one vote for each position for his respective group to be filled at said election. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held between the candidates receiving the largest number of votes, with two candidates for each position not filled. If more than one position is to be filled at any election, the first candidate elected, or if elected on the same ballot, the candidate receiving the largest number of votes, shall be declared elected to the position with the longest term.

In the event there are two or less processors in any of said three districts, the processor member of the commission for such district shall be elected at a meeting of all processors of the state, which shall be called by the director at times and places fixed by the commission as hereinafter provided, and such elected member of the commission need not be a resident of such district.

RCW 15.28.160
amended.

SEC. 3. Section 15.28.160, chapter 11, Laws of 1961 and RCW 15.28.160 are each amended to read as follows:

Soft tree fruits.
Annual assess-
ment—Rate—
Exception.

An annual assessment is hereby levied upon all commercial soft tree fruits grown in this state of fifty cents per two thousand pounds (net weight) of said fruits, when shipped fresh or delivered to processors, whether in bulk, loose in containers, or packaged in any style of package, except, that all sales of five hundred pounds or less of such fruits sold by the producer direct to the consumer shall be exempt from said assessments. Sweet cherries which are brined are deemed to be commercial soft tree fruit and therefore assessable hereunder.

RCW 15.28.180
amended.

SEC. 4. Section 15.28.180, chapter 11, Laws of 1961 and RCW 15.28.180 are each amended to read as follows:

Assessment in-
crease for a
fruit, classifi-
cation.

The same assessment shall be made for each soft tree fruit, except that if a two-thirds majority of

the state commodity committee of any fruit recommends in writing the levy of an additional assessment on such fruit, or any classification thereof, for any year or years, the commission may levy such assessment for such year or years up to the maximum of two dollars for each two thousand pounds of any fruit except cherries or any classification thereof, as to which the assessment may be increased to a maximum of five dollars for each two thousand pounds, and except pears covered by this chapter as now or hereafter amended as to which the assessment may be increased to a maximum of three dollars for each two thousand pounds: *Provided,* ^{Proviso.} That no increase in such assessment shall become effective unless the same shall be first referred by the commission to a referendum by the Bartlett pear growers of the state and be approved by a majority of such growers voting thereon. The method and procedure of conducting such referendum shall be determined by the commission. Any funds so raised shall be expended solely for the purposes provided in this chapter and solely for such fruit, or classification thereof.

The commission shall have the authority in its discretion to exempt in whole or in part from future assessments hereunder, during such period as the commission may prescribe, any of the said soft tree fruits or any particular strain or classification thereof.

Passed the House February 19, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 20, 1963.

CHAPTER 52.

[H. B. 60.]

WEED DISTRICTS.

AN ACT relating to weed districts; and amending section 4, chapter 13, Laws of 1957 as amended by section 9, chapter 250, Laws of 1961, and RCW 17.04.260.

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

RCW 17.04.260 amended.

SECTION 1. Section 4, chapter 13, Laws of 1957 as amended by section 9, chapter 250, Laws of 1961 and RCW 17.04.260 are each amended to read as follows:

Weed districts —Limit of indebtedness.

No weed district shall contract any obligation in any year in excess of the total of the funds which will be available during the current year from the tax levy made in the preceding year and funds received in the current year from services rendered and from any other lawful source, and funds accumulated from previous years.

Passed the House February 5, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 20, 1963.

CHAPTER 53.

[S. B. 154.]

TIMBER EXCHANGE—OLYMPIC NATIONAL PARK.

AN ACT relating to the exchange of standing timber owned by the state of Washington in Olympic National Park for lands of the United States without the boundaries of said park.

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

Timber exchange authorized.

SECTION 1. The department of natural resources, with the advice and approval of the board of natural resources, is authorized to exchange with the United

States of America standing timber owned by the state under the jurisdiction of the department of natural resources which is located on lands of the United States within the boundaries of the Olympic National Park, for land of comparable value and owned by the United States of America, on the date of enactment of this act, which is located without the boundaries of said park.

SEC. 2. Lands acquired by the state of Washington as the result of any exchange authorized by this act shall be held and administered for the benefit of the same fund and subject to the same laws as was the timber exchanged therefor.

Status of
acquired lands.

SEC. 3. The department of natural resources, with the advice and approval of the attorney general, may execute such agreements, writings, or relinquishments and certify to the governor such deeds as are necessary or proper to execute an exchange under this act.

Agency to
execute
exchange.

Passed the Senate February 8, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 21, 1963.

CHAPTER 54.

[S. B. 146.]

PROBATION OFFICERS AND SERVICES—STATE AID.

AN ACT relating to probation officers and services; amending section 11, chapter 331, Laws of 1959 as amended by section 2, chapter 145, Laws of 1961 (uncodified); repealing section 3, chapter 331, Laws of 1959 (uncodified).

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

1961 c 145 § 2 amended.

SECTION 1. Section 11, chapter 331, Laws of 1959 as amended by section 2, chapter 145, Laws of 1961 (uncodified) is amended to read as follows:

Probation service aid termination.

Section 1 and 2, and 4 through 8, inclusive, chapter 331, Laws of 1959 (uncodified) as amended by chapter 145, Laws of 1961 (uncodified) are hereby declared to be temporary and shall terminate and expire on April 1, 1965.

Repeal.

SEC. 2. Section 3, chapter 331 of the Laws of 1959 (uncodified) is hereby repealed.

Passed the Senate March 6, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 21, 1963.

CHAPTER 55.

[S. B. 213.]

DISINCORPORATION OF CERTAIN SPECIAL DISTRICTS.

AN ACT relating to the disincorporation of certain special districts.

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

Disincorporation authorized.

SECTION 1. Water, sewer, sanitary, park and recreation, metropolitan park, water distribution, county rural library, cemetery, flood control, air pollution, mosquito control, diking and drainage, irrigation or reclamation, weed, health, or fire protection districts,

hereinafter referred to as "special districts", which are located wholly or in part within a class AA or A county may be disincorporated when the district has not actively carried out any of the special purposes or functions for which it was formed within the preceding consecutive five year period.

SEC. 2. Upon the filing with the board of county commissioners of the county in which the district is located of a resolution of any governmental unit calling for the disincorporation of a special district, or upon the filing with the board of county commissioners of the petition of twenty percent of the qualified electors within a special district calling for the disincorporation of a special district the board of county commissioners shall hold public hearings to determine whether or not any services have been provided within a consecutive five year period and whether the best interests of all persons concerned will be served by the proposed dissolution of the special district.

Proceedings,
how com-
menced—Pub-
lic hearings.

SEC 3. If the board of county commissioners finds that no services have been provided within the preceding consecutive five year period and that the best interests of all persons concerned will be served by disincorporating the special district it shall order that such action be taken, specify the manner in which it is to be accomplished and supervise the liquidation of any assets and the satisfaction of any outstanding indebtedness.

Findings—
Order—Su-
pervision of
liquidation.

SEC. 4. In the event a special district is disincorporated the proceeds of the sale of any of its assets, together with moneys on hand in the treasury of the special district, shall after payment of all costs and expenses and all outstanding indebtedness be paid to the county treasurer to be placed to the credit of the school district, or districts, in which such special district is situated.

Distribution
of assets.

Disincorporation of special districts. Assessments to retire indebtedness.

SEC. 5. In the event a special district is disincorporated and the proceeds of the sale of any of its assets, together with moneys on hand in the treasury of the special district are insufficient to retire any outstanding indebtedness together with all costs and expenses of liquidation, the board of county commissioners shall levy assessments in the manner provided by law against the property in the special district in amounts sufficient to retire said indebtedness and pay such costs and expenses.

Passed the Senate March 7, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 21, 1963.

CHAPTER 56.

[S. B. 219.]

CITIES AND TOWNS—LOCAL IMPROVEMENT DISTRICTS OUTSIDE CORPORATE LIMITS.

AN ACT relating to cities and towns, and amending sections 60, 67 and 71, chapter 98, Laws of 1911 and RCW 35.43.030, and section 12, chapter 144, laws of 1957 and RCW 35.43.180, and adding a new section to chapter 35.43 RCW.

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

RCW 35.43.030 amended.

SECTION 1. Sections 60, 67 and 71, chapter 98, Laws of 1911 (heretofore combined and codified as RCW 35.43.030) are each amended to read as follows:

Local improvements. Charters superseded—Application—Ordinances.

(RCW 35.43.030) This and the following chapters relating to municipal local improvements shall supersede the provisions of the charter of any city of the first class inconsistent herewith.

They shall apply to all unincorporated cities and towns, including unclassified cities and towns operating under special charters.

The council of each city and town shall pass such general ordinance or ordinances as may be neces-

sary to carry out their provisions and thereafter all proceedings relating to local improvements shall be conducted in accordance with this and the following chapters relating to municipal local improvements and the ordinance or ordinances of such city or town.

Cities or towns may form local improvement districts composed entirely or in part of unincorporated territory adjacent to such city or town's corporate limits in the manner provided in this chapter.

SEC. 2. Section 12, chapter 144, Laws of 1957 and RCW 35.43.180 are each amended to read as follows:

RCW 35.43.180
amended.

The jurisdiction of the legislative authority of a city or town to proceed with any local improvement initiated by resolution shall be divested by a protest filed with the city or town council within thirty days from the date of passage of the ordinance ordering the improvement, signed by the owners of the property within the proposed local improvement district subject to sixty percent or more of the total cost of the improvement including federally-owned or other nonassessable property as shown and determined by the preliminary estimates and assessment roll of the proposed improvement district or, if all or part of the local improvement district lies outside of the city or town, such jurisdiction shall be divested by a protest filed in the same manner and signed by the owners of property which is within the proposed local improvement district but outside the boundaries of the city or town and which is subject to sixty percent or more of that part of the total cost of the improvement allocable to property within the proposed local improvement district but outside the boundaries of the city or town, including federally-owned or other nonassessable property: *Provided*, That such restraint by protest shall not apply to any local improvement by sanitary sewers where the health officer of any city or town shall file with the legislative authority thereof a report showing

Restraint by
protest.

the necessity for such improvement and such legislative body finds and recites in the ordinance or resolution authorizing the improvement that such improvement is necessary for the protection of the public health and safety and such ordinance or resolution is passed by unanimous vote of all members present.

New section.

SEC. 3. There is added to chapter 35.43 RCW a new section to read as follows:

Petition for L.I.D. outside city may be denied.

Whenever the formation of a local improvement district which lies entirely or in part outside of a city or town's corporate limits is initiated by petition the legislative authority of the city or town may by a majority vote deny the petition and refuse to form the local improvement district.

Passed the Senate March 6, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 21, 1963.

CHAPTER 57.

[S. B. 220.]

CITIES AND TOWNS—INCORPORATION.

AN ACT relating to incorporation of certain cities; amending section 1, chapter 7, Laws of 1890 and RCW 35.02.010; amending section 7, chapter 173, Laws of 1957 and RCW 35.02.070; amending section 2, chapter 345, Laws of 1955 and RCW 35.04.020; and amending section 6, chapter 345, Laws of 1955 and RCW 35.04.060.

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

RCW 35.02.010 amended.

SECTION 1. Section 1, chapter 7, Laws of 1890 and RCW 35.02.010 are each amended to read as follows:

Authority for incorporation.

Any portion of a county containing not less than three hundred inhabitants lying outside the limits of an incorporated city or town may become incor-

porated as a municipal corporation of the class to which it belongs: *Provided*, That no area which lies within five miles of any city having a population of fifteen thousand or more shall be incorporated after the effective date of this 1963 amendatory act which contains less than three thousand inhabitants if such area or any part thereof lies within a class AA or A county.

Proviso.

SEC. 2. Section 7, chapter 173, Laws of 1957 and RCW 35.02.070 are each amended to read as follows:

RCW 35.02.070 amended.

Upon final hearing on a petition for incorporation the board shall establish and define the boundaries of the proposed city or town, being authorized to decrease but not increase the area proposed in the petition and any such decrease shall not exceed twenty percent of the area proposed; it must also determine the number of inhabitants within the boundaries it has established: *Provided*, That the area shall not be so decreased that the number of inhabitants therein shall be less than required by RCW 35.02.010 as now or hereafter amended.

Findings by board—Establishment of boundaries—Limitation.

Proviso.

SEC. 3. Section 2, chapter 345, Laws of 1955 and RCW 35.04.020 are each amended to read as follows:

RCW 35.04.020 amended.

Any area lying in two or more counties which is not incorporated as a municipal corporation, may become incorporated under the provisions of this chapter: *Provided*, That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more and in a class AA or A county, no petition under RCW 35.04.030 shall be valid unless the limits of the proposed city contain three thousand or more inhabitants. When so incorporated, it shall, unless otherwise provided by law, possess all the powers, duties, and benefits conferred upon or vested in, or that may hereafter be conferred upon or vested in, other municipalities of the same class and upon the officers thereof.

Incorporation authorized—Intercounty areas.

Proviso.

RCW 35.04.060
amended.

Intercountry
areas. Incorporation
petition—Hearing
—Inclusion
and exclusion
of lands—
Order.

SEC. 4. Section 6, chapter 345, Laws of 1955 and RCW 35.04.060 are each amended to read as follows:

The hearing provided for in RCW 35.04.050 shall be held jointly by all the respective boards of county commissioners under the direction of the principal board of county commissioners. The hearing may be adjourned from time to time not to exceed two months in all. If upon final hearing the respective boards find that any land has been unjustly or improperly included within or excluded from the proposed corporation, the respective boards may change and fix the boundary lines of the portion of the proposed corporation within their respective counties in such a manner as they deem reasonable and just and conducive to the public welfare and convenience, and each such board shall thereupon enter an order establishing and defining the boundary lines of the proposed corporation within its respective county: *Provided*, That when any part of the area to be incorporated lies within five miles of any city having a population of fifteen thousand or more and in a class AA or A county, the area shall not be so decreased that the number of inhabitants therein shall be less than three thousand. No land shall be so included within the boundaries described in the petition unless each board of county commissioners of that county in which the area sought to be included is located first obtains the written assent of not less than a number of qualified voters resident within each area to be included in the proposed corporation equal in number to twenty percent of the votes cast at the last state election. Each board of county commissioners shall for the area within its respective county, promptly after the final hearing, by order establish and define the boundaries of the proposed corporation, determine the number of inhabitants residing therein and state the name of the proposed corporation: *Provided*, That for the action

Proviso.

Proviso.

required after the final hearing, the boards may act jointly but in such case a majority of each board must vote favorably on such final action and the order shall be entered in the minutes of each board.

Passed the Senate March 8, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 21, 1963.

CHAPTER 58.

[S. B. 265.]

DAIRIES AND DAIRY PRODUCTS.

AN ACT relating to dairies and dairy products; repealing sections 15.32.020, 15.32.030, 15.32.040 and 15.32.050, chapter 11, Laws of 1961 and RCW 15.32.020, 15.32.030, 15.32.040 and 15.32.050 and constituting the same as rules of the department of agriculture; amending section 15.32.100, chapter 11, Laws of 1961 and RCW 15.32.100; repealing sections 15.32.210 and 15.32.290, chapter 11, Laws of 1961 and RCW 15.32.210 and 15.32.290; amending sections 15.32.390, 15.32.580, 15.32.582, 15.32.584, 15.32.590, 15.32.600, 15.32.610 and 15.32.630, chapter 11, Laws of 1961 and RCW 15.32.390, 15.32.580, 15.32.582, 15.32.584, 15.32.590, 15.32.600, 15.32.610 and 15.32.630; repealing sections 15.32.640 and 15.32.650, chapter 11, Laws of 1961 and RCW 15.32.640 and 15.32.650; and adding new sections to chapter 11, Laws of 1961 and chapter 15.32 RCW.

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

SECTION 1. Sections 15.32.020, 15.32.030, 15.32.040 and 15.32.050, chapter 11, Laws of 1961 and RCW 15.32.020, 15.32.030, 15.32.040 and 15.32.050 are each repealed. Repeal.

SEC. 2. There is added to chapter 11, Laws of 1961 and chapter 15.32 RCW a new section to read as follows: New section.

The director may, by rule, establish and/or amend definitions and standards for dairy products. Such definitions and standards established by the Dairies, dairy products. Definitions, standards.

Proviso. director shall conform, insofar as practicable, with the definitions and standards for dairy products promulgated by the secretary of the United States department of health, education and welfare: *Provided*, That the director shall at all times provide reasonable standards for ice milk.

The director may adopt any other rules necessary to carry out the purposes of this chapter. The adoption of all rules provided for in this section shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended concerning the adoption of rules, except as otherwise provided in this section.

The definitions constituting sections 15.32.020, 15.32.030, 15.32.040 and 15.32.050, chapter 11, Laws of 1961 and RCW 15.32.020, 15.32.030, 15.32.040 and 15.32.050 hereinabove repealed as statutes are hereby constituted and declared to be operative and to remain in force as the rules of the department of agriculture until such time as amended, modified, or revoked by the director of agriculture.

RCW 15.32.100 amended.

SEC. 3. Section 15.32.100, chapter 11, Laws of 1961 and RCW 15.32.100 are each amended to read as follows:

Dairies, dairy products. Licenses of milk vendors, dealers—Fee—Contents—Revocation.

Every person who sells, offers or exposes for sale, barters, or exchanges any milk or milk product as defined in RCW 15.36.010, or departmental rules and regulations which may be substituted therefore, must have a milk vendor's license to do so: *Provided*, That such license shall not include retail stores or restaurants which purchase milk prepackaged or bottled elsewhere for sale at retail or establishments which sell milk only for consumption in such establishment. Such license, issued by the director on application and payment of a fee of two dollars, shall contain the license number, and name, residence and place of business, if any, of the licensee. It shall be nontransferable, shall expire June 30th

subsequent to issue, and may be revoked by the director, upon reasonable notice to the licensee, for any violation of or failure to comply with any provision of this chapter or any rule or regulation, or order of the department, or any officer or inspector thereof.

SEC. 4. Sections 15.32.210 and 15.32.290, chapter 11, Laws of 1961 and RCW 15.32.210 and 15.32.290 are each repealed. Repeal.

SEC. 5. Section 15.32.390, chapter 11, Laws of 1961 and RCW 15.32.390 are each amended to read as follows: RCW 15.32.390 amended.

“Pasteurization,” “pasteurize” and similar terms refer to the process of heating every particle of milk or milk products to at least one hundred forty-five degrees Fahrenheit, and holding at such temperature for at least thirty minutes, or to at least one hundred sixty-one degrees Fahrenheit, and holding at such temperature for at least fifteen seconds in approved and properly operated equipment under the provisions of this chapter: *Provided*, That nothing contained in this definition shall be construed as disbarring any other process which has been demonstrated to be equally efficient and which is approved by the director. Parteurization, pasteurize, what constitutes.
 Proviso.

SEC. 6. Section 15.32.580, chapter 11, Laws of 1961 and RCW 15.32.580 are each amended to read as follows: RCW 15.32.580 amended.

Any person who tests milk or cream or the fluid derivatives thereof, purchased, received, or sold on the basis of milk fat, nonfat milk solids, or other components contained therein, or who takes samples of milk or cream or fluid derivatives thereof, on which sample tests are to be made as a basis of payment, or who grades, weighs, or measures milk or cream or the fluid derivatives thereof, the grade, weight, or measure to be used as a basis of payment, or who Dairy technician's license, who needs—Examination of qualifications.

operates equipment wherein milk or products thereof are pasteurized must hold a dairy technician's license. Such license shall be limited to those functions which the licensee has been found qualified by examination to perform. Before issuing the license the director shall examine the applicant as to his qualifications for the functions for which application has been made.

RCW 15.32.582 amended.

SEC. 7. Section 15.32.582, chapter 11, Laws of 1961 and RCW 15.32.582 are each amended to read as follows:

Dairy technician's license. Application—Temporary permit.

Application for a license as a dairy technician to perform one or more of the functions of a tester, sampler, weigher, grader, or pasteurizer shall be made upon forms to be provided and furnished by the director, and shall be filed with the department. The director may issue a temporary permit to the applicant to perform one or more of the functions of a tester, sampler, weigher, grader, or pasteurizer for such period as may be prescribed and stated in said permit, not to exceed sixty days, but such permit shall not be renewed so as to extend the period beyond sixty days.

RCW 15.32.584 amended.

SEC. 8. Section 15.32.584, chapter 11, Laws of 1961 and RCW 15.32.584 are each amended to read as follows:

Application fee —Renewal, fee —Revocation of license—Hearings.

The initial application for a dairy technician's license shall be accompanied by the payment of a license fee of ten dollars. Where such license is renewed and it is not necessary that an examination be given the fee for renewal of the license shall be five dollars. All dairy technicians' licenses shall be renewed on or before January 1, 1964 and every two years thereafter. The director is authorized to deny, suspend, or revoke any dairy technician's license subject to a hearing if the licensee has failed to comply with the provisions of this chapter, or has exhib-

ited in the discharge of his functions any gross carelessness or lack of qualification, or has failed to comply with the rules and regulations adopted under authority of this chapter. All hearings for the suspension, denial, or revocation of such license shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended, concerning contested cases.

SEC. 9. Section 15.32.590, chapter 11, Laws of 1961 and RCW 15.32.590 are each amended to read as follows:

RCW 15.32.590 amended.

Licensed dairy technicians shall personally take all samples, conduct all tests, and determine all weights and grades of milk or cream bought, sold, or delivered upon the basis of weight or grade or on the basis of the milk fat, nonfat milk solids, or other components contained therein. Each licensee shall keep a carbon copy of every original report of each test, weight, or grade made by him for a period of two months after making same, in a locked container, but subject to inspection at all times by the director or his agent.

Licensed technicians to take samples, etc.—Records.

SEC. 10. Section 15.32.600, chapter 11, Laws of 1961 and RCW 15.32.600 are each amended to read as follows:

RCW 15.32.600 amended.

Each dairy technician shall be personally responsible to any person injured through his careless, negligent, or unskillful operation, or any fraudulent, intentionally inaccurate, or manipulated report.

Technician's personal responsibility.

SEC. 11. Section 15.32.610, chapter 11, Laws of 1961 and RCW 15.32.610 are each amended to read as follows:

RCW 15.32.610 amended.

No person shall employ a tester, sampler, weigher, grader, or pasteurizer who is not licensed as a dairy technician; or refuse to allow or fail to assist the director or his agent in the examination of the reports referred to in RCW 15.32.590.

Employment of unlicensed tester unlawful—Penalty.

Whoever violates the provisions of this section or RCW 15.32.590 may be fined not less than twenty-five nor more than one hundred dollars, and his license hereunder revoked.

RCW 15.32.630 amended.

SEC. 12. Section 15.32.630, chapter 11, Laws of 1961 and RCW 15.32.630 are each amended to read as follows:

Dairies, dairy products. Methods and standards for grading, testing, rules for.

The director may, by rule, establish and/or amend methods, procedures, equipment, and standards to be used and followed in the grading, sampling, weighing, measuring, or testing of milk or cream or the fluid derivatives thereof when the results of such functions are to be used as the basis of payment for milk or cream or the fluid derivatives thereof. Such methods, procedures, equipment, and standards shall conform insofar as practicable with the methods, procedures, equipment, and standards in the latest edition of "Standard Methods for the Analysis of Dairy Products" recommended by the American public health association: *Provided*, That nothing contained in this section shall be construed as prohibiting any other methods, procedures, equipment, or standards which have been demonstrated to be accurate and efficient and have been approved by the director.

Proviso.

The adoption of all rules provided for in this section shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended concerning the adoption of rules.

Repeal

SEC. 13. Sections 15.32.640 and 15.32.650, chapter 11, Laws of 1961 and RCW 15.32.640 and 15.32.650 are each repealed.

New section.

SEC. 14. There is added to chapter 11, Laws of 1961 and chapter 15.32 RCW a new section to read as follows:

Injunctive process available.

The director may bring an action to enjoin the violation of any provision of this chapter or rules

adopted hereunder in the superior court of the county in which the defendant resides or maintains his principal place of business, notwithstanding the existence of any other remedy at law.

Passed the Senate March 9, 1963.

Passed the House March 12, 1963.

Approved the Governor March 21, 1963.

CHAPTER 59.

[S. B. 343.]

PUBLIC SERVICE COMPANIES.

AN ACT relating to public service companies; amending section 80.04.010, chapter 14, Laws of 1961 and RCW 80.04.010; amending section 81.04.235, chapter 14, Laws of 1961 and RCW 81.04.235; amending section 81.12.010, chapter 14, Laws of 1961 and RCW 81.12.010; amending section 81.80-.270, chapter 14, Laws of 1961 and RCW 81.80.270; amending section 81.80.040, chapter 14, Laws of 1961 and RCW 81.80.040; amending section 81.80.318, chapter 14, Laws of 1961 and RCW 81.80.318; amending section 81.24.010, chapter 14, Laws of 1961 and RCW 81.24.010; amending section 9, chapter 295, Laws of 1961, and RCW 81.77.080; adding a new section to chapter 14, Laws of 1961 and to chapter 80.04 RCW; adding a new section to chapter 14, Laws of 1961 and to chapter 81.04 RCW; adding two new sections to chapter 14, Laws of 1961 and to chapter 81.80 RCW; repealing section 81.80.350, chapter 14, Laws of 1961 and RCW 81.80.350; repealing section 1, chapter 177, Laws of 1961 and RCW 81.40.096; repealing section 2, chapter 177, Laws of 1961 and RCW 81.40.097; and providing an effective date.

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

SECTION 1. Section 80.04.010, chapter 14, Laws of 1961 and RCW 80.04.010 are each amended to read as follows:

RCW 80.04.010
amended.

As used in this title, unless specifically defined otherwise or unless the context indicates otherwise:

Public service
companies.
Definitions.

“Commission” means the utilities and transportation commission.

Public service
companies.
Definitions.

“Commissioner” means one of the members of such commission.

“Corporation” includes a corporation, company, association or joint stock association.

“Person” includes an individual, a firm or co-partnership.

“Gas plant” includes all real estate, fixtures and personal property, owned, leased, controlled, used or to be used for or in connection with the transmission, distribution, sale or furnishing of natural gas, or the manufacture, transmission, distribution, sale or furnishing of other type gas, for light, heat or power.

“Gas company” includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receiver appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any gas plant within this state.

“Electric plant” includes all real estate, fixtures and personal property operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat, or power for hire; and any conduits, ducts or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

“Electrical company” includes any corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever (other than a railroad or street railroad company generating electricity solely for railroad or street railroad purposes or for the use of its tenants and not for sale to others), and every city or town owning, operating or managing any electric plant for hire within this state.

“Telephone company” includes every corporation,

company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, operating or managing any telephone line or part of telephone line used in the conduct of the business of affording telephonic communication for hire within this state.

“Telephone line” includes conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by any telephone company to facilitate the business of affording telephonic communication.

“Telegraph company” includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating or managing any telegraph line or part of telegraph line used in the conduct of the business of affording for hire communication by telegraph within this state.

“Telegraph line” includes conduits, poles, wire, cables, cross-arms, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated or owned by any telegraph company to facilitate the business of affording communication by telegraph.

“Water system” includes all real estate, easements, fixtures, personal property, dams, dikes, head gates, weirs, canals, reservoirs, flumes or other structures or appliances operated, owned, used or to be used for or in connection with or to facilitate the supply, storage, distribution, sale, furnishing, diversion, carriage, apportionment or measurement of water for power, irrigation, reclamation, manufacturing, municipal, domestic or other beneficial uses for hire.

“Water company” includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, and every city or town owning, controlling, operating, or managing any water system for hire within this state: *Provided*, That it shall not include any water system serving less than sixty customers where the average annual gross revenue per customer does not exceed sixty dollars per year.

“Public service company” includes every gas company, electrical company, telephone company, telegraph company and water company.

The term “service” is used in this title in its broadest and most inclusive sense.

New section.

SEC. 2. There is added to chapter 14, Laws of 1961, and to chapter 80.04 RCW a new section to read as follows:

Public utilities.
General penalty—When payable—
—Action to recover—
Disposition of proceeds.

In addition to all other penalties provided by law every public service company subject to the provisions of this title and every officer, agent or employee of any such public service company who violates or who procures, aids or abets in the violation of any provision of this title or any order, rule, regulation or decision of the commission shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day’s continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable partic-

ularity and advising such person that the penalty is due. The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion 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. If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise herein provided. All penalties recovered under this title shall be paid into the state treasury and credited to the public service revolving fund.

SEC. 3. There is added to chapter 14, Laws of 1961, and to chapter 81.04 RCW a new section to read as follows:

In addition to all other penalties provided by law every public service company subject to the provisions of this title and every officer, agent or employee of any such public service company who violates or who procures, aids or abets in the violation of any provision of this title or any order, rule, regulation or decision of the commission shall incur a penalty of one hundred dollars 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

New section.

Transportation
companies.
General penalty—When
payable—
Action to
recover—
Disposition
of proceeds.

be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion 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. If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise herein provided. All penalties recovered under this title shall be paid into the state treasury and credited to the public service revolving fund.

RCW 81.04.235
amended.

SEC. 4. Section 81.04.235, chapter 14, Laws of 1961 and RCW 81.04.235 are each amended to read as follows:

Public service
companies.

All complaints against public service companies for recovery of overcharges shall be filed with the

commission within two years from the time the cause of action accrues, and not after, except as hereinafter provided, and except that if claim for the overcharge has been presented in writing to the public service company within the two-year period of limitation, said period shall be extended to include six months from the time notice in writing is given by the public service company to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

Limitation
of actions.

If on or before expiration of the two-year period of limitation for the recovery of overcharges, a public service company begins action under RCW 81.28.270 for recovery of charges in respect of the same transportation service, or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include ninety days from the time such action is begun or such charges are collected by the carrier.

All complaints against public service companies for the recovery of damages not based on overcharges shall be filed with the commission within six months from the time the cause of action accrues except as hereinafter provided.

The six-month period of limitation for recovery of damages not based on overcharges shall be extended for a like period and under the same conditions as prescribed for recovery of overcharges. If the six-month period for recovery of damages not based on overcharges has expired at the time action is commenced under RCW 81.28.270 for recovery of charges with respect to the same transportation service, or, without beginning such action, charges are collected with respect to that service, complaints therefor shall be filed with the commission within ninety days from the commencement of such action or the collection of such charges by the carrier.

RCW 81.12.010 amended.

SEC. 5. Section 81.12.010, chapter 14, Laws of 1961 and RCW 81.12.010 are each amended to read as follows:

Public service company—
Definition.

The term “public service company,” as used in this chapter, shall mean every company now or hereafter engaged in business in this state as a public utility and subject to regulation as to rates and service by the utilities and transportation commission under the provisions of this title or Title 22:

Proviso.

Provided, That it shall not include common carriers subject to regulation by the Interstate Commerce

Proviso.

Commission: *Provided further*, That it shall not include motor freight carriers subject to the provisions of chapter 81.80: *Provided further*, That

Proviso.

nothing contained in this chapter shall relieve public service companies from the necessity for compliance with the provisions of RCW 81.80.270.

RCW 81.80.270 amended.

SEC. 6. Section 81.80.270, chapter 14, Laws of 1961 and RCW 81.80.270 are each amended to read as follows:

Motor freight carriers.
Transfer, assignment of permits—
Acquisition of carrier holding permit.

No permit issued under the authority of this chapter shall be construed to be irrevocable. Nor shall such permit be subject to transfer or assignment except upon a proper showing that property rights might be affected thereby, and then in the discretion of the commission, and upon the payment of a fee of twenty-five dollars.

No person, partnership or corporation, singly or in combination with any other person, partnership or corporation, whether a carrier holding a permit or otherwise, or any combination of such, shall acquire control or enter into any agreement or arrangement to acquire control of a common or contract carrier holding a permit through ownership of its stock or through purchase, lease or contract to manage the business, or otherwise except after and with the approval and authorization of the commission. Any such transaction either directly or indirectly

entered into without approval of the commission shall be void and of no effect.

Every carrier who shall cease operation and abandon his rights under the permits issued him shall notify the commission within thirty days of such cessation or abandonment, and return to the commission the identification plates issued to him.

SEC. 7. Section 81.80.040, chapter 14, Laws of 1961, and RCW 81.80.040 are each amended to read as follows: RCW 81.80.040 amended.

The provisions of this chapter, except where specifically otherwise provided, and except the provisions providing for licenses, shall not apply to: Exempt vehicles.

(1) Motor vehicles when operated in transportation exclusively within the corporate limits of any city or town of less than ten thousand population unless contiguous to a city or town of ten thousand population or over, nor between contiguous cities or towns both or all of which are less than ten thousand population;

(2) Motor vehicles when operated in transportation wholly within the corporate limits of cities or towns of ten thousand or more but less than thirty thousand population, or between such cities or towns when contiguous, as to which the commission, after investigation and the issuance of an order thereon, has determined that no substantial public interest exists which requires that such transportation be subject to regulation under this chapter;

(3) Motor vehicles when transporting exclusively the United States mail or in the transportation of newspapers or periodicals;

(4) Motor vehicles owned and operated by the United States, the state of Washington, or any county, city, town, or municipality therein, or by any department of them, or either of them;

(5) Motor vehicles specially constructed for

towing disabled vehicles or wrecking and not otherwise used in transporting goods for compensation;

(6) Motor vehicles owned and operated by farmers in the transportation of their own farm, orchard or dairy products from point of production to market, or in the infrequent or seasonal transportation by one farmer for another in his immediate neighborhood of products of the farm, orchard or dairy, or of supplies or commodities to be used on the farm, orchard or dairy;

(7) Motor vehicles when transporting exclusively water in connection with construction projects only.

RCW 81.80.318 amended.

SEC. 8. Section 81.80.318, chapter 14, Laws of 1961, and RCW 81.80.318 are each amended to read as follows:

Motor freight carriers. Single trip transit permit.

Any motor carrier engaged in this state in the casual or occasional carriage of property in interstate or foreign commerce, who would otherwise be subject to all of the requirements of this chapter, shall be authorized to engage in such casual or occasional carriage, upon securing from the commission a single trip transit permit, valid for a period not exceeding ten days, which shall authorize a one way trip in transporting property for compensation between points in the state of Washington and points in other states, territories, or foreign countries.

No identification plates and no regulatory fees other than as provided in this section shall be required for such permit. The permit must be carried in the vehicle.

The permit shall be issued upon application to the commission or any of its duly authorized agents upon payment of a fee of ten dollars and the furnishing of proof of possession of public liability and property damage insurance in limits of at least twenty-five thousand dollars, for injury or death of any one person, and, subject to such limit as to any

one person, for one hundred thousand dollars for injury or death of all persons caused by any one accident and for ten thousand dollars for all damages to property caused by one accident. Such proof may consist of an insurance policy or a certificate of insurance.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 on any vehicle subject only to the payment of this fee.

SEC. 9. There is added to chapter 14, Laws of 1961, and to chapter 81.80 RCW, a new section to read as follows: New section.

It shall be unlawful for any carrier to perform a transportation service for compensation upon the public highways of this state without first having secured appropriate authority from the Interstate Commerce Commission, if such authority is required, and without first having registered such authority, if any, with the commission. Unlawful transportation services—Registration, how.

It shall also be unlawful for a carrier to perform a transportation service for compensation on the public highways of this state as an interstate carrier of commodities included in the exemptions provided in section 203 (b) of the Interstate Commerce Act without having first registered as such a carrier with the commission.

Such registration shall be granted upon application, without hearing, upon payment of the appropriate filing fee prescribed by this chapter for other applications for operating authority.

SEC. 10. There is added to chapter 14, Laws of 1961, and to chapter 81.80 RCW, a new section to read as follows: New section.

In addition to such authority concerning interstate commerce as is granted to it by other provisions of this chapter, the commission may regulate motor freight carriers in interstate commerce on Washington highways under authority of and in accordance Commission powers over interstate commerce.

with the provisions of any act of Congress vesting in or delegating to the commission such authority as an agency of the United States government or pursuant to agreement with the Interstate Commerce Commission.

RCW 81.24.010 amended.

SEC. 11. Section 81.24.010, chapter 14, Laws of 1961 and RCW 81.24.010 are each amended to read as follows:

Public transportation companies. To file reports of gross revenue and pay fees—General.

Every company subject to regulation by the commission, except auto transportation companies, steamboat companies, wharfingers or warehousemen, motor freight carriers, and storage warehousemen shall, on or before the first day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars, except railroad companies which shall each pay to the commission a fee equal to four-tenths of one percent of its intrastate gross operating revenue: *Provided further*, That the fee shall in no case be less than one dollar.

Proviso.

The percentage rates of gross operating revenue to be paid in any one year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows: Railroad, express, sleeping car, and toll bridge companies shall constitute class two. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute

additional classes according to kinds of businesses engaged in.

SEC. 12. Section 9, chapter 295, Laws of 1961, and RCW 81.77.080 are each amended to read as follows:

RCW 81.77.080 amended.

Every garbage and refuse collection company shall, on or before the 1st day of April of each year, file with the commission a statement on oath showing its gross operating revenue from intrastate operations for the preceding calendar year, or portion thereof, and pay to the commission a fee equal to four-tenths of one percent of the amount of gross operating revenue: *Provided*, That the fee shall in no case be less than one dollar.

Garbage collection companies. To file reports of gross revenue and pay fees—Disposition of fees.

Proviso.

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the utilities and transportation commission is authorized to decrease the schedule of fees provided in this section by general order entered before March 1st of any year in which it determines that the moneys then in the garbage and refuse collection companies account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

SEC. 13. Section 81.80.350, chapter 14, Laws of 1961 and RCW 81.80.350, section 1, chapter 177, Laws of 1961 and RCW 81.40.096, and section 2, chapter 177, Laws of 1961 and RCW 81.40.097 are each repealed.

Repeal.

Effective date.

SEC. 14. Section 12 of this act shall become effective January 1, 1964.

Passed the Senate February 21, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 21, 1963.

CHAPTER 60.

[S. B. 351.]

DOMESTIC INSURERS—ARTICLES OF INCORPORATION.

AN ACT relating to insurance; and amending section .06.20, chapter 79, Laws of 1947 as amended by section 7, chapter 190, Laws of 1949 and RCW 48.06.200.

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

RCW 48.06.200 amended.

SECTION 1. Section .06.20, chapter 79, Laws of 1947 as amended by section 7, chapter 190, Laws of 1949 and RCW 48.06.200 are each amended to read as follows:

Domestic insurers. Incorporation —Articles of—Contents.

(1) This section applies to insurers incorporated in this state, but no insurer heretofor lawfully incorporated in this state is required to reincorporate or change its articles of incorporation by reason of any provisions of this section.

(2) The incorporators shall be individuals who are United States citizens, of whom two-thirds shall be residents of this state. The number of incorporators shall be not less than five if a stock insurer, nor less than ten if a mutual insurer.

(3) The incorporators shall execute articles of incorporation in quadruplicate and acknowledge their signatures thereunto before an officer authorized to take acknowledgments of deeds.

(4) After approval of the articles by the commissioner, one copy shall be filed in the office of the secretary of state, another in the office of the commissioner, another in the office of the county auditor

of the county in which the insurer's principal offices are to be located, and the fourth copy shall be retained by the insurer.

(5) The articles of incorporation shall state:

First: The names and addresses of the incorporators.

Second: The name of the insurer. If a mutual insurer the name shall include the word "mutual."

Third: (a) the objects for which the insurer is formed;

(b) whether it is a stock or mutual insurer, and if a mutual property insurer only, whether it will insure on the cash premium or assessment plan;

(c) the kinds of insurance it will issue, according to the designations made in this code.

Fourth: If a stock insurer, the amount of its capital, the aggregate number of shares, and the par value of each share, which par value shall be not less than ten dollars, except that after the corporation has transacted business as an authorized insurer in the state for five years or more, its articles of incorporation may be amended, at the option of its stockholders, to provide for a par value of not less than one dollar per share. If a mutual insurer, the maximum contingent liability of its policyholders for the payment of its expenses and losses occurring under its policies.

Fifth: The duration of its existence, which may be perpetual.

Sixth: The names and addresses of the directors, not less than five in number, who shall constitute the board of directors of the insurer for the initial term, not less than two nor more than six months, as designated in the articles of incorporation.

Seventh: The name of the city or town of this state in which the insurer's principal place of business is to be located.

Eighth: Other provisions not inconsistent with law as may be deemed proper by the incorporators.

Passed the Senate February 22, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 21, 1963.

CHAPTER 61.

[H. B. 230.]

SCHOOL DISTRICTS—SECOND CLASS—REAL PROPERTY.

AN ACT relating to education and the powers of second class districts; amending section 1, chapter 169, Laws of 1959 and RCW 28.63.181.

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

RCW 28.63.181 amended.

SECTION 1. Section 1, chapter 169, Laws of 1959 and RCW 28.63.181 are each amended to read as follows:

Schoolhouses, cottages and real estate purchases.

The board of directors of a second class school district shall build schoolhouses and teachers' cottages when directed by a vote of the district to do so. The board of directors of a second class school district may purchase real property for any school district purpose.

Passed the House February 21, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 21, 1963.

CHAPTER 62.

[H. B. 286.]

HEALTH AND SAFETY—FACTORIES, ETC.—
VENTILATION AND SANITATION.

AN ACT relating to labor regulations; and amending section 2, chapter 84, Laws of 1905 as amended by section 2, chapter 98, Laws of 1959 and RCW 49.20.020.

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

SECTION 1. Section 2, chapter 84, Laws of 1905 as amended by section 2, chapter 98, Laws of 1959 and RCW 49.20.020 are each amended to read as follows:

RCW 49.20.020
amended.

Every factory, mill or workshop where machinery is used and manual labor is exercised by the way of trade for the purposes of gain within an enclosed room shall be provided in each work room thereof with good and sufficient ventilation and kept in a cleanly and sanitary state, and shall be so ventilated as to render harmless, so far as practicable, all gases, vapors, dust or other impurities, generated in the course of the manufacturing or laboring process carried on therein; and if in any factory, mill or workshop, any process is carried on in any enclosed room thereof, by which gases, vapors, dust, or other impurities are generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles or exhaust fans, or other mechanical means, shall be provided and maintained for the purpose of carrying off or receiving and collecting such impurities. The director shall assign adequate personnel to implement, whether by inspection or otherwise, the provisions of this section.

Factory, mill
or workshop—
Ventilation
and sanitation.

Passed the House February 23, 1963.

Passed the Senate March 10, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 63.

[H. B. 418.]

FIREMEN'S RELIEF AND PENSIONS.

AN ACT relating to firemen; and adding a new section to chapter 5, Laws of 1959 and to chapter 41.16 RCW.

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

New section.

SECTION 1. There is added to chapter 5, Laws of 1959 and to chapter 41.16 RCW a new section to read as follows:

Fireman's rights not affected by annexation, etc.

If all or any portion of a fire protection district is annexed to or incorporated into a city or town, or is succeeded by a metropolitan municipal corporation or county fire department, no full time paid fireman affected by such annexation, incorporation or succession shall receive a reduction in his retirement and job security rights: *Provided*, That this section shall not apply to any retirement and job security rights authorized under chapter 41.24 RCW.

Proviso.

Passed the House March 4, 1963.

Passed the Senate March 10, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 64.

[H. B. 12.]

MINING CLAIMS—LOCATION.

AN ACT relating to mining; amending section 2, chapter 45, Laws of 1899 as amended by section 1, chapter 12, Laws of 1949 and RCW 78.08.060; and amending section 1, chapter 114, Laws of 1959, and RCW 78.08.072.

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

RCW 78.08.060 amended.

SECTION 1. Section 2, chapter 45, Laws of 1899 as amended by section 1, chapter 12, Laws of 1949,

and RCW 78.08.060 are each amended to read as follows:

(1) Before filing such notice for record, the discoverer shall locate his claim by first posting at the discovery at the time of discovery a notice containing the name of the lode, the name of the locator or locators, and the date of discovery, and shall mark the surface boundaries of the claim by placing substantial posts or stone monuments bearing the name of the lode and date of location; one post or monument must appear at each corner of such claim; such posts or monuments must be not less than three feet high; if posts are used they shall be not less than four inches in diameter and shall be set in the ground in a substantial manner. If any such claim be located on ground that is covered wholly or in part with brush or trees, such brush shall be cut and trees be marked or blazed along the lines of such claim to indicate the location of such lines.

Mining claims.
Staking of
claim—
Requisites.

(2) Prior to valid discovery the actual possession and right of possession of one diligently engaged in the search for minerals shall be exclusive as regards prospecting during continuance of such possession and diligent search. As used in this section, "diligently engaged" shall mean performing not less than one hundred dollars worth of annual assessment work on or for the benefit of the claim in such year or years it is required under federal law, or any larger amount that may be designated now or later by the federal government for annual assessment work.

SEC. 2. Section 1, chapter 114, Laws of 1959, and RCW 78.08.072 are each amended to read as follows:

RCW 78.08.072
amended.

Any geological, geochemical, or geophysical survey which reasonably involves a direct expenditure on or for the benefit of each claim of not less than the one hundred dollars worth of annual assessment

Holding period
when exposing
lode by survey.

work required under federal statute or regulations shall hold such claim for a period of three years: *Provided*, That if no discovery of a lode has been made within the three year period the right to hold such claim under the provisions of this section shall cease: *Provided further*, That a written report of such survey shall be filed with the county auditor at the time annual assessment work is recorded as required under federal statute, and said written report shall set forth fully:

Proviso.

Proviso.

Report when exposing mineral lode by survey.

(1) The location of the survey performed in relation to the point of discovery or location notice and boundaries of the claim.

(2) The nature, extent, and cost of the survey.

(3) The date the survey was commenced and the date completed.

(4) The basic findings therefrom.

(5) The name, address, and professional background of the person or persons performing or conducting the survey.

Nothing herein contained shall be construed to permit the locator, his heirs, or assigns, to relocate any portion of the same ground except by making a discovery as heretofore defined by law during or after the three year period.

Passed the House February 14, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 65.

[H. B. 293.]

MEDICINE AND SURGERY—CONDITIONAL LICENSES—
STATE INSTITUTIONS.

AN ACT relating to the conditional licensing to practice medicine and surgery of certain employees of the department of institutions; and amending section 2, chapter 189, Laws of 1959 and RCW 18.71.096.

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

SECTION 1. Section 2, chapter 189, Laws of 1959 and RCW 18.71.096 are each amended to read as follows:

RCW 18.71.096
amended.

The director of licenses shall not issue conditional licenses or certificates to practice medicine and surgery under the provisions of RCW 18.71.095 after July 1, 1965, but all such licenses issued under the authority of RCW 18.71.095 prior to July 1, 1965 shall remain valid and effective, subject to the provisions of RCW 18.71.095.

Conditional
certificates—
Limitation on
issuance—
Validity.

Passed the House February 19, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 66.

[H. B. 98.]

PLATS—RECORDING—DEPOSIT TO COVER TAXES.

AN ACT relating to filing of plats and the payment, assessment and collection of taxes upon the property platted; and amending section 2, chapter 129, Laws of 1893 as last amended by section 1, chapter 200, Laws of 1909 and RCW 58.08.040.

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

SECTION 1. Section 2, chapter 129, Laws of 1893 as last amended by section 1, chapter 200, Laws of

RCW 58.08.040
amended.

1909, and RCW 58.08.040 are each amended to read as follows:

Plats, recording of—Deposit to cover anticipated taxes.

Any person filing a plat subsequent to May 31st in any year and prior to the date of the collection of taxes, shall deposit with the county treasurer a sum equal to the product of the county assessor's latest valuation multiplied by the current year's millage rate increased by twenty-five percent on the property platted. The treasurer's receipt for said amount shall be taken by the auditor as evidence of the payment of the tax. The treasurer shall appropriate so much of said deposit as will pay the taxes on the said property when the tax rolls are placed in his hands for collection, and in case the sum deposited is in excess of the amount necessary for the payment of the said taxes, the treasurer shall return, to the party depositing, the amount of said excess, taking his receipt therefor, which receipt shall be accepted for its face value on the treasurer's quarterly settlement with the county auditor.

Passed the House February 21, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 67.

[H. B. 320.]

SCHOOL DISTRICTS—REAL PROPERTY—SALES, PURCHASES.

AN ACT relating to school districts; and amending section 1, chapter 225, Laws of 1953 and RCW 28.58.045.

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

RCW 28.58.045 amended.

SECTION 1. Section 1, chapter 225, Laws of 1953 and RCW 28.58.045 are each amended to read as follows:

The board of directors of any school district of this state may:

(1) Sell for cash, at public or private sale, and convey by deed all interest of the district in or to any of the real property of the district which is no longer required for school purposes if the value thereof is thirty-five thousand dollars or less; and

School district's real property—Sale—Purchase to relocate and sell buildings.

(2) Purchase real property for the purpose of locating thereon and affixing thereto any house or houses and appurtenant buildings removed from school sites owned by the district and sell for cash, at public or private sale, and convey by deed all interest of the district in or to such acquired and improved real property if the value of any single parcel thereof is thirty-five thousand dollars or less; and is at least equal in funds received to ninety percent of the relocated value thereof: *Provided, however,* That prior to selling any of such real property of the district the board of directors shall appoint three licensed real estate brokers who shall appraise the real property to be sold, and such real property shall not be sold for less than ninety percent of the appraised value thereof.

Proviso.

If the value of any such parcel of real property is found by the board of directors to be greater than thirty-five thousand dollars, the question of the sale thereof shall be submitted to a vote of the voters of the district, either at a general or special election called for that purpose. If a majority of the votes cast thereat favor the sale of such real property the board may make the sale. The sale must be made at public auction for cash and good title shall be conveyed by deed of the school district, executed by the president or the vice president and the secretary or clerk of the board.

Passed the House February 23, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 68.

[H. B. 13.]

IRRIGATION DISTRICT ELECTIONS.

AN ACT relating to irrigation district elections; and amending section 2, chapter 171, Laws of 1941, as amended by section 1, chapter 105, Laws of 1961, and RCW 87.03.075; amending section 15, page 679, Laws of 1890, as last amended by section 9, chapter 138, Laws of 1923 and RCW 87.03.200; and amending section 49, page 695, Laws of 1890, as last amended by section 33, chapter 129, Laws of 1921 and RCW 87.03.565.

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

RCW 87.03.075 amended.

SECTION 1. Section 2, chapter 171, Laws of 1941, as amended by section 1, chapter 105, Laws of 1961, and RCW 87.03.075 are each amended to read as follows:

Irrigation districts. Ballots in all elections—Declaration of candidacy—Petition of nomination, when election not required.

Voting in an irrigation district shall be by ballot. Ballots shall be of uniform size and quality, provided by the district, and for the election of directors shall contain only the names of the candidates who have filed with the secretary of the district a declaration in writing of their candidacy, or a petition of nomination as hereinafter provided, not less than twenty days before the day of the election. Ballots shall contain space for sticker voting or for the writing in of the name of an undeclared candidate. A person filing a declaration of candidacy, or petition of nomination as hereinafter provided, shall designate therein the position for which he is a candidate. No ballots on any form other than the official form shall be received or counted.

In any election for directors where the number of votes which may be received will have no bearing on the length of the term to be served, the candidates for the position of director, in lieu of filing a declaration of candidacy hereunder, shall file with the secretary of the district a petition of nomination

signed by at least ten qualified electors of the district, or of the division if the district has been divided into director divisions, not less than twenty days before the day of election. If, after the expiration of the date for filing petitions of nomination, it appears that only one qualified candidate has been nominated thereby for each position to be filled it shall not be necessary to hold an election, and the board of directors shall within fifteen days after expiration of the date for filing petitions of nomination declare such candidate elected as director. The secretary shall immediately make and deliver to such person a certificate of election signed by him and bearing the seal of the district. The procedure set forth in this paragraph shall not apply to any other irrigation district elections.

SEC. 2. Section 15, page 679, Laws of 1890, as last amended by section 9, chapter 138, Laws of 1923 and RCW 87.03.200 are each amended to read as follows:

RCW 87.03.200 amended.

At such election shall be submitted to the electors of said district possessing the qualifications prescribed by law the question of whether or not the bonds of said district in the amount and of the maturities determined by the board of directors shall be issued. Bonds issued under the provisions of this act shall be serial bonds payable in gold coin of the United States in such series and amounts as shall be determined and declared by the board of directors in the resolution calling the election: *Provided*, That the first series shall mature not later than ten years and the last series not later than forty years from the date thereof: *Provided further*, That bonds, authorized by a special election held in the district under the provisions of a former statute, which has subsequent to said authorization been amended, but not issued prior to the amendment of

Bonds—Election for—Form and contents.

Proviso.

Irrigation
districts.
Bonds—Elec-
tion for—Form
and contents—
Cancellation—
Sale and issue.

said former statute, may be issued in the form provided in said former statute, and any such bonds heretofore or hereafter so issued and sold are hereby confirmed and validated.

Notice of such bond election must be given by publication of such notice in some newspaper published in the county where the office of the board of directors of such district is required to be kept, once a week for at least two weeks (three times). Such notices must specify the time of holding the election, and the amount and maturities of bonds proposed to be issued; and said election must be held and the results thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of law governing the election of the district officers: *Provided*, That no informality in conducting such election shall invalidate the same, if the election shall have been otherwise fairly conducted. At such election the ballots shall contain the words "Bonds Yes" and "Bonds No," or words equivalent thereto. If a majority of the votes cast are cast "Bonds Yes," the board of directors shall thereupon have authority to cause bonds in said amount and maturities to be issued. If the majority of the votes cast at any bond election are "Bonds No," the result of such election shall be so declared and entered of record; but if contract is made or is to be made with the United States as in RCW 87.03.140 provided, and bonds are not to be deposited with the United States in connection with such contract, the question submitted at such special election shall be whether contract shall be entered into with the United States. The notice of election shall state under the terms of what act or acts of congress contract is proposed to be made, and the maximum amount of money payable to the United States for construction purposes exclusive of penalties and interest. The ballots for such election shall contain the words

Proviso.

“Contract with the United States Yes” and “Contract with the United States No,” or words equivalent thereto. And whenever thereafter said board, in its judgment, deems it for the best interest of the district that the question of issuance of bonds for said amount, or any amount, or the question of entering into a contract with the United States, shall be submitted to said electors, it shall so declare, by resolution recorded in its minutes, and may thereupon submit such question to said electors in the same manner and with like effect as at such previous election. All bonds issued under this act shall bear interest at such rate not exceeding six percent per annum as the board of directors may determine, payable semiannually on the first day of January and July of each year. The principal and interest shall be payable at the office of the county treasurer of the county in which the office of the board of directors is situated, or if the board of directors shall so determine at the fiscal agency of the state of Washington in New York City, said place of payment to be designated in the bond. Said bonds shall be each of the denomination of not less than one hundred nor more than one thousand dollars; shall be negotiable in form, signed by the president and secretary, and the seal of the district shall be affixed thereto. The county treasurer shall register said bonds before the issuance thereof in a book kept for that purpose, and shall certify on each thereof under his seal that it has been so registered, and that the signatures thereon are the genuine signatures of the president and secretary respectively and that the seal attached is the seal of the district. Whenever the electors shall vote to authorize the issuance of bonds of the district such authorization shall nullify and cancel all unsold bonds previously authorized, and if the question is submitted to and carried by the electors at the bond election, any

Irrigation
districts.
Bonds—Elec-
tion for—Form
and contents—
Cancellation—
Sale and issue
—Reissue.

bond issue may be exchanged in whole or in part, at par, for any or all of a valid outstanding bond issue of the district when mutually agreeable to the owner or owners thereof and the district, and the amount of said last bond issue in excess, if any, of that required for exchange purposes, may be sold as in the case of an original issue. The bonds of any issue authorized to be exchanged in whole or in part for outstanding bonds shall state on their face the amount of such issue so exchanged, and shall contain a certificate of the treasurer of the district as to the amount of the bonds exchanged, and that said outstanding bonds have been surrendered and canceled: *Provided further*, That where bonds have been authorized and unsold, the board of directors may submit to the qualified voters of the district the question of canceling said previous authorization, which question shall be submitted upon the same notice and under the same regulations as govern the submission of the original question of authorizing a bond issue. At such election the ballots shall contain the words "Cancellation Yes," and "Cancellation No," or words equivalent thereto. If at such election a majority of the votes shall be "Cancellation Yes," the said issue shall be thereby canceled and no bonds may be issued thereunder. If the majority of said ballots shall be "Cancellation No," said original authorization shall continue in force with like effect as though said cancellation election had not been held: *Provided*, That bonds deposited with the United States in payment or in pledge may call for the payment of such interest not exceeding six percent per annum, may be of such denominations, and call for the repayment of the principal at such times as may be agreed upon between the board and the secretary of the interior.

Proviso.

Proviso.

Each issue shall be numbered consecutively as issued, and the bonds of each issue shall be num-

bered consecutively and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president of the board and the secretary. The signatures of the president and secretary may, however, appear by lithographic facsimile. Said bonds shall express upon their face that they were issued by authority of this act, stating its title and date of approval, and shall also state the number of issue of which such bonds are a part. The secretary shall keep a record of bonds sold, their number, the date of sale, the price received and the name of the purchaser. In case the money received by the sale of all bonds issued be insufficient for the completion of plans of the canals and works adopted, and additional bonds be not voted, or a contract calling for additional payment to the United States be not authorized and made, as the case may be, it shall be the duty of the board of directors to provide for the completion of said plans by levy of assessments therefor. It shall be lawful for any irrigation districts which have heretofore issued and sold bonds under the law then in force, to issue in place thereof an amount of bonds not in excess of such previous issue, and to sell the same, or any part thereof, as hereinafter provided, or exchange the same, or any part thereof, with the holders of such previously issued bonds which may be outstanding, upon such terms as may be agreed upon between the board of directors of the district and the holders of such outstanding bonds: *Provided*, That the question of such reissue of bonds shall have been previously voted upon favorably by the legally qualified electors of such district, in the same manner as required for the issue of original bonds, and the said board shall not exchange any such bonds for a less amount in par value of the bonds received; all of such old issue in place of which new bonds are issued shall be

Proviso.

destroyed whenever lawfully in possession of said board. Bonds issued under the provisions of this section may, when so authorized by the electors, include a sum sufficient to pay the interest thereon for a period not exceeding the first four years. Whenever an issue of bonds shall have been authorized pursuant to law, and any of the earlier series shall have been sold, and the later series, or a portion thereof, remain unsold, the directors may sell such later series pursuant to law, or such portion thereof as shall be necessary to pay the earlier series, or said directors may exchange said later series for the earlier series at not less than the par value thereof, said sale or exchange to be made not more than six months before the maturity of said earlier series and upon said exchange being made the maturing bonds shall be disposed of as hereinbefore provided in the case of bonds authorized to be exchanged in whole or in part for outstanding bonds.

RCW 87.03.565
amended.

SEC. 3. Section 49, page 695, Laws of 1890, as last amended by section 33, chapter 129, Laws of 1921 and RCW 87.03.565 are each amended to read as follows:

Irrigation
districts.
Adding lands
to—Notice of
petition—Con-
tents—Service.

The secretary of the board of directors shall cause a notice of the filing of such petition to be published in the same manner and for the same time that notice of special elections for the issue of bonds are required by this chapter to be given. The notice shall state the filing of such petition and the names of the petitioners, a description of the lands mentioned in said petition, and the prayer of said petition, and it shall notify all persons interested in or that may be affected by such change of the boundaries of the district to appear at the office of said board at a time named in said notice, and show cause in writing, if any they have, why the change in

the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be the regular meeting of the board next after the expiration of the time for the publication of the notice. The petitioners shall advance to the secretary sufficient money to pay the estimated costs of all proceedings under this chapter.

Passed the House March 12, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 69.

[H. B. 18.]

ANTWERP MESSENGER OR RACING PIGEONS.

AN ACT relating to the Antwerp Messenger or Racing Pigeon; prohibiting the shooting, killing, maiming, injuring, molesting, entrapment or detention of said pigeons; and providing penalties.

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

SECTION 1. It shall be unlawful for any person, other than the owner thereof or his authorized agent, to knowingly shoot, kill, maim, injure, molest, entrap, or detain any Antwerp Messenger or Racing Pigeon, commonly called "carrier or racing pigeons", having the name of its owner stamped upon its wing or tail or bearing upon its leg a band or ring with the name or initials of the owner or an identification or registration number stamped thereon.

Unlawful to maim or kill racing pigeons, when.

SEC. 2. It shall be unlawful for any person other than the owner thereof or his authorized agent to remove or alter any stamp, leg band, ring, or other mark of identification attached to any Antwerp Messenger or Racing Pigeon.

Unlawful to alter, remove identification on pigeons, when.

Penalty.

SEC. 3. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed twenty-five dollars for every such offense.

Passed the House February 21, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 70.

[H. B. 343.]

STATE HIGHWAYS—UTILITY FRANCHISES.

AN ACT relating to public highways; and amending section 47.44.010, chapter 13, Laws of 1961 as amended by section 26, chapter 21, Laws of 1961 extraordinary session and RCW 47.44.010.

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

RCW 47.44.010 amended.

SECTION 1. Section 47.44.010, chapter 13, Laws of 1961 as amended by section 26, chapter 21, Laws of 1961 extraordinary session and RCW 47.44.010 are each amended to read as follows:

Wire and pipe line and tram and railway franchises on state highways —Application —Notice—Hearing.

The highway commission shall have the power to grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any other such facilities. All applications for such franchise shall be made in writing and subscribed by the applicant, and shall describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. Upon the filing of any such application a time and place for hearing the same shall be fixed and a notice

thereof shall be given in the county or counties in which any portion of the state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed notices in three public places at the county seat of such county or counties for at least twenty days before the day fixed for such hearing, and by publishing a like notice in three successive weekly issues of a newspaper having a general circulation in such county or counties, the last publication to be at least five days before the day fixed for the hearing; which notice shall state the name or names of the applicant or applicants, a description of the state highway or part thereof over which the franchise is applied for, and the time and place of such hearing. It shall be the duty of the county auditor of the respective counties to cause such notices to be posted and published and to file proof of such posting and publication with the highway commission.

Sufficient copies of the notice required by this section shall be sent directly to the county auditor of the respective counties at least forty-five days prior to the date fixed for the hearing.

Passed the House February 21, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 71.

[H. B. 368.]

UNIVERSITY OF WASHINGTON, LAKE UNION SHORE
LANDS TRANSFERRED TO.

AN ACT relating to the University of Washington and transferring lands thereto.

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

Lands transferred to University.

SECTION 1. Block 18-A, Second Supplemental Maps of Lake Union Shore Lands, as shown on the official maps thereof on file in the office of the commissioner of public lands, is hereby transferred to the University of Washington and shall be held and used for university purposes only.

Passed the House February 23, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 72.

[H. B. 384.]

THIRD CLASS CITIES, TOWNS, CEMETERY DISTRICTS,
FIRE PROTECTION DISTRICTS—CONTRACTS FOR
SERVICES, JOINT PURCHASING.

AN ACT relating to third and fourth class cities; and authorizing contracts for cemetery and fire protection services for a limited period of time.

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

Public agency defined.

SECTION 1. As used in this act, "public agency" means third or fourth class cities and towns, cemetery districts and fire protection districts.

Cooperative buying of services, facilities authorized.

SEC. 2. Third or fourth class cities and towns may contract, for terms not to exceed five years each term, to provide or have provided public facilities or services with any cemetery district or fire protec-

tion district, each of which is separately authorized to operate or provide under terms mutually agreed upon by the governing bodies of such public agencies. The governing body of a third or fourth class city may join with the governing body of any of the other public agencies in buying supplies, equipment, and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, as may be necessary under the circumstances.

Passed the House March 5, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 73.

[H. B. 392.]

AERONAUTICS COMMISSION—ACCOUNTING AND ADMINISTRATIVE PROCEDURES.

AN ACT relating to aeronautics, airports, and air facilities; and adding a new section to chapter 165, Laws of 1947 and to chapter 14.04 RCW.

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

SECTION 1. There is added to chapter 165, Laws of 1947 and to chapter 14.04 RCW a new section to read as follows:

The aeronautics commission is authorized to establish the necessary accounts or administrative procedures required by conditions attached to transfers of airport facilities from the federal government to the state of Washington.

New section.

Accounts,
new
procedures
authorized.

Passed the House February 25, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 74.

[H. B. 551.]

COMPOSITION OF THE MILITIA.

AN ACT relating to the militia; and amending section 2, chapter 130, Laws of 1943, and RCW 38.04.030.

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

RCW 38.04.030 amended.

SECTION 1. Section 2, chapter 130, Laws of 1943, and RCW 38.04.030 are each amended to read as follows:

Composition of the militia.

The militia of the state of Washington shall consist of all able bodied male citizens of the United States and all other able bodied males who have or shall have declared their intention to become citizens of the United States, residing within this state, who shall be more than eighteen years of age, and shall include all females who are members of the national guard, and said militia shall be divided into two classes, the organized militia and the unorganized militia.

Passed the House March 4, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 75.

[H. B. 6.]

PUBLIC EMPLOYEES—GROUP HOSPITALIZATION AND MEDICAL AID.

AN ACT relating to group hospitalization and medical aid for public employees and their dependents.

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

SECTION 1. Any department, division, or separate agency of the state government, and any county, municipality or other political subdivision of the

state acting through its principal supervising official or governing body may, whenever funds shall be available for that purpose, provide for all or a part of hospitalization and medical aid for its employees and their dependents through contracts with regularly constituted insurance carriers or with health care service contractors as defined in chapter 48.44 RCW, for group hospitalization and medical aid policies or plans: *Provided*, That the contributions of any department, division or separate agency of the state government and school districts shall be limited to not to exceed fifty percent of any premium therefor, or five dollars per month per employee covered, whichever is less except that such limitation shall not apply to employees employed under chapter 47.64 RCW.

Participation of public agency in employee medical aid group insurance authorized.

Proviso.

SEC. 2. The cost of any such group policy or plan to any such public agency or body shall be deemed additional compensation to the employees covered thereby for services rendered, and any officer authorized to disburse such funds may pay in whole or in part to any such insurance carrier or health care service contractor the amount of the premiums due pursuant to any such contract.

Policy cost deemed employee compensation.

Passed the House March 13, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 76.

[H. B. 46.]

USE TAX—EXEMPTIONS.

AN ACT relating to the use tax and amending section 82.12.030, chapter 15, Laws of 1961, as amended by section 10, chapter 293, Laws of 1961, and RCW 82.12.030.

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

RCW 82.12.030 amended.

SECTION 1. Section 82.12.030, chapter 15, Laws of 1961, as amended by section 10, chapter 293, Laws of 1961, and RCW 82.12.030 are each amended to read as follows:

The provisions of this chapter shall not apply:

Use tax—Exemptions.

(1) In respect to the use of any article of tangible personal property brought into the state by a non-resident 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 by such person in another state while a bona fide resident thereof and primarily for use outside this state and if such use was actual and substantial, but if an article was acquired less than three months prior to the time he entered this state, it will be presumed that the article was acquired for use in this state and that its use outside this state was not actual and substantial;

(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 and such tax has been paid by the present user or by his bailor or donor;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer used primarily 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 licenses pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state;

(5) In respect to the use of any article of tangible personal property which the state is prohibited

Use tax—
Exemptions.

from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36; *Provided*, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of licenses 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 tax commission;

(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 baby chicks and turkey poults 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 school districts and used by such districts exclusively in connection with their high school driver training program;

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 or chapter 82.12;

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed forces and are stationed outside this state pursuant to military orders, but this exemption shall not apply to the use of motor vehicles and trailers acquired less than six months prior to the discharge of such persons from the armed forces.

Note: See also section 4, chapter 28, Laws of 1963 first extraordinary session.

Passed the House March 4, 1963.

Passed the Senate March 14, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 77.

[H. B. 89.]

REGISTRATION OF CONTRACTORS.

AN ACT providing for the registration of contractors; and prescribing penalties.

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

Registration of contractors. Definitions.

SECTION 1. A "contractor" as used in this act is any person, firm or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development or improvement attached to real estate or to do any part thereof including the erection of scaffolding or other structures or works in connection therewith; or, who, to do similar work upon his own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein. A "general contractor" is a contractor whose business operations require the use of more than two unrelated building trades or crafts whose work the contractor shall superintend or do in whole or in part. The terms "general contractor" and "builder" are synonymous. A "specialty contractor" is a contractor whose operations as such do not fall within the foregoing definition of "general contractor".

Certificate of registration required—Penalty.

SEC. 2. It shall be unlawful for any person to submit any bid or do any work as a contractor until such person shall have been issued a certificate of registration by the state department of licenses. A partnership or joint venture shall be deemed registered if any one of the general partners or venturers whose name appears in the name under which the

partnership or venture does business shall be registered. A violation of this section shall be a misdemeanor.

SEC. 3. An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director of licenses and which shall include the following information pertaining to the applicant.

Application
for registra-
tion—
Contents.

- (1) Employer social security number.
- (2) Industrial insurance number.
- (3) Employment security department number.
- (4) State excise tax registration number.
- (5) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

(6) The name and address of each partner if the applicant be a firm or partnership, or the name and address of the owner if the applicant be an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant be a corporation. The information contained in such application shall be a matter of public record and open to public inspection.

SEC. 4. Each applicant shall, at the time of applying for a certificate of registration, file with the director of licenses a surety bond running to the state of Washington if a general contractor, in the sum of two thousand dollars; if a specialty contractor, in the sum of one thousand dollars, conditioned that the applicant will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of negligent or improper work or breach of contract in the conduct of the contracting business. Any person having a claim against the contractor for any of the items referred to in this section

Bond sub-
mitted with
application—
Amount—Pro-
ceedings on.

Registration of
contractors.
Bond sub-
mitted with
application—
Proceedings on
—Priority in
satisfaction
from—In lieu
deposit.

may bring suit upon such bond in the superior court of the county in which the work is done or of any county in which jurisdiction of the contractor may be had. A copy of the complaint shall be served by registered or certified mail upon the director of licenses at the time suit is started and the director shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the surety and the director shall transmit the complaint or a copy thereof to the surety within forty-eight hours after it shall have been received. The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond, but in case claims pending at any one time exceed the amount of the bond, claims shall be satisfied from the bond in the following order:

- (1) Labor, including employee benefits;
- (2) Taxes and contributions due the state of Washington;
- (3) Material and equipment;
- (4) Claims for breach of contract.

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

In lieu of the surety bond required by this section the contractor may file with the director a cash deposit or other negotiable security acceptable to the director.

In the event of a judgment being entered against such deposit, the director of licenses shall upon receipt of a certified copy of a final judgment, pay from the amount of the deposit said judgment.

SEC. 5. At the time of registration the applicant shall furnish to the director satisfactory evidence that the applicant has procured and has in effect public liability and property damage insurance covering the applicant's contracting operations in the sum of not less than twenty thousand dollars for injury or damage to property and fifty thousand dollars for injury or damage including death to any one person and one hundred thousand dollars for injury or damage including death to more than one person.

Evidence of insurance with application.

In the event that such insurance shall cease to be effective the registration of the contractor shall be suspended until such insurance shall be reinstated.

SEC. 6. A certificate of registration shall be valid for one year and shall be renewed by the same procedure as for an original registration on or before August first of each year. The director shall issue to the applicant a certificate of registration upon compliance with the registration requirements of this act.

Duration of certificate—Renewal, time of.

SEC. 7. The applicant shall pay to the director of licenses a registration or renewal fee of; if a general contractor, thirty-five dollars; if a specialty contractor, twenty dollars.

Registration, renewal, fees.

SEC. 8. No person engaged in the business or acting in the capacity of a contractor may bring or maintain any action in any court of this state for the collection of compensation for the performance of any work or for breach of any contract for which registration is required under this act without alleging and proving that he was a duly registered contractor at the time he contracted for the performance of such work or entered into such contract.

Registration as prerequisite to suit.

SEC. 9. This act shall not apply to:

(1) An authorized representative of the United

Exemptions.

Registration of
contractors.
Exemptions.

States government, the state of Washington, or any incorporated city, town, county, township, irrigation district, reclamation district or other municipal or political corporation or subdivision of this state;

(2) Officers of a court when they are acting within the scope of their office;

(3) Public utilities operating under the regulations of the public service commission in construction, maintenance or development work incidental to their own business;

(4) Any construction, repair or operation incidental to the discovering or producing of petroleum or gas, or the drilling, testing, abandoning or other operation of any petroleum or gas well or any surface or underground mine or mineral deposit when performed by an owner or lessee;

(5) The sale or installation of any finished products, materials or articles of merchandise which are not actually fabricated into and do not become a permanent fixed part of a structure;

(6) Any construction, alteration, improvement or repair of personal property;

(7) Any construction, alteration, improvement, or repair carried on within the limits and boundaries of any site or reservation under the legal jurisdiction of the federal government;

(8) Any person who only furnished materials, supplies or equipment without fabricating them into, or consuming them in the performance of, the work of the contractor;

(9) Any work or operation on one undertaking or project by one or more contracts, the aggregate contract price of which for labor and materials and all other items is less than one hundred dollars, such work or operations being considered as of a casual, minor, or inconsequential nature. The exemption prescribed in this subsection does not apply in any instance wherein the work or construction is only

a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made into contracts of amounts less than one hundred dollars for the purpose of evasion of this act or otherwise. The exemption prescribed in this subsection does not apply to a person who advertises or puts out any sign or card or other device which might indicate to the public that he is a contractor, or that he is qualified to engage in the business of contractor;

(10) Any construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts; or to farming, dairying, agriculture, viticulture, horticulture, or stock or poultry raising; or to clearing or other work upon land in rural districts for fire prevention purposes; except when any of the above work is performed by a registered contractor;

(11) An owner who contracts for a project with a registered contractor;

(12) Any person working on his own property, whether occupied by him or not, and any person working on his residence, whether owned by him or not;

(13) Owners of commercial properties who use their own employees to do maintenance, repair and alteration work in or upon their own properties;

(14) A licensed architect or civil or professional engineer acting solely in his professional capacity, an electrician licensed under the laws of the state of Washington, or a plumber licensed under the laws of the state of Washington or licensed by a political subdivision of the state of Washington while operating within the boundaries of such political subdivision. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his license;

Registration of
contractors.
Exemptions.

(15) Any person who engages in the activities herein regulated as an employee of a registered contractor with wages as his sole compensation or as an employee with wages as his sole compensation.

Vetoed.

(16) *Contractors on highway projects who have been pre-qualified as required by chapter 13 of the Laws of 1961, RCW 47.28.070, with the Highway Department to perform highway construction, reconstruction or maintenance work.*

Business
practices.

SEC. 10. Except as provided in section 2 for partnerships and joint ventures, no person who has registered under one name as provided in this act shall engage in the business, or act in the capacity of a contractor under any other name unless such name also is registered hereunder. All advertising and all contracts, correspondence, cards, signs, posters, papers and documents prepared by a contractor which show a contractor's name or address shall show the contractor's name or address as registered hereunder. No contractor shall advertise that he is bonded and insured because of the bond required to be filed and sufficiency of insurance as provided in this act. All individual contractors and all partners, associates, agents, salesmen, solicitors, officers and employees of contractors shall use their true names and addresses at all times while engaged in the business or capacity of a contractor or activities related thereto.

Severability.

SEC. 11. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Effective date.

SEC. 12. This act shall take effect August 1, 1963.

Passed the House March 12, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 22, 1963, with the exception of Section 9, Subsection (16) which was vetoed.

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

"House Bill 89 provides for the registration of contractors doing business in the State of Washington. As originally introduced, the bill was a comprehensive act requiring that, with certain reasonable exceptions, all persons doing any work as a contractor must first be licensed by the Department of Licenses. Information supplied on the license application will be available for public inspection.

"An amendment to the bill, however, exempted from the operation of the act, all contractors on highway projects who had prequalified as required by laws relating to highway construction contracts. By removing a substantial group of contractors from the operation of the act, much of the intended protection is lost.

"While the present act provides minimum protection to the people of our state, by making available a centralized listing of all contractors meeting the standards indicated, prequalification for highway contracts serves only to provide information concerning bidders on highway projects and is not readily available to the general public. I find nothing inconsistent in requiring all contractors to be licensed, and in addition requiring that contractors on costly highway projects submit to further prequalification with the Highway Commission.

"With the exception of the foregoing item, which is vetoed, the remainder of House Bill 89 is approved."

Veto message, excerpt.

ALBERT D. ROSELLINI,
Governor.

CHAPTER 78.

[S. B. 168.]

WASHINGTON STATE UNIVERSITY—SALE OR LEASE OF CERTAIN LANDS.

AN ACT relating to public lands; and authorizing the sale or lease of certain properties by the board of regents of Washington State University.

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

SECTION 1. The board of regents of Washington State University is authorized to sell or lease all or any part or parts of the following described premises in Whitman county, state of Washington:

Sale or lease of university lands authorized—Description.

(1) Lots seven and eight, Block three, College Park Addition to Pullman together with vacated street adjoining, excepting the right of way of PSH No. 3.

Sale or lease
of university
lands
authorized—
Description.

(2) Lots six and seven, Block five, re-plat of Blocks four and five of Campus Park Addition to Pullman.

(3) Lots three, four, five, and seven of Bryan's subdivision of lot nine, Block seven, Reaney's Addition to Pullman.

(4) A tract of land situated in Lots 5, 6, 7 and 8 in Block 3 of Campus Park Addition to Pullman, Washington and in Lot 31, in McGee's Subdivision of Lot 1 and 2, Section 5, Township 14 North, Range 45 East W.M. and more particularly described as follows:

BEGINNING at a point on the southwesterly line of Lot 8, Block 3 in Campus Park Addition which is 10.0 feet northwesterly from the most southerly corner of said Lot 8; running thence northeasterly 135.61 feet on a line parallel to the southeasterly line of said Lot 8 to the west line of Lot 31 of McGee's Subdivision of Lot 1 and 2 of Section 5; continue running thence 44.39 feet on a line parallel to the southeasterly line of said Lot 8 projected; thence deflecting 90° 00' left and running 60.32 feet northwesterly on a line parallel with the southwesterly line of said Lot 8, Block 3 over and across Lot 31 and Lot 24 of McGee's Subdivision of Lot 1 and 2. Section 5 to the east line of Lot 7 Campus Park Addition; continue thence northwesterly on a line parallel with the southwesterly line of Lots 7, 6 and 5, 115.68 feet to a point in Lot 5, Block 3, Campus Park Addition; thence deflecting 90° 00' left and running 180.0 feet on a line parallel with the southeasterly line of said Lot 8, to the southwesterly line of Lot 5, Block 3, Campus Park Addition; thence deflecting 90° 00' left and running 176.0 feet along the southwesterly line of Lots 5, 6, 7 and 8 to the point of beginning.

EXCEPTING therefrom those portions of Lots 6, 7 and 8, Block 3, Campus Park Addition to Pullman described as follows:

The southwesterly 130 feet of Lot Six (6) in Block Three (3) of CAMPUS PARK ADDITION to Pullman, according to the recorded plat thereof, described as follows:

Beginning at the southwest corner of said Lot Six (6) (on northwesterly line of Thatuna Street); thence northeasterly along the westerly line of said Lot Six (6), a distance of 130 feet; thence southeasterly along a line parallel with said northerly line of Thatuna Street, a distance of 50 feet, more or less, to the intersection with the easterly line of Lot Six (6); thence southwesterly along said easterly line of said Lot Six (6) a distance of 130 feet to the northerly line of Thatuna Street; thence northwesterly along said northerly line of Thatuna Street, 50 feet to the point of beginning.

Also excepting Lot Seven (7) and the north half of Lot Eight (8) in Block Three (3), Campus Park Addition to Pullman, according to the recorded plat thereof.

SEC. 2. Any sale or lease under the provisions of this act shall be made to the best bidder pursuant to a call for bids published at least fifteen days prior to the date fixed for the sale or lease thereof in one issue of a legal weekly newspaper printed and published in Whitman county.

Sale or lease
procedure.

Passed the Senate February 13, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 79.

[S. B. 610.]

PUBLIC LANDS—LEASE FOR SHELLFISH PROPAGATION.

AN ACT relating to food fish and shellfish; and amending section 142, chapter 255, Laws of 1927 as last amended by section 9, chapter 73, Laws of 1961 and RCW 79.01.568.

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

RCW 79.01.568 amended.

SECTION 1. Section 142, chapter 255, Laws of 1927 as last amended by section 9, chapter 73, Laws of 1961 and RCW 79.01.568 are each amended to read as follows:

Public lands—Leasing for artificial oyster beds, cultivating clams or edible shellfish—Authorized.

The beds of all navigable tidal waters in this state lying below extreme low tide not in front of any incorporated city or town, nor within two miles on either side thereof, shall be subject to lease for the purpose of planting and cultivating thereon artificial oyster beds, or for the purpose of cultivating clams and other edible shellfish for periods not to exceed ten years to any one person or corporation.

Where the lands are used for the cultivation of oysters, the parcels leased shall not exceed forty acres.

Where the land is used for the cultivation of clams, the commissioner may, in his discretion, grant leases for larger parcels.

Passed the Senate March 5, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 80.

[S. B. 389.]

LIBRARY LOCAL IMPROVEMENT DISTRICTS.

AN ACT relating to library local improvement districts; amending section 2, chapter 162, Laws of 1961 and RCW 27.14.020; and amending section 3, chapter 162, Laws of 1961 and RCW 27.14.030; and amending section 4, chapter 162, Laws of 1961 and RCW 27.14.040; and adding new sections to chapter 162, Laws of 1961 and chapter 27.14 RCW.

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

SECTION 1. Section 2, chapter 162, Laws of 1961 and RCW 27.14.020 are each amended to read as follows:

RCW 27.14.020 amended.

In any instance where the acquisition of land, buildings or capital equipment, or the construction of library buildings are of special benefit to part or all of the lands in the district, the governing board of the library district shall have authority to include such lands in a local improvement district, and to levy special assessments under a mode of annual installments extending over a period not exceeding twenty years on all property specially benefited by any local improvement, on the basis of the special benefits to pay in whole or in part the damages or costs of any such improvements ordered in such library district. For the purposes of this chapter, the duties devolving upon the city treasurer under said laws are imposed upon the county treasurer serving the library district. Such local improvement districts may be initiated either by resolution of the governing board of the library district or by petition signed by the owners, according to the records of the office of the county auditor, of at least fifty-one percent of the area of the land within the local improvement district to be created excluding all federally owned or other non-assessable property.

Library L.I.D.'s. Petition or resolution method authorized—Procedure—Assessments.

In case the governing board of the library district

Library
L.I.D.'s.
Petition or
resolution
method
authorized—
Procedure.

shall desire to initiate the formation of a local improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed district, describing the boundaries thereof, stating the estimated cost and expenses of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, and fixing a date, time and place for a public hearing on the formation of the proposed district.

In case any such local improvement district shall be initiated by petition, such petition shall set forth the nature and territorial extent of such proposed improvement and the fact that the signers thereof are the owners according to the records of the county auditor of at least fifty-one percent of the area of land within the limits of the local improvement district to be created excluding all federally owned or other non-assessable property. Upon the filing of such petition with the secretary of the board of trustees of the library district, the board shall determine whether the same shall be sufficient, and the board's determination thereof shall be conclusive upon all persons. No person shall withdraw his name from said petition after the filing thereof with the secretary of the board of trustees. If the board shall find the petition to be sufficient, it shall proceed to adopt a resolution declaring its intention to order the improvement petitioned for, setting forth the nature and territorial extent of said improvement, designating the number of the proposed local districts describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed local district, and fixing a date, time and place for a public

hearing on the formation of the proposed local district.

SEC. 2. Section 3, chapter 162, Laws of 1961 and RCW 27.14.030 are each amended to read as follows:

RCW 27.14.030 amended.

The resolution of intention, whether adopted on the initiative of the board or pursuant to a petition of the property owners, shall be published in a least two consecutive issues of a newspaper of general circulation in the proposed local district, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of library trustees. Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract, parcel of land or other property within the proposed improvement district by mailing said notice at least fifteen days before the date fixed for the public hearing to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessment, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date, time and place of the hearing before the board of library trustees; and in the case of improvements initiated by resolution, said notice shall also state that all persons desiring to object to the formation of the proposed district must file their written protests with the secretary of the board of library trustees within three weeks of the date said notice is mailed.

Resolution of intention—
Notice of hearing.

SEC. 3. There is added to chapter 162, Laws of 1961 and to chapter 27.14 RCW a new section to read as follows:

New section.

Library
L.I.D.'s.
Hearing on
petition or
resolution—
Procedure
upon order
forming.

Whether the improvement is initiated by petition or resolution, the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing the board shall hear objections from any person affected by the formation of the local district and may make such changes in the boundaries of the district or such modifications in plans for the proposed improvement as shall be deemed necessary: *Provided*, That the board may not change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners in the manner and form and within the time herein provided for the original notice.

Proviso.

After said hearing the board shall have jurisdiction to overrule protests and proceed with any such improvement initiated by petition or resolution: *Provided*, That the jurisdiction of the board to proceed with any improvement initiated by resolution shall be divested by protests filed with the secretary of the board pursuant to Sec. 2 of this act, signed by the owners, according to the records of the county auditor, of at least forty percent of the area of land within the proposed local district, excluding all federally owned or other non-assessable property.

Proviso.

If the board finds that the district should be formed, they shall by resolution order the improvement, provide the general funds of the district to be applied thereto, adopt detailed plans of the local improvement district and declare the estimated cost thereof, acquire all necessary land therefor, pay all damages caused thereby, and commence in the name of the district such eminent domain proceedings and supplemental assessment or reassessment proceedings to pay all eminent domain awards as may be necessary to entitle the district to proceed with the work. The board shall proceed with the work and

file with the county treasurer its roll levying special assessments in the amount to be paid by special assessment against the property situated within the local improvement district in proportion to the special benefits to be derived by the property therein from the improvement.

SEC. 4. Section 4, chapter 162, Laws of 1961 and RCW 27.14.040 are each amended to read as follows:

RCW 27.14.040 amended.

All subsequent proceedings in connection with the local improvement, including but not limited to the levying, collection and enforcement of local improvement assessments, shall be in accordance with the provisions of law applicable to sewer district local improvement district improvements set forth in chapter 56.20, and references therein to the board of sewer commissioners and secretary of the board of sewer commissioners shall be deemed references to the governing board of the library district and secretary of the governing board of the library district.

Subsequent proceedings in accord with sewer district L.I.D. improvements.

SEC. 5. There is added to chapter 162, Laws of 1961 and to chapter 27.14 RCW a new section to read as follows:

New section.

Whenever the terms "owner" or "reputed owner" of property are used in this act, such terms shall include the following:

"Owner", "reputed owner", to include.

(1) The signature of a record owner, as determined by the records of the county auditor, shall be sufficient without the signature of his or her spouse.

(2) In the case of mortgaged property, the signature of the mortgagor shall be sufficient.

(3) In the case of property purchased on contract, the signature of the contract purchaser, as shown by the records of the county auditor, shall be deemed sufficient.

(4) Any officer of a corporation owning land in the district duly authorized to execute deeds or en-

cumbrances on behalf of the corporation may sign on behalf of such corporation, provided that there shall be attached to the petition a certified excerpt from the bylaws showing such authority.

(5) If any property in the district stands in the name of a deceased person or any person for whom a guardian has been appointed the signature of the executor, administrator or guardian, as the case may be, shall be equivalent to the signature of the owner of the property.

Passed the Senate February 22, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 81.

[S. B. 416.]

CITY OF CENTRALIA, GRANT OF EASEMENT TO.

AN ACT authorizing the execution of an easement for a right of way over certain state property to the city of Centralia for public street purposes.

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

SECTION 1. The governor is hereby authorized to execute on behalf of the state of Washington and the secretary of state to attest an easement conveying to the city of Centralia, a municipal corporation, a right of way over the following described property, for public street purposes:

“A part of Block 1, Seminary Hill Addition, and a part of the Northwest quarter (NW ¼) of Section 9, Township 14 North, Range 2 West of Willamette Meridian, described as follows, to wit:

Beginning at the Northeast corner of Lot 24, Block 2, Seminary Hill Addition to Centralia; thence East, 221.70 feet; thence S6°53'E, 189.79 feet; thence on a curve concaved to the Southwest, having a

Right of way
given to
Centralia—
Description.

radius of 120.00 feet and a central angle of 55°03' and tangent at its point of beginning to said last mentioned course, a distance of 115.30 feet; thence N61° 56'W, 206.00 feet to the place of beginning. Also, beginning at the Northeast corner of Lot 24, Block 2, Seminary Hill Addition to Centralia; thence East 221.70 feet; thence S6°53'E, 476.40 feet to the TRUE POINT OF BEGINNING of the description; thence S6°53'E, 305.9 feet, to the Southeast corner of the Washington National Guard property; thence N82° 16'W, 58.05 feet; thence N4°02'E, 296.65 feet to the TRUE POINT OF BEGINNING.

Passed the Senate March 3, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 82.

[S. B. 500.]

POLICE RELIEF AND PENSIONS IN FIRST CLASS CITIES—HARBOR DEPARTMENT PERSONNEL.

AN ACT relating to retirement and pensions; and adding a new section to chapter 39, Laws of 1909 and to chapter 41.20 RCW.

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

SECTION 1. There is added to chapter 39, Laws of 1909 and to chapter 41.20 RCW a new section to read as follows:

Any employee of a harbor department of a city of the first class that has been abolished and has had its functions included within the police department of such city who (1) is a member of the employees' retirement system of such city, and (2) is employed within the police department of such city, may transfer his membership from the city employees' retirement system to the city's police relief

New section.

Transfer between retirement systems authorized.

Police retirement system, former harbor personnel may transfer to.

and pension fund system by filing a written request with the board of administration and the board of trustees, respectively, of the two systems.

Upon the receipt of such request, the transfer of membership to the city's police relief and pension fund system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration of the city's employees' retirement system shall transmit to the board of trustees of the city's police relief and pension fund system a record of service credited to such member which shall be computed and credited to such member as a part of his period of employment in the city's police relief and pension fund system.

Any employee so transferring shall have all the rights, benefits and privileges that he would have been entitled to had he been a member of the city's police relief and pension fund system from the beginning of his employment with the former harbor department.

No person so transferring shall thereafter be entitled to any other public pension, except social security, which is based upon service with the former harbor department.

The right of any employee to file a written request for transfer of membership as set forth herein shall expire June 30, 1964.

Passed the Senate March 2, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 83.

[H. B. 189.]

MOTOR VEHICLE FUND.

AN ACT relating to the motor vehicle fund; amending section 46.68.130, chapter 12, Laws of 1961, as amended by section 8, chapter 7, Laws of 1961 extraordinary session and RCW 46.68.130.

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

SECTION 1. Section 46.68.130, chapter 12, Laws of 1961 as amended by section 8, chapter 7, Laws of 1961 extraordinary session and RCW 46.68.130 are each amended to read as follows:

RCW 46.68.130 amended.

The net tax amount distributed to the state in the manner provided by RCW 46.68.100, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are credited to the state patrol highway account and such sums expended pursuant to proper appropriation for costs of collection and administration thereof, shall be expended by the department of highways, subject to proper appropriation and reappropriation, for state highways and other proper department of highways purposes.

Expenditure of balance of motor vehicle fund.

Passed the House February 21, 1963.

Passed the Senate March 8, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 84.

[H. B. 385.]

COUNTY ROAD IMPROVEMENT DISTRICTS.

AN ACT relating to the formation of county road improvement districts; amending sections 36.88.010, 36.88.015, 36.88.030, 36.88.060, 36.88.080 and 36.88.370, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.010, 36.88.015, 36.88.030, 36.88.060, 36.88.080 and 36.88.370.

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

RCW 36.88.010 amended.

SECTION 1. Section 36.88.010, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.010 are each amended to read as follows:

County road improvement districts. Authorized—Purposes—Limitations.

All counties shall have the power to create county road improvement districts for the improvement of existing county roads and for the construction or improvement of necessary drainage facilities therefor, bridges, culverts, sidewalks, curbs and gutters, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such construction or improvement: *Provided*, That no road improvement district shall be created under this chapter unless the property within the proposed district shall be so developed by the construction of permanent urban improvements that the average number of units per one thousand feet of property fronting upon the portion of road to be improved shall be at least six, said units to be defined and allowed for the purpose herein mentioned as follows:

Proviso.

- (1) Each single family dwelling shall be one unit;
- (2) Each business occupancy one hundred feet in length or less, as measured along the portion thereof fronting on the road to be improved, shall be one unit;
- (3) Each business occupancy one hundred feet in length or more, as measured along the portion thereof fronting on the road to be improved, shall

be one unit per each one hundred feet of length or fraction thereof;

(4) Each building improvement not otherwise provided for herein, public or private, after deducting the total length of any and all portions thereof occupied by any units otherwise provided for herein, shall be one unit per each one hundred feet of length or fraction thereof, as measured along the portion of said building improvement fronting on the road to be improved.

Note: See also section 36.88.010, chapter 4, Laws of 1963.

SEC. 2. Section 36.88.015, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.015 are each amended to read as follows:

RCW 36.88.015 amended.

All counties shall have the power to create county road improvement districts for the construction, installation, improvement, operation and maintenance of street and road lighting systems for any county roads, and subject to the approval of the state highway commission, state highways, and for safeguards to protect the public from the hazards of open canals, flumes, or ditches, and said counties shall have the power to levy and collect special assessments against the real property specially benefited thereby for the purpose of paying the whole or any part of the cost of such construction, installation or improvement together with the expense of furnishing electric energy, maintenance and operation: *Provided*, That no road improvement district shall be created for any such purpose under this chapter unless the property within the proposed district shall be so developed by the construction of permanent urban improvements that the average number of units as defined and allowed in section 1 of this amendatory act shall be at least six per one thousand feet of property fronting upon the roads within the area to be so improved: *And provided further*, That

Districts authorized—
Purposes—
Limitations.

Proviso.

Proviso.

said exception shall not apply to improvements for the purpose of protecting against open canal dangers.

Note: See also section 36.88.015, chapter 4, Laws of 1963.

RCW 36.88.030
amended.

SEC. 3. Section 36.88.030, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.030 are each amended to read as follows:

County road
improvement
districts.
Formation by
resolution of
intention—
Procedure.

In case the board of county commissioners shall desire to initiate the formation of a county road improvement district by resolution, it shall first pass a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, designating the number of the proposed road improvement district and describing the boundaries thereof, stating the estimated cost and expense of the improvement and the proportionate amount thereof which will be borne by the property within the proposed district, stating the average number of units as defined and allowed in section 1 of this amendatory act per one thousand feet of property fronting upon the portion of road to be improved, notifying the owners of property therein to appear at a meeting of the board at the time specified in such resolution, and directing the county road engineer to submit to the board at or prior to the date fixed for such hearing a diagram or print showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of land or other property, and also designating thereon all property which is being purchased under contract from the county. The resolution of intention shall be published in at least two consecutive issues of a newspaper of general circulation in such county, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the board of county commissioners.

Notice of the adoption of the resolution of intention shall be given each owner or reputed owner of any lot, tract or parcel of land or other property within the proposed improvement district by mailing said notice to the owner or reputed owner of the property as shown on the tax rolls of the county treasurer at the address shown thereon at least fifteen days before the date fixed for the public hearing. The notice shall refer to the resolution of intention and designate the proposed improvement district by number. Said notice shall also set forth the nature of the proposed improvement, the total estimated cost, the proportion of total cost to be borne by assessments, the estimated amount of the cost and expense of such improvement to be borne by the particular lot, tract or parcel, the date and place of the hearing before the board of county commissioners, and shall contain the directions hereinafter provided for voting upon the formation of the proposed improvement district.

The clerk of the board shall prepare and mail, together with the notice above referred to, a ballot for each owner or reputed owner of any lot, tract, or parcel of land within the proposed improvement district. This ballot shall contain the following proposition:

“Shall county road improvement district No. be formed?

Yes

No

and, in addition, shall contain appropriate spaces for the signatures of the property owners, and a description of their property, and shall have printed thereon the direction that all ballots must be signed to be valid and must be returned to the clerk of the board of county commissioners not later than five o'clock p.m. of a day which shall be one week after the date of the public hearing.

The notice of adoption of the resolution of in-

tention shall also contain the above directions, and, in addition thereto, shall state the rules by which the election shall be governed.

Note: See also section 36.88.030, chapter 4, Laws of 1963.

RCW 36.88.060
amended.

SEC. 4. Section 36.88.060, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.060 are each amended to read as follows:

County road
improvement
districts.
Formation—
Hearing—
Resolution
creating
district.

Whether the improvement is initiated by petition or resolution the board shall conduct a public hearing at the time and place designated in the notice to property owners. At this hearing, the board may make such changes in the boundaries of the district or such modifications in the plans for the proposed improvement as shall be deemed necessary: *Provided*, That the board may neither so alter the improvement as to increase the estimated cost by an amount greater than ten percent above that stated in the notice, nor increase the proportionate share of the cost to be borne by assessments from the proportion stated in the notice, nor change the boundaries of the district to include property not previously included therein without first passing a new resolution of intention and giving a new notice to property owners, in the manner and form and within the time herein provided for the original notice.

At said hearing, the board shall select the method of assessment, ascertain whether the plan of improvement or construction is feasible and whether the benefits to be derived therefrom by the property within the proposed district, together with the amount of any county road fund participation, exceed the costs and expense of the formation of the proposed district and the contemplated construction or improvement and shall make a written finding thereon. In case the proceedings have been initiated by petition, the board shall find whether the petition including all additions thereto or withdrawals therefrom made prior to five o'clock p.m. of the day before

the hearing is sufficient within the boundaries of the district so established at said hearing by the board. If said petition shall be found insufficient the board shall by resolution declare the proceedings terminated. In case the proceedings have been initiated by resolution if the board shall find the improvement to be feasible, it shall continue the hearing until a day not more than fifteen days after the date for returning ballots for the purpose of determining the results of said balloting.

After the hearing the board may proceed to adopt a resolution creating the district and ordering the improvement. Such resolution shall establish such district as the "..... county road improvement district No." Such resolution shall describe the nature and territorial extent of the improvement to be made and the boundaries of the improvement district, shall describe the method of assessment to be used, shall declare the estimated cost and the proportion thereof to be borne by assessments, and shall contain a finding as to the result of the balloting by property owners in case the improvement shall have been initiated by resolution.

Upon the adoption of the resolution establishing the district, the board shall have jurisdiction to proceed with the improvement. The board's findings on the sufficiency of petitions or on the results of the balloting shall be conclusive upon all persons.

Note: See also section 36.88.060, chapter 4, Laws of 1963.

SEC. 5. Section 36.88.080, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.080 are each amended to read as follows:

RCW 36.88.080 amended.

Every resolution ordering any improvement mentioned in this chapter, payment for which shall be in whole or in part by special assessments shall establish a road improvement district which shall embrace as near as may be all the property specially benefited by such improvement and the board shall apply

Property included in district—
Method of assessment—
Limitation.

thereto such method of assessment as shall be deemed most practical and equitable under the conditions prevailing: *Provided*, That no assessment as determined by the board of commissioners shall be levied which shall be greater than the special benefits derived from the improvements.

Proviso.

Note: See also section 36.88.080, chapter 4, Laws of 1963.

RCW 36.88.370 amended.

SEC. 6. Section 36.88.370, chapter [4], (Senate Bill No. 47), Laws of 1963 and RCW 36.88.370 are each amended to read as follows:

County road improvement districts. Signatures on petitions, ballots, objections—Sufficiency.

Wherever herein petitions, ballots or objections are required to be signed by the owners of property, the following rules shall govern the sufficiency thereof: (1) The signature of the record owner as determined by the records of the county auditor shall be sufficient without the signature of his or her spouse; (2) in the case of mortgaged property, the signature of the mortgagor shall be sufficient; (3) in the case of property purchased on contract the signature of the contract purchaser shall be deemed sufficient; (4) any officer of a corporation owning land in the district duly authorized to execute deeds or encumbrances on behalf of the corporation may sign on behalf of such corporation: *Provided*, That there shall be attached to the ballot or petition a certified excerpt from the bylaws showing such authority; (5) if any property in the district stands in the name of a deceased person or any person for whom a guardian has been appointed, the signature of the executor, administrator or guardian as the case may be shall be equivalent to the signature of the owner of the property.

NOTE: See also section 36.88.370, chapter 4, Laws of 1963.

Passed the House February 23, 1963.

Passed the Senate March 10, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 85.

[H. B. 263.]

MOTOR VEHICLES—LICENSES—APPLICATIONS—FEES.

AN ACT relating to vehicles and the licensing thereof; amending section 46.08.100, chapter 12, Laws of 1961 and RCW 46.08.100.

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

SECTION 1. Section 46.08.100, chapter 12, Laws of 1961 and RCW 46.08.100 are each amended to read as follows:

RCW 46.08.100 amended.

The county auditor, if appointed by the director, 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.

Motor vehicle licensing—
County auditor, others, as agent of director—
Application fee.

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 or 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 fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, 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 col-

Proviso.

lected 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 state patrol highway account. 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 motor vehicle fund.

Passed the House February 12, 1963.

Passed the Senate March 8, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 86.

[H. B. 488.]

INSURANCE, GROUP LIFE—TRUSTEE GROUPS.

AN ACT relating to insurance; and amending section .24.07, chapter 79, Laws of 1947 as last amended by section 9, chapter 225, Laws of 1959 and RCW 48.24.070.

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

RCW 48.24.070 amended.

SECTION 1. Section .24.07, chapter 79, Laws of 1947 as last amended by section 9, chapter 225, Laws of 1959 and RCW 48.24.070 are each amended to read as follows:

Group life insurance—Trustee groups.

The lives of a group of individuals may be insured under a policy issued to the trustees of a fund established by two or more employers in the same industry, or by two or more employer members of an employers' association, or by one or more labor unions, or by one or more employers in the same industry and one or more labor unions, or by one or more employers and one or more labor unions whose members are in the same or related occupations or trades, which trustees shall be deemed the policyholder, to insure employees or members for the benefit of persons other than the employers or the unions, subject to the following requirements:

(1) If the policy is issued to two or more employer members of an employers' association, such policy may be issued only if (a) the association has been in existence for at least five years and was formed for purposes other than obtaining insurance and (b) the participating employers, meaning such employer members whose employees are to be insured, constitute at date of issue at least fifty percent of the total employers eligible to participate, unless the number of persons covered at date of issue exceeds six hundred, in which event such participating employers must constitute at least twenty-five percent of such total employers in either case omitting from consideration any employer whose employees are already covered for group life insurance.

(2) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include the individual proprietor or partners if an employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are connected with such trusteeship. The policy may provide that the term "employees" shall include retired employees.

(3) The premium for the policy shall be paid by the trustees wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or, partly from such funds and partly from funds contributed by the insured persons. A policy on which part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance may be placed in force only if at least seventy-five percent of the then eligible persons, excluding any as to

whom evidence of insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(4) The policy must cover at least fifty persons at date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or unions.

Passed the House March 4, 1963.

Passed the Senate March 8, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 87.

[H. B. 335.]

INSURANCE, DISABILITY—CHIROPODISTS' SERVICES.

AN ACT relating to benefits under disability insurance contracts when medical or surgical services are performed by licensed chiropractors; and adding new sections to chapter 79, Laws of 1947 and to chapters 48.20 and 48.21 RCW.

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

New section.

SECTION 1. There is added to chapter 79, Laws of 1947 and to chapter 48.20 RCW a new section to read as follows:

Disability insurance—
Chiropractors' services included.

Notwithstanding any provision of any disability insurance contract, benefits shall not be denied thereunder for any medical or surgical service performed by a holder of a license issued pursuant to chapter 18.22 RCW provided that (1) the service performed was within the lawful scope of such person's license,

and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW.

SEC. 2. There is added to chapter 79, Laws of 1947 and to chapter 48.21 RCW a new section to read as follows: New section.

Notwithstanding any provision of any group disability insurance contract or blanket disability insurance contract, benefits shall not be denied thereunder for any medical or surgical service performed by a holder of a license issued pursuant to chapter 18.22 RCW provided that (1) the service performed was within the lawful scope of such person's license, and (2) such contract would have provided benefits if such service had been performed by a holder of a license issued pursuant to chapter 18.71 RCW. Group disability insurance—
Chiropractors' services included.

SEC. 3. This act shall apply to all contracts issued on or after the effective date of this act. Applicability.

Passed the House February 23, 1963.

Passed the Senate March 9, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 88.

[H. B. 135.]

TAXES, PROPERTY—DELINQUENCY PROCEEDINGS.

AN ACT relating to revenue and taxation; amending section 84.64.060, chapter 15, Laws of 1961, and RCW 84.64.060; and amending section 84.64.070, chapter 15, Laws of 1961, and RCW 84.64.070.

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

SECTION 1. Section 84.64.060, chapter 15, Laws of 1961, and RCW 84.64.060 are each amended to read as follows: RCW 84.64.060 amended.

Any person owning an interest in lands or lots upon which judgment is prayed, as provided in this

Property tax
certificate of
delinquency.
Payment by
interested per-
son before
deed.

chapter, may in person or by agent pay the taxes, interest and costs due thereon to the county treasurer of the county in which the same are situated, at any time before the day of the sale; and for the amount so paid he shall have a lien on the property liable for taxes, interest and costs for which judgment is prayed; and the person or authority who shall collect or receive the same shall give a receipt for such payment, or issue to such person a certificate showing such payment.

RCW 84.64.070
amended.

SEC. 2. Section 84.64.070, chapter 15, Laws of 1961, and RCW 84.64.070 are each amended to read as follows:

Redemption
before deed—
Minors and
insane

Real property upon which certificates of delinquency have been issued under the provisions of this chapter, may be redeemed at any time before the day of the sale, by payment, in legal money of the United States, to the county treasurer of the proper county, for the benefit of the owner of the certificate of delinquency against said property, of the amount for which the certificate of delinquency was sold, together with interest at the statutory rate per annum charged on delinquent general real and personal property taxes from date of issuance of said certificate of delinquency until paid. The person redeeming such property shall also pay the amount of all taxes, interest and costs accruing after the issuance of such certificate of delinquency, and paid by the holder of said certificate of delinquency or his assignee, together with interest at the statutory rate per annum charged on delinquent general real and personal property taxes on such payment from the day the same was made. No fee shall be charged for any redemption. Tenants in common or joint tenants shall be allowed to redeem their individual interest in real property for which certificates of delinquency have been issued under the provisions of this chapter, in the manner and under the terms specified in

this section for the redemption of real property other than that of insane persons and minor heirs. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject, however, to the right of the person making the same to be reimbursed by the person benefited. If the real property of any minor, or any insane person, be sold for nonpayment of taxes, the same may be redeemed at any time within three years after the issuance of the tax deed upon the terms specified in this section, on the payment of interest at the statutory rate per annum charged on delinquent general real and personal property taxes on the amount for which the same was sold, from and after the date of sale, and in addition the redemptioner shall pay the reasonable value of all improvements made in good faith on the property, less the value of the use thereof, which redemption may be made by themselves or by any person in their behalf.

Passed the House February 28, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 89.

[H. B. 257.]

INSTITUTIONS OF HIGHER LEARNING—FEES, REFUNDS.

AN ACT relating to state institutions of higher learning; adding a new section to chapter 28.76 RCW; and repealing section 5, chapter 66, Laws of 1915, as last amended by section 4, chapter 139, Laws of 1921 and RCW 28.77.060, and section 3, chapter 164, Laws of 1921 and RCW 28.80.050.

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

SECTION 1. There is added to chapter 28.76 RCW New section.
a new section to read as follows:

The boards of regents of the University of Wash-

Refund of
fees at
institutions of
higher
learning.

ington and Washington State University and the boards of trustees of the state colleges may refund in full general tuition fees and incidental fees if the student withdraws from the university or college prior to the sixth day of instruction of the quarter or semester for which said fees have been paid. If the student withdraws on or after the sixth day of instruction, said boards of regents and trustees may refund up to one-half of said fees, provided such withdrawal occurs within the first thirty calendar days following the beginning of instruction. Said boards of regents and trustees may extend the refund period for students called into the military service of the United States.

Said boards of regents and trustees may refund other fees pursuant to such rules as they may prescribe.

Repeal.

SEC. 2. Section 5, chapter 66, Laws of 1915 as last amended by section 4, chapter 139, Laws of 1921 and RCW 28.77.060, and section 3, chapter 164, Laws of 1921 and RCW 28.80.050 are each repealed.

Passed the House February 21, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 90.

[H. B. 28.]

FLOOD CONTROL—TRANSFER TO COUNTIES OF STATE LANDS.

AN ACT relating to flood control; providing for the transfer to counties of the state's interest in certain lands; adding a new section to chapter 66, Laws of 1907, and to chapter 86.12 RCW.

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

SECTION 1. There is added to chapter 66, Laws of 1907, and to chapter 86.12 RCW a new section to read as follows:

New section.

Whenever a county of this state, acting pursuant to RCW 86.12.010 through 86.12.033, shall make an improvement in connection with the course, channel or flow of a navigable river, thereby causing it to abandon its existing channel, bed, bank or banks for the entire distance covered by said improvement, or for any part or portion thereof, or by said improvement shall prevent a river from resuming at a future time an ancient or abandoned channel or bed, or shall construct improvements intended so to do, all the right, title and interest of the state of Washington in and to said abandoned channel or channels, bed or beds, bank or banks, up to and including the line of ordinary high water, shall be and the same is hereby given, granted and conveyed to the county making such improvement: *Provided, however,* That any such gift, grant or conveyance shall be subject to any right, easement or interest heretofore given, granted or conveyed to any agency of the state.

Flood control improvements entitle county to abandoned beds and banks.

Proviso.

Passed the House February 21, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 91.

[H. B. 72.]

RETIREMENT OF PERSONNEL IN CERTAIN
FIRST CLASS CITIES.

AN ACT relating to public employees retirement; amending section 2, chapter 207, Laws of 1939, and RCW 41.28.010; amending section 16, chapter 207, Laws of 1939 as amended by section 2, chapter 260, Laws of 1961, and RCW 41.28.150; and amending section 18, chapter 207, Laws of 1939, and RCW 41.28.170.

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

RCW 41.28.010 amended.

SECTION 1. Section 2, chapter 207, Laws of 1939, and RCW 41.28.010 are each amended to read as follows:

First class city employee retirement. Definitions.

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Retirement system" shall mean "employees' retirement system", provided for in RCW 41.28.020.

(2) "Employee" shall mean any regularly appointed officer or regularly appointed employee of a first class city as described in RCW 41.28.005, whose compensation in such employment is paid wholly by that city.

(3) "Member" shall mean any person included in the membership of the retirement system as provided in RCW 41.28.030.

(4) "City" shall mean any city of the first class as described in RCW 41.28.005.

(5) "Board" shall mean "board of administration" as provided in RCW 41.28.080.

(6) "Retirement fund" shall mean "employees' retirement fund" as created and established in RCW 41.28.070.

(7) "City service" shall mean service rendered to city for compensation, and for the purpose of this

chapter, a member shall be considered as being in city service only while he is receiving compensation from the city for such service.

(8) "Prior service" shall mean the service of a member for compensation rendered to the city prior to July 1, 1939, and shall also include military or naval service of a member to the extent specified in RCW 41.28.050.

(9) "Continuous service" shall mean uninterrupted employment by that city, except that discontinuance of city service of a member caused by layoff, leave of absence, suspension, or dismissal, followed by reentrance into city service within one year, shall not count as a break in the continuity of service: *Provided*, That for the purpose of establishing membership in the retirement system continuous service shall mean six months' service in any one year.

(10) "Beneficiary" shall mean any person in receipt of a pension, annuity, retirement allowance, disability allowance, or any other benefit provided in this chapter.

(11) "Compensation" shall mean the compensation payable in cash, plus the monetary value, as determined by the board of administration, of any allowance in lieu thereof, but such compensation shall not exceed four hundred dollars per month.

(12) "Compensation earnable" by a member shall mean the average compensation as determined by the board of administration upon the basis of the average period of employment of members in the same group or class of employment and at the same rate of pay, but such "compensation earnable" shall not exceed five hundred dollars per month.

(13) "Final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive five-year period of service for which service credit is allowed.

First class city
employee
retirement.
Definitions.

(14) "Normal contributions" shall mean contributions at the rate provided for in RCW 41.28.040(1).

(15) "Additional contributions" shall mean the contributions provided for in RCW 41.28.040(4).

(16) "Regular interest", unless changed by the board of administration as provided in RCW 41.28-.060, shall mean interest at four percent per annum, compounded annually.

(17) "Accumulated normal contribution" shall mean the sum of all normal contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

(18) "Accumulated additional contributions" shall mean the sum of all the additional contributions, deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon.

(19) "Accumulated contributions" shall mean accumulated normal contributions plus accumulated additional contributions.

(20) "Pension" shall mean payments derived from contributions made by the city as provided for in RCW 41.28.130 and 41.28.150.

(21) "Annuity" shall mean payments derived from contributions made by a member as provided in RCW 41.28.130 and 41.28.150.

(22) "Retirement allowance" shall mean the pension plus the annuity.

(23) "Fiscal year" shall mean any year commencing with January 1st, and ending with December 31st, next following.

(24) "Creditable service" shall mean such service as is evidenced by the record of normal contributions received from the employee plus prior service if credit for same is still intact or not lost through withdrawal of accumulated normal contributions as provided in RCW 41.28.110.

SEC. 2. Section 16, chapter 207, Laws of 1939 as amended by section 2, chapter 260, Laws of 1961, and RCW 41.28.150 are each amended to read as follows:

RCW 41.28.150 amended.

(1) Upon retirement for disability, as hereinabove provided: *Provided*, The disability is not due to intemperance, wilful misconduct or violation of law, of which the board shall be the judge, a member shall receive a retirement allowance which shall consist of:

Disability retirement allowances—
Grounds for denial.

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement.

(b) A pension purchased by the contributions of the city, which, together with his annuity provided by his accumulated normal contributions, shall make the retirement allowance, exclusive of the annuity provided by his additional contributions equal to (i) one and one-fourth percent of his final compensation multiplied by the number of years of service which would be creditable to him were his services to continue until attainment by him of age sixty-two. The minimum disability retirement allowance shall be nine hundred sixty dollars per year.

(2) If disability is due to intemperance, wilful misconduct or violation of law on the part of the member, the board of administration in its discretion may pay to said member in one lump sum, his accumulated contributions, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member, and upon receipt of such payment he shall cease to be a member of the retirement system.

(3) Upon the death of a member while in receipt of a disability retirement allowance, his accumulated contributions, as they were at the date of his retirement, less any annuity payments made to him, shall be paid to his estate, or to such persons having

an insurable interest in his life as he shall have nominated by written designation duly executed and filed with the board.

RCW 41.28.170 amended.

SEC. 3. Section 18, chapter 207, Laws of 1939, and RCW 41.28.170 are each amended to read as follows:

First class city employee retirement. Optional allowances.

(1) A member may elect to receive, in lieu of the retirement allowance provided for in RCW 41.28.130, its actuarial equivalent in the form of a lesser retirement allowance, payable in accordance with the terms and conditions of one of the options set forth below in this section. Election of any option must be made by written application filed with the board of administration at least thirty days in advance of retirement as provided in RCW 41.28.120, and shall not be effective unless approved by the board prior to retirement of the member.

Proviso.

(2) Upon receipt by the board of any application requesting a lesser retirement allowance under option C, option D, or option E set forth below in this section, the applicant shall be examined by a physician or surgeon appointed by the board, and such application shall not be approved by the board unless such examination shall show that the applicant is then in good health and has a normal expectancy of life: *Provided, however,* That such examination shall not be required if the application is made at least one year before the payment of the lesser retirement allowance is to commence. Revocation of the election of the lesser retirement allowance may be made by the member by written notice to the board at any time prior to retirement.

Proviso.

Option A. The lesser retirement allowance shall be payable to the member throughout his life: *Provided,* That if he die before he receive in annuity payments referred to in RCW 41.28.130(1), (a), a total amount equal to the amount of his accumulated contributions as it was at the date of his retirement,

the balance of such accumulated contributions shall be paid in one sum to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option B. The lesser retirement allowance shall be payable to a member throughout his life: *Provided*, That if he die before he receive in annuity payments referred to in RCW 41.28.130(1), (a), a total amount equal to the amount of his accumulated contributions as it was at the date of his retirement, the said annuity payments resulting from his accumulated contributions shall be continued and paid to his estate or such person, having an insurable interest in his life, as he shall nominate by written designation duly executed and filed with the board until the total amount of annuity payments shall equal the amount of his accumulated contributions as it was at the date of his retirement. Proviso.

Option C. The member shall elect a "guaranteed period" of any number of years. If he dies before the lesser retirement allowance has been paid to him for the number of years elected by him as the "guaranteed period", the lesser retirement allowance shall be continued to the end of the "guaranteed period", and during such continuation shall be paid to his estate or to such person having an insurable interest in his life as he shall nominate by written designation duly executed and filed with the board.

Option D. The lesser retirement allowance shall be payable to the member throughout life, and after the death of the member, one-half of the lesser retirement allowance shall be continued throughout the life of and paid to the wife or husband of the member.

Option E. The lesser retirement allowance shall be payable to the member throughout life, and after death of the member it shall be continued through-

out the life of and paid to the wife or husband of the member.

Passed the House March 5, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 92.

[H. B. 105.]

LOCAL GOVERNMENT PURCHASING BY
CONDITIONAL SALES CONTRACTS.

AN ACT relating to purchasing by cities, towns, metropolitan park districts, counties and library districts; and amending section 1, chapter 158, Laws of 1961 and RCW 39.30.010.

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

RCW 39.30.010 amended.

SECTION 1. Section 1, chapter 158, Laws of 1961 and RCW 39.30.010 are each amended to read as follows:

Executory conditional sales contracts for park, library, purposes—Limit on indebtedness—Election, when.

Any city or town or metropolitan park district or county or library district may execute an executory conditional sales contract with a county or counties, the state or any of its political subdivisions, the government of the United States, or any private party for the purchase of any real or personal property, or property rights in connection with the exercise of any powers or duties which they now or hereafter are authorized to exercise, if the entire amount of the purchase price specified in such contract does not result in a total indebtedness in excess of one and one-half percent of the taxable property in such city or town or metropolitan park district or county or library district: *Provided*, That if such a proposed contract would result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town or metropolitan park district or county or library district, as the case may be,

Proviso.

a proposition in regard to whether or not such a contract may be executed shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters: *Provided further*, That any city or town or metropolitan park district or county or library district may jointly execute contracts authorized by this section, if the entire amount of the purchase price does not result in a joint total indebtedness in excess of one and one-half percent of the taxable property in such city or town or metropolitan park district or county or library district. Proviso.

Passed the House February 14, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 93.

[H. B. 119.]

PUBLIC WORKS—APPRENTICES—PREVAILING WAGE.

AN ACT relating to the prevailing wage on public works; and adding a new section to chapter 63, Laws of 1945, and to chapter 39.12 RCW.

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

SECTION 1. There is added to chapter 63, Laws of 1945, and to chapter 39.12 RCW a new section to read as follows: New section.

Apprentice workmen employed upon public works projects for whom an apprenticeship agreement has been registered and approved with the state apprenticeship council pursuant to chapter 49.04 RCW, must be paid at least the prevailing hourly rate for an apprentice of that trade. Any workman for whom an apprenticeship agreement has not been registered and approved by the state ap- Apprentices on public works projects —Prevailing wage.

prenticeship council shall be considered to be a fully qualified journeyman, and, therefore, shall be paid at the prevailing hourly rate for journeymen.

Passed the House February 19, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 94.

[H. B. 139.]

PROPERTY TAXES—TREASURER'S DUTY ON RECEIVING ROLLS—NOTICE OF TAXES DUE.

AN ACT relating to treasurer's duties on receiving rolls and providing notice of taxes due; and amending section 84.56-.050, chapter 15, Laws of 1961, and RCW 84.56.050.

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

RCW 84.56.050 amended.

SECTION 1. Section 84.56.050, chapter 15, Laws of 1961, and RCW 84.56.050 are each amended to read as follows:

Property tax collection—Treasurer's duties on receiving rolls—Notice of taxes due.

On receiving the tax rolls the treasurer shall post all real and personal property taxes from said rolls to the treasurer's tax segregation register, and shall carry forward to the current tax rolls, or if he so elects to a separate card or other record of delinquencies, a memorandum of all delinquent taxes on each and every description of property, and enter the same opposite or under the property upon which the said taxes are delinquent, in a space provided for that purpose, showing the amounts for each year. The treasurer shall notify each taxpayer in his county, at the expense of the county, of the amount of his real and personal property, and the total amount of tax due on the same; and the treasurer shall either have printed on said notice the name of each tax and the levy made on the same, or shall during the month of February publish once in a newspaper hav-

ing general circulation in the county a listing of the levies made in the respective taxing districts and shall upon request furnish such a listing to anyone requesting the same; and the county treasurer shall be the sole collector of all delinquent taxes and all other taxes due and collectible on the tax rolls of the county: *Provided*, That the term "taxpayer" as used in this section shall mean any person charged, or whose property is charged, with property tax; and the person to be notified is that person whose name appears on the tax roll herein mentioned: *Provided, further*, That if no name so appears the person to be notified is that person shown by the treasurer's tax rolls or duplicate tax receipts of any preceding year as the payer of the tax last paid on the property in question.

Passed the House February 7, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 95.

[H. B. 141.]

CITY FIREMEN, CITY POLICE, SHERIFF'S OFFICE— CIVIL SERVICE QUALIFICATIONS.

AN ACT relating to civil service in cities, towns and counties; amending section 7, chapter 31, Laws of 1935 and RCW 41.08.070; amending section 7, chapter 13, Laws of 1937 and RCW 41.12.070; and amending section 10, chapter 1, Laws of 1959 and RCW 41.14.100.

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

SECTION 1. Section 7, chapter 31, Laws of 1935 and RCW 41.08.070 are each amended to read as follows:

RCW 41.08.070
amended.

An applicant for a position of any kind under civil service must be a citizen of the United States

Civil service—
Qualifications
of applicants.
City firemen.

of America who can read and write the English language. The commission may prescribe residence requirements for anyone appointed under this act.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

RCW 41.12.070
amended.

SEC. 2. Section 7, chapter 13, Laws of 1937 and RCW 41.12.070 are each amended to read as follows:

City police.

An applicant for a position of any kind under civil service, must be a citizen of the United States of America who can read and write the English language. The commission may prescribe residence requirements for any one appointed under this act.

An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

RCW 41.14.100
amended.

SEC. 3. Section 10, chapter 1, Laws of 1959 and RCW 41.14.100 are each amended to read as follows:

Sheriff's office
employees.

An applicant for a position of any kind under civil service, must be a citizen of the United States who can read and write the English language.

Passed the House March 12, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 96.

[H. B. 158.]

DRAINAGE AND DIKING DISTRICTS—ADDITIONAL
POWERS.

AN ACT relating to drainage and diking districts; and adding a new section to chapter 102, Laws of 1935, and to chapter 85.07 RCW.

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

SECTION 1. There is added to chapter 102, Laws of 1935, and to chapter 85.07 RCW a new section to read as follows:

The commissioners of any drainage or diking district shall have power, on behalf of the district, to acquire, place, repair and maintain, dikes and dams, ditches, drains and outlets therefor, together with right of way therefor and access thereto, or obtain rights therein or full or joint use and maintenance thereof, when deemed by them necessary or beneficial for the protection of the district's system or its improvements, by eminent domain, purchase, or contract, with the owners or other districts through their commissioners, or other entities or persons together with power to contract by and with other districts or entities with reference to such matters and their performance.

New section.

Diking, drainage districts—
Additional powers.

The provisions of this act shall be construed as cumulative and shall not derogate from any other powers authorized by law for such districts.

Passed the House February 14, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 97.

[H. B. 210.]

COMMERCIAL WATERWAY DISTRICTS—ACQUISITION BY PORT DISTRICTS.

AN ACT relating to commercial waterway districts; authorizing port districts in class AA counties to acquire ownership of the assets of commercial waterway districts, and to assume the indebtedness and liabilities of commercial waterway districts.

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

Acquisition of waterway districts by port districts in class AA counties. Initial determination.

SECTION 1. The port commissioners in any class AA county in which there is a commercial waterway district may at any time upon request of such commercial waterway district examine the books, records and properties of the commercial waterway district to make a determination of the financial condition of the district and thereafter shall make a determination whether or not the financial condition of the commercial waterway district is such that the port district is willing to assume all of the assets, liabilities and functions of the commercial waterway district.

Procedure upon determination to acquire—Rights and obligations.

SEC. 2. Whenever a commercial waterway district in any class AA county determines it to be to their best interest to have their assets, liabilities and functions transferred to a port district in such county and the port district is willing to assume the same:

- (1) The port district (a) shall immediately give written notice to the board of commissioners of the commercial waterway district; (b) shall immediately file a notice with the county auditor; (c) shall immediately give written notice to all known creditors of the commercial waterway district by certified mail; (d) shall immediately cause to be published in a legal newspaper in the county notice of such transfer and if within ten days from the publication

thereof there is no demand in writing for a public hearing thereon filed with the port district by an interested person such right shall be deemed waived; if such a demand for public hearing is made the port commission shall hold the same within ten days from the date of demand and upon notice to the person or persons so demanding; after giving said interested parties a chance to be heard the port district shall announce its decision;

(2) If the board reaches an affirmative decision under subsection (1) above within thirty days after said notice is filed with the county auditor, the commercial waterway district shall be dissolved; and the port district shall then possess all the rights, privileges and franchises possessed by the commercial waterway district.

(3) All the real and personal property of the commercial waterway district, and all debts and assessments due on whatever account to the commercial waterway district, shall then be taken and deemed to be transferred to the port district without further act or deed: *Provided*, That any assets Proviso. so acquired by the port district, whether in real or personal property, may thereafter be used only for the development of that part of the port district within the geographical limits of the former commercial waterway district. The waterway district commissioners shall forthwith deliver the assets of the district to the port district.

(4) The port district shall be responsible for all the liabilities and obligations of the commercial waterway district, as if it had itself incurred such liabilities or obligations; but the liabilities of the commissioners of the commercial waterway district shall not be affected, nor shall the rights of the creditors of the commercial waterway district, and any claim existing or action or proceeding pending by or against the commercial waterway district may

be prosecuted to judgment as if a dissolution had not taken place, or the port district may be added as an additional party or substituted in its place.

Passed the House March 5, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 98.

[H. B. 247.]

FOREST PRODUCTS—MARKS AND BRANDS—FEES.

AN ACT relating to fees for marks and brands for forest products; and repealing section 8, chapter 154, Laws of 1925 extraordinary session, and RCW 76.36.080.

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

Repeal.

SECTION 1. Section 8, chapter 154, Laws of 1925 extraordinary session, and RCW 76.36.080 are each repealed.

Passed the House February 12, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 99.

[H. B. 248.]

PUBLIC LANDS—GRAZING RANGES—IMPROVEMENT CONTRACTS.

AN ACT relating to grazing ranges; and amending section 1, chapter 324, Laws of 1955, and RCW 79.28.070.

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

RCW 79.28.070 amended.

SECTION 1. Section 1, chapter 324, Laws of 1955 and RCW 79.28.070 are each amended to read as follows:

The department of natural resources is hereby authorized on behalf of the state of Washington to enter into cooperative agreements with any person as defined in RCW 1.16.080 for the improvement of the state's grazing ranges by the clearing of debris, maintenance of trails and water holes and other requirements for the general improvement of the grazing ranges.

Improvement
of public graz-
ing ranges—
Agreements.

Passed the House February 19, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 100.

[H. B. 249.]

DEPARTMENT OF NATURAL RESOURCES— REPRESENTATIVES MAY ENTER UPON LANDS.

AN ACT relating to forests and forest protection and authorizing entry upon lands or waters in the state by designated officials to carry out certain laws relating thereto; providing that such entry shall not constitute trespass; and adding a new section to chapter 76.01 RCW.

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

SECTION 1. There is added to chapter 76.01 RCW a new section to read as follows: New section.

Any authorized representatives of the department of natural resources may, in the course of their inspection and enforcement duties as provided for in chapter 76.04, 76.06, 76.08, 76.16, 76.36 and 76.40 RCW, enter upon any lands except the dwelling house or appurtenant buildings or waters in this state and remain thereon while performing such duties, and such action by such persons shall not constitute trespass: *Provided however,* That nothing contained herein shall limit or diminish any liability which would otherwise exist as a result of

Right of entry
of natural
resources
personnel.

Proviso.

the acts or omissions of said department or its representatives.

Passed the House February 21, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 101.

[H. B. 297.]

FIRE PROTECTION DISTRICTS—GROUP INSURANCE.

AN ACT relating to fire protection districts; authorizing group insurance for fire protection district personnel; and amending section 20, chapter 34, Laws of 1939 as last amended by section 2, chapter 237, Laws of 1959 and RCW 52.08.030.

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

RCW 52.08.030 amended.

SECTION 1. Section 20, chapter 34, Laws of 1939 as last amended by section 2, chapter 237, Laws of 1959 and RCW 52.08.030 are each amended to read as follows:

Fire protection districts. Specific powers—Joint operations.

Any fire protection district organized under this act shall have authority:

(1) To lease, own, maintain, operate and provide fire engines and all other necessary or proper apparatus, facilities, machinery and equipment for the prevention and extinguishment of fires, and protection of life and property;

(2) To lease, own, maintain and operate real property, improvements and fixtures thereon suitable and convenient for housing, repairing and caring for fire fighting equipment;

(3) To enter into contract with any incorporated city or town whereby such city or town shall furnish fire prevention and fire extinguishment service to the districts and the inhabitants thereof under the provisions of this act upon such terms as the board of directors of the district shall determine. To

contract with another county fire protection district, or with any town, city or municipal corporation or governmental agency or private person or persons to consolidate or cooperate for mutual fire fighting protection and prevention purposes. Any city, town, municipal corporation or governmental agency may contract with a county fire protection district established and maintained under the provisions of this act for the purpose of affording such district fire fighting and protection equipment and service or fire prevention facilities, and in so contracting the district, city, town, municipal corporation or other governmental agency shall be deemed for all purposes to act within its governmental capacity. Any county fire protection district established and maintained under the provisions of this act, or any city, town, municipal corporation or other governmental agency is hereby authorized to contract with any person, firm or corporation for the purpose of affording fire fighting, protection or fire prevention facilities to such person, firm or corporation and such contractual relation shall be deemed for all purposes to be within the governmental power of such rural fire protection district, city, town, municipal corporation or other governmental agency;

(4) Fire protection districts situated in different counties may contract to operate jointly in carrying out the objects of their creation. Contracts for joint operation may provide for joint ownership of property and equipment, and may authorize a joint board of fire commissioners of the contracting districts to manage the affairs of the joint operations; to employ and discharge the necessary agents and employees and fix their respective wages and salaries; to provide and designate a suitable place in any county in which any of the contracting districts is situated, as a regular meeting place for the joint board; to incur the necessary expenses and direct

Fire protection districts. Specific powers—Joint operation.

the payment therefor from the funds of the contracting districts in such proportion as the joint boards shall determine; and to do all things as may in the judgment of the joint board be required to carry out the joint operations of the contracting districts.

The joint board shall consist of the members of the boards of the contracting districts and a majority of the membership of each district board shall constitute a quorum for the transaction of the business of the joint board. The members of the boards of fire commissioners of the contracting districts shall organize as a joint board annually in January after the second Monday thereof, elect a chairman and appoint a secretary for the ensuing year. Any member of the board of any contracting district may act as secretary of the joint board or the joint board may appoint such other person as the joint board may determine. The joint board shall prepare the annual budget for the joint operation of the contracting districts and shall determine the share of revenues for the joint operation to be raised by each district and the share of the expense of joint operation to be paid by each district in the ensuing year, and the secretary of the joint board shall certify and deliver within the time required by law, to the county auditor of each county involved, the part of the budget to be raised by the district in that county and the tax officials of that county shall levy and collect the tax, and the county treasurer shall pay vouchers drawn by the joint board on the funds of the district in that county upon warrants issued by the county auditor of that county.

Contracts for joint operation of fire districts, as herein authorized shall run from year to year and as of January 1st may be terminated by written notice of the board of fire commissioners of any contracting district to the other contracting district or districts on or before July 1st and the contract for

joint operations shall terminate on January 1st following: *Provided*, That all obligations of the joint operations must be paid or definitely arranged for before contract termination and no notice of termination shall relieve any contracting district of its unpaid obligation incurred under the contract for joint operation; Proviso.

(5) To encourage uniformity and coordination of fire protection district operation programs, the fire commissioners of two or more fire protection districts, may form an association thereof, for the purpose of securing data and information of value in fighting and in preventing fires; hold and attend meetings thereof; and promote more economical and efficient operation of the associated fire protection districts. The directors of fire protection districts so associated shall adopt articles of association, select a chairman and secretary, and such other officers as they may determine, and may employ and discharge such agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from fire protection district expense funds upon vouchers of the respective associated districts: *Provided*, That the aggregate contributions made to the association by any district in any calendar year shall not exceed one-tenth of one mill of the tax valuation of the district; Proviso.

(6) Two or more fire protection districts may contract with each other and such a district may contract with a city or county or the state supervisor of forestry or any association approved by him for the joint leasing, ownership, maintenance and operation of all necessary and proper apparatus, facilities, machinery, and equipment for the elimination of fire hazards and for the protection of life and property within the contracting districts, and of real property, improvements and fixtures thereon

Fire protection districts. Specific powers.

suitable and convenient for the housing, repairing, and caring for such apparatus, facilities, machinery, and equipment, and may contribute their agreed proportion of the cost and expense thereof:

Such contracts shall be executed by the commissioners of the contracting districts and, when the contract is between such districts, the terms and conditions thereof shall be carried out by the boards of commissioners acting jointly;

(7) To do all things and perform all acts not otherwise prohibited by law.

(8) May enter into contract to provide group life insurance for the benefit of the personnel of the fire districts, but not to exceed ten thousand dollars coverage per covered employee, and not more than fifty percent of the cost of such insurance shall be borne by the employer fire district.

Passed the House March 1, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 102.

[H. B. 319.]

PUBLIC HOSPITAL DISTRICTS—SURPLUS PROPERTY, DISPOSITION.

AN ACT relating to public hospital districts; and adding a new section to chapter 264, Laws of 1945 and to chapter 70.44 RCW.

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

New section.

SECTION 1. There is added to chapter 264, Laws of 1945 and to chapter 70.44 RCW a new section to read as follows:

Public hospital districts. Sale, lease of surplus property authorized.

The board of commissioners of any public hospital district may lease out or may sell and convey for cash, at public or private sale, surplus property

of the district if the board has determined by resolution adopted by unanimous vote of all members of the board that such property is not and will not be needed for the district's purposes, nor for operation of its public hospitals: *Provided*, That in leasing or selling real estate the board shall have obtained not more than one year prior to date of sale a written appraisal of the value of such real estate by at least two disinterested appraisers concurring in and signing the appraisal, who must be licensed under the laws of this state as real estate appraisers or as real estate brokers, and that the board shall have published a call for bids upon such real estate once a week for two successive weeks in a legal newspaper of general circulation in the district, and that the sale price received be not less than ninety percent of such appraised value of the real estate sold: *Provided further*, That if such appraised value of property proposed to be sold is more than one hundred thousand dollars then before making any sale thereof the question of making a sale of the property shall be submitted to the voters of the district at a general or special election and be determined by majority vote therein.

Passed the House February 19, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 103.

[Sub. H. B. 347.]

LIMITED ACCESS HIGHWAYS.

AN ACT relating to limited access highways; and amending sections 47.52.130, 47.52.140, 47.52.150, 47.52.160, and 47.52.190, chapter 13, Laws of 1961, and RCW 47.52.130, 47.52.140, 47.52.150, 47.52.160 and 47.52.190.

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

RCW 47.52.130 amended.

SECTION 1. Section 47.52.130, chapter 13, Laws of 1961, and RCW 47.52.130 are each amended to read as follows:

Limited access facility through city or town. Report—Conferences—Proposed plan, hearing, notice.

When the state highway commission is planning a limited access facility through a county or an incorporated city or town, the commission, or its staff, shall give careful consideration to available data as to the county or city's comprehensive plan, land use pattern, present and potential traffic volume of county roads and city streets crossing the proposed facility, origin and destination traffic surveys, existing utilities, the physical appearance the facility will present, and other pertinent surveys, and shall submit to the county and city officials for study a report showing how these factors have been taken into account and how the proposed plan for a limited access facility will serve public convenience and necessity, together with the locations and access and egress plans, and over and under crossings under consideration. Such report shall show the proposed approximate right of way limits and profile of the facility with relation to the existing grade and shall discuss in a general manner plans for landscaping treatment, fencing, and illumination and shall include sketches of typical roadway sections for the roadway itself and any necessary structures such as viaducts or bridges, subways or tunnels.

Conferences shall be held on the merits of this

state report and plans, recommended locations and the economic effects of the plan and any proposed modification or alternate proposal of the counties, cities or towns, in order to attempt to reach an agreement between the state highway commission and the county or city officials. As a result of the conference, the proposed plan, together with any modifications thereof, shall be prepared by the state highway commission and presented to the county or city for inspection and study. If the county and/or city are in full agreement with the proposed plan of the highway commission and shall indicate their concurrence in writing to the highway commission, such plan shall then become final. If the county and/or city are not in full agreement with the proposed plan and request within thirty days that a public hearing be held, the highway commission shall hold such public hearing within the county, city or town to determine the desirability of the plan proposed by the commission, at which hearing any county, city official or person may appear and be heard even though such official or person is not an abutting property owner. Notice of such hearing shall be given by publication once each week for two weeks, the date of first publication to be not less than fifteen days nor more than twenty days prior to such hearing in one or more newspapers of general circulation within the county, city or town. Such hearing shall be conducted in such a manner as to comply with the requirements of section 116(c) of the federal aid highway act of 1956 or any act supplemental thereto or amendatory thereof.

SEC. 2. Section 47.52.140, chapter 13, Laws of 1961 and RCW 47.52.140 are each amended to read as follows:

RCW 47.52.140
amended.

After said hearing has been held as provided in RCW 47.52.130, the commission shall adopt a plan with such modifications, if any, as the commission

—Adoption
of plan.

Limited access facility through city or town. Adoption of plan—Transmittal to mayor—Publication—Objections.

deems proper and necessary. A copy of such plan shall be transmitted to the county commissioners of the county affected and mayor of the city or town affected thereby, and the state highway commission shall cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such county, city or town beginning not less than ten days after the mailing of such plan. The county, city or town may, upon receipt of such plan, notify the state highway commission of its approval of such plan in writing, in which event such plan shall be final. Unless such plan shall be disapproved in writing filed with the state highway commission within thirty days after the mailing thereof to such mayor or county commissioner and if the county, city or town affected does not request in writing a hearing before a board of review, hereinafter referred to as the board, and file such request with the state highway commission within thirty days after mailing of such plan, such plan shall be final. Such request for hearing shall set forth the portions of the plan of the state highway commission to which the county, city or town objects, and shall include every issue to be considered by the board.

RCW 47.52.150 amended.

SEC. 3. Section 47.52.150, chapter 13, Laws of 1961 and RCW 47.52.150 are each amended to read as follows:

—Hearing. Board of review—Composition—Appointment.

Upon request for a hearing before the board by any county, city or town, a board consisting of five members shall be appointed as follows: The mayor or the county commissioners, as the case may be shall appoint two members of the board, of which one shall be a duly elected official of the city, county or legislative district, except that of the legislative body of the county, city or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the state highway commission

shall appoint two members of the board who shall not be members of such commission; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. In the case both the county and an included city or town request a hearing, the board shall consist of nine members appointed as follows: The mayor and the county commission shall each appoint two members from the elective officials of their respective jurisdictions and of the four thus selected no more than two thereof may be members of a legislative body of the county, city or town. The state highway commission shall appoint four members of the board who shall not be members of such commission. One member shall be selected by the members thus selected and such ninth member shall be a licensed civil engineer or a recognized city or town planner who shall be chairman of the board. Such boards as are provided by this section shall be appointed within thirty days after the next meeting of the state highway commission immediately following the receipt of such a request by the commission. In the event the state highway commission or a county, city or town shall not appoint members of the board or members thus appointed fail to appoint a fifth or ninth member of the board, as the case may be, either the state highway commission or the county, city or town may apply to the superior court of the county in which the county, city or town is situated to appoint the member or members of the board in accordance with the provisions of this chapter.

SEC. 4. Section 47.52.160, chapter 13, Laws of 1961 and RCW 47.52.160 are each amended to read as follows:

RCW 47.52.160
amended.

The board shall fix a reasonable time not more than thirty days after the date of their appointment

Limited access
facility
through city
or town.
~~—Hearing—~~
~~Evidence—~~
Determination.

and shall indicate the time and place for the hearing, and shall give notice thereof to the county, city or town and to the state highway commission. At the time and place fixed for the hearing, the state and the county, the city or town shall present all of their evidence with respect to the objections set forth in the request for the hearing before the board, and if either the state, the county or the city or town fails to do so, the board may determine the issues upon such evidence as may be presented to it at said hearing.

RCW 47.52.190
amended.

SEC. 5. Section 47.52.190, chapter 13, Laws of 1961 and RCW 47.52.190 are each amended to read as follows:

~~—Hearing—~~
Assistance—
Costs—
Reporter.

The board shall employ such assistance and clerical help as is necessary in the performance of its duties. The costs thereby incurred and incident to the conduct of the hearing, necessary expenses and fees, if any, of members of the board shall be borne equally by the county, city or town requesting the hearing and the state highway commission. When oral testimony is stenographically reported, the state highway commission shall provide a reporter at its expense.

Passed the House March 3, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 104.

[H. B. 349.]

SCHOOL DIRECTORS—GENERAL POWERS.

AN ACT relating to school districts; and amending section 2, chapter 68, Laws of 1955 as amended by section 1, chapter 66, Laws of 1961; section 1, chapter 237, Laws of 1961; section 1, chapter 305, Laws of 1961 as reenacted by section 1, chapter [5], Laws of 1963 (Senate Bill No. 48), and RCW 28.58.100.

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

SECTION 1. Section 2, chapter 68, Laws of 1955, as amended by section 1, chapter 66, Laws of 1961; section 1, chapter 237, Laws of 1961; section 1, chapter 305, Laws of 1961 as reenacted by section 1, chapter [5], Laws of 1963 (Senate Bill No. 48), and RCW 28.58.100 are each amended to read as follows:

RCW 28.58.100
amended.

Every board of directors, unless otherwise specially provided by law, shall:

School district
directors—
General
powers.

(1) Employ for not more than one year, and for sufficient cause discharge teachers, and fix, alter, allow and order paid their salaries and compensation;

(2) Enforce the rules and regulations prescribed by the superintendent of public instruction and the state board of education for the government of schools, pupils and teachers, and enforce the course of study lawfully prescribed for the schools of their districts;

(3) Rent, repair, furnish and insure schoolhouses and employ janitors, laborers and mechanics;

(4) Cause all schoolhouses to be properly heated, lighted and ventilated, and cause all school premises to be maintained in a cleanly and sanitary condition;

(5) Purchase personal property in the name of the district and receive, lease, issue and hold for their district real and personal property;

(6) Suspend or expel pupils from school who refuse to obey the rules thereof. This subsection shall

School district
directors—
General
powers.

be construed to include, but shall not be limited to, the right to suspend or expel pupils for the violation of reasonable rules relative to discipline or scholarship;

(7) Provide free textbooks and supplies to be loaned to the pupils of the school, when in its judgment the best interests of the district will be subserved thereby, prescribe rules and regulations to preserve such books and supplies from unnecessary damage and provide for the expenditure of a reasonable amount for suitable commencement exercises;

(8) Require all pupils to be furnished with such books as may have been adopted by the lawful authority of this state;

(9) Exclude from schools and school libraries all books, tracts, papers and other publications of immoral or pernicious tendency;

(10) Authorize schoolrooms to be used for summer or night schools, or for public, literary, scientific, religious, political, mechanical or agricultural meetings, under such regulations as the board of directors may adopt;

(11) Provide and pay for transportation of children to and from school whether such children live within or without the district when in its judgment the best interests of the district will be subserved thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse.

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

When commercial charter bus service is not reasonably available to a school district, the state board of education may authorize the use of school buses and drivers hired by the district for the transportation of school children and the school employees

necessary for their supervision to and from any school activities within or without the school district during or after school hours and whether or not a required school activity, so long as the school board has officially designated it as a school activity. The school board shall charge, for any extra-curricular uses, an amount sufficient to reimburse the district for its complete cost incurred by reason of such use.

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

If the transportation of children is arranged for by contract of the district with some person, the board may require such contractor to procure liability, property, collision or other insurance for the motor vehicle used in such transportation;

(12) Establish and maintain night schools whenever it is deemed advisable;

(13) Make arrangements for free instruction in lip reading to adults handicapped by defective hearing whenever in its judgment such instruction appears to be in the best interests of the school district and adults concerned: *Provided*, That in the apportionment of the current school fund each district maintaining such classes for free instruction in lip reading shall be credited with one full day's attendance for each day's attendance of two hours or more;

Proviso.

(14) Join with boards of directors of other school districts in buying supplies, equipment and services collectively, by establishing and maintaining a joint purchasing agency or otherwise, when deemed to be for the best interests of the district;

School district
directors—
General
powers.

(15) Adopt such rules and regulations as the board deems necessary or advisable in regard to granting leaves to persons under contracts of employment with the school district(s) in positions requiring either certification or noncertification qualifications, including leaves for attendance at official or private institutes and conferences and sabbatical leaves for employees in positions requiring certification qualification, and leaves for illness and injury and bereavement for both certified and noncertified employees, and with such compensation as the board of directors prescribe: *Provided*, That the board of directors shall adopt rules and regulations granting to such persons annual leave with compensation for illness and injury as follows:

Proviso.

(a) For such persons under contract with the school district for a full year, at least ten days;

(b) for such persons under contract with the school district as part time employees, at least that portion of ten days as the total number of days contracted for bears to one hundred eighty days;

(c) compensation for leave for illness or injury actually taken shall be the same as the compensation such person would have received had such person not taken the leave provided in this proviso;

(d) leave provided in this proviso not taken shall accumulate from year to year up to a maximum of one hundred eighty days, and such accumulated time may be taken at any time during the school year;

(e) sick leave heretofore accumulated under section 1, chapter 195, Laws of 1959 (RCW 28.58.430) and sick leave accumulated under administrative practice of school districts prior to the effective date of section 1, chapter 195, Laws of 1959 (RCW 28.58.430) is hereby declared valid, and shall be added to leave for illness or injury accumulated under this proviso;

(f) accumulated leave under this proviso not

taken at the time such person retires or ceases to be employed in the public schools shall not be compensable;

(g) accumulated leave under this proviso shall not be transferable from one district to another;

(h) leave accumulated by a person in a district prior to leaving said district may, under rules and regulations of the board, be granted to such person when he returns to the employment of the district.

Note: See also section 1, chapter 5, Laws of 1963.

Passed the House February 23, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 105.

[H. B. 359.]

UNDERGROUND SAFETY—DECOMPRESSION REGULATIONS.

AN ACT relating to the safety of persons employed underground; repealing section 5, chapter 131, Laws of 1937, section 2, chapter 194, Laws of 1941, RCW 49.24.050, and RCW 49.24-.090.

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

SECTION 1. Section 5, chapter 131, Laws of 1937, ^{Repeal.} and RCW 49.24.050, and section 2, chapter 194, Laws of 1941, and RCW 49.24.090 are each repealed.

Passed the House February 23, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 106.

[Sub. H. B. 360.]

MOTOR VEHICLES—UNIFORM ACT ON VEHICLE
RECIPROCITY.

AN ACT relating to vehicles; providing for the regulation and licensing thereof and of persons in relation thereto; providing for the collection and disposition of moneys; adopting a uniform act on vehicle reciprocity; repealing certain acts and parts of acts and chapter 46.84 RCW; providing penalties; and making an effective date.

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

Motor vehicle registration reciprocity. Declaration of policy.

SECTION 1. *Declaration of Policy.* It is the policy of this state to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of motor vehicle reciprocal or proportional registration agreements, arrangements and declarations with other states, provinces, territories and countries with respect to vehicles registered in this and such other states, provinces, territories and countries thus contributing to the economic and social development and growth of this state.

Definitions.

SEC. 2. *Definitions.* As used in this act: (1) "Commercial vehicle" means any vehicle which is operated in more than one state and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property.

(2) "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country and a state or province of a foreign country.

(3) "Owner" means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof

with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner shall be deemed to be such person in whom is vested right of possession or control.

(4) "Properly registered", as applied to place of registration, means:

(a) The jurisdiction where the person registering the vehicle has his legal residence, or

(b) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled in or from such place of business, and, the vehicle has been assigned to such place of business, or

(c) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction.

In case of doubt or dispute as to the proper place of registration of a vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

(5) "Fleet" means three or more commercial vehicles: *Provided*, That the reciprocity commission Proviso. may require proportional registration and licensing of a fleet of less than three vehicles whenever in its judgment the interests of this state will be best served and protected thereby.

(6) The words "department," "motor vehicle," "person" and "vehicle" shall each have the meanings ascribed to them, respectively, by RCW 46.04.680, 46.04.320, 46.04.405 and 46.04.670.

(7) "Preceding year" means a period of twelve consecutive months fixed by the department which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the department in fixing such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

Motor vehicle
registration
reciprocity.
Commission
created.

SEC. 3. Reciprocity commission created. The reciprocity commission, hereby created, shall consist of the director of licenses, the chief of the Washington state patrol, a designee of the state highway commission and, ex officio, the chairman and vice chairman of the joint fact-finding committee on highways, streets and bridges, or their duly designated representatives. Members of the western interstate highway policy committee from the state of Washington shall be advisory members of the reciprocity commission, and may attend meetings and conferences of the commission in such capacity, but shall not vote as members thereof. The department shall provide such assistance and facilities to the commission as it may require. The members of the commission shall receive no additional compensation for their services except that they shall be allowed their actual and necessary expenses incurred in the performance of their official duties to be paid from funds made available for the use of the commission. The commission shall have the authority to execute agreements, arrangements or declarations to carry out the provisions of this act.

SEC. 4. Authority for reciprocity agreements;

provisions; reciprocity standards. The reciprocity commission may enter into an agreement or arrangement with the duly authorized representatives of another jurisdiction, granting to vehicles or to owners of vehicles which are properly registered or licensed in such jurisdiction and for which evidence of compliance is supplied, benefits, privileges and exemptions from the payment, wholly or partially, of any taxes, fees, or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this state, except gallonage taxes on motor fuels. Such an agreement or arrangement shall provide that vehicles properly registered or licensed in this state when operated upon highways of such other jurisdiction shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as are extended to vehicles properly registered or licensed in such jurisdiction when operated in this state. Each such agreement or arrangement shall, in the judgment of the reciprocity commission, be in the best interest of this state and the citizens thereof and shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce.

Authority for agreements, provisions, standards.

SEC. 5. Base state registration reciprocity. An agreement or arrangement entered into, or a declaration issued under the authority of this act may contain provisions authorizing the registration or licensing in another jurisdiction of vehicles located in or operated from a base in such other jurisdiction which vehicles otherwise would be required to be registered or licensed in this state; and in such event the exemptions, benefits and privileges extended by such agreement, arrangement or declaration shall apply

Base state registration reciprocity.

to such vehicles, when properly licensed or registered in such base jurisdiction.

Motor vehicle registration reciprocity. Declarations of extent of, when.

SEC. 6. Declarations of extent of reciprocity, when. In the absence of an agreement or arrangement with another jurisdiction, the reciprocity commission may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in such other jurisdiction, or to the owners of such vehicles, which shall, in the judgment of the reciprocity commission, be in the best interest of this state and the citizens thereof and which shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce.

Extension of privileges to lessees.

SEC. 7. Extension of reciprocal privileges to lessees authorized. An agreement, or arrangement entered into, or a declaration issued under the authority of this act, may contain provisions under which a leased vehicle properly registered by the lessor thereof may be entitled, subject to terms and conditions stated therein, to the exemptions, benefits and privileges extended by such agreement, arrangement or declaration.

Automatic reciprocity, when.

SEC. 8. Automatic reciprocity, when. On and after July 1, 1963, if no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this act, any vehicle properly registered or licensed in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdiction to vehicles properly registered in this state. Reciprocity extended under this section

shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

SEC. 9. Suspension of reciprocity benefits. Agreements, arrangements or declarations made under the authority of this act may include provisions authorizing the department to suspend or cancel the exemptions, benefits or privileges granted thereunder to a person who violates any of the conditions or terms of such agreements, arrangements or declarations or who violates the laws of this state relating to motor vehicles or rules and regulations lawfully promulgated thereunder.

Suspension of reciprocity benefits.

SEC. 10. Agreements to be written, filed and available for distribution. All agreements, arrangements or declarations or amendments thereto shall be in writing and shall be filed in the office of the reciprocity commission. A copy of each agreement, arrangement or declaration, or amendment thereto, shall be filed by the reciprocity commission in the office of the director of licenses within ten days after execution or the effective date of the instrument whichever is later. Upon becoming effective, they shall supersede the provisions of RCW 46.16.030 to the extent that they are inconsistent therewith. The department shall provide copies for public distribution upon request.

Agreements to be written, filed, available for distribution.

SEC. 11. Reciprocity agreements in effect at time of act. All reciprocity and proportional registration agreements, arrangements and declarations relating to vehicles in force and effect at the time this act becomes effective shall continue in force and effect at the time this act becomes effective and until specifically amended or revoked as provided by law or by such agreements or arrangements.

Effect of present reciprocity agreements.

SEC. 12. Proportional registration of fleet vehicles, application, fee—formula and payment.

Motor vehicle
registration
reciprocity.
Proportional
registration of
fleet vehicles,
application fee
—Formula and
payment.

(1) Any owner engaged in operating one or more fleets may, in lieu of registration of vehicles under the provisions of chapter 46.16 RCW and payment of excise taxes and fees imposed by chapter 82.44 RCW and RCW 81.80.320, register and license each fleet for operation in this state by filing an application with the department which shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) Total fleet miles. This shall be the total number of miles operated in all jurisdictions during the preceding year by the motor vehicles in such fleet during said year.

(b) In-state miles. This shall be the total number of miles operated in this state during the preceding year by the motor vehicles in such fleet during said year.

(c) "Reciprocity miles" as used in this section shall mean miles traveled by the motor vehicles of such fleet in another jurisdiction to which the fleet operator by virtue of reciprocity did not, either voluntarily or by operation of law or otherwise, pay full or proportional registration fees, trip permits, mileage taxes, weight distance taxes, gross receipt taxes, or any other fee or tax levied for the privilege of using the highway other than a tax on the fuel used for propelling such motor vehicles in such jurisdiction.

This state's pro rata share of "reciprocity miles" shall be determined by multiplying the total "reciprocity miles" by the fraction obtained by dividing the in-state miles by total fleet miles.

(d) A description and identification of each vehicle of such fleet which is to be operated in this state during the registration year for which proportional fleet registration is requested.

(2) The application for each fleet shall, at the time and in the manner required by the department, be supported by fee payment computed as follows:

(a) Divide the sum of the in-state miles plus this state's pro rata share of reciprocity miles by total fleet miles.

(b) Determine the total amount necessary under the provisions referred to in subsection (1) of this section to register each and every vehicle in the fleet for which registration is requested, based on the regular annual fees or applicable fees for the unexpired portion of the registration year.

(c) Multiply the sum obtained under subsection (2) (b) hereof by the fraction obtained under subsection (2) (a) hereof.

(3) The applicant for proportional registration of any fleet, the nonmotor vehicles of which are operated in jurisdictions in addition to those in which the applicant's fleet motor vehicles are operated, may state such nonmotor vehicles separately in his application and compute and pay the fees therefor in accordance with such separate statement, as to which "total miles" shall be the total miles operated in all jurisdictions during the preceding year.

(4) In no event shall the total fee payment be less than a minimum of three dollars per vehicle.

SEC. 13. Registration and identification of proportionally registered vehicles, effect of such registration. (1) The department shall register the vehicles so described and identified and may issue a license plate or plates, or a distinctive sticker, or other suitable identification device, for each vehicle described in the application upon payment of the appropriate fees for such application and for the stickers or devices issued. A fee of two dollars shall be paid for each license plate, sticker or device issued for each proportionally registered vehicle. A registration card shall be issued for each propor-

Registration,
identification,
of proportionally registered vehicles
—Effect of
registration.

Motor vehicle registration reciprocity. Registration of proportionally registered vehicles—Effect.

tionally registered vehicle. Such registration card shall, in addition to the information required by RCW 46.12.050, bear upon its face the number of the license, sticker or other device issued for such proportionally registered vehicle and shall be carried in such vehicles at all times or, in the case of a combination, in the vehicle supplying the motive power.

(2) Fleet vehicles so registered and identified shall be deemed to be fully licensed and registered in this state for any type of movement or operation, except that, in those instances in which a grant of authority is required for interstate or intrastate movement or operation, no such vehicle shall be operated in interstate or intrastate commerce in this state unless the owner thereof has been granted interstate operating authority by the interstate commerce commission in the case of interstate operations or intrastate operating authority by the Washington utility and transportation commission in the case of intrastate operations and unless said vehicle is being operated in conformity with such authority.

(3) The department may issue temporary pro-
 ration authorization permits to qualifying operators for the operation of vehicles pending issuance of license identification. A fee of one dollar shall be collected for each permit issued. The department shall have the authority to adopt rules and regulations for issuance of the permits.

Proportional registration not in single jurisdiction.

SEC. 14. Proportional registration cannot be in a single jurisdiction. The right to the privilege and benefits of proportional registration of fleet vehicles extended by this act, or by any contract, agreement, arrangement or declaration made under the authority of this act, shall be subject to the condition that each fleet vehicle proportionally registered under the authority of this act also shall be proportionally or otherwise properly registered in at least one other

jurisdiction during the period for which it is proportionally registered in this state.

SEC. 15. Registration of additional fleet vehicles. Vehicles acquired by the owner after the commencement of the registration year and subsequently added to a proportionally registered fleet shall be proportionally registered by applying the mileage percentage used in the original application for such fleet for such registration period to the regular registration fees due with respect to such vehicles for the remainder of the registration year.

Registration of additional fleet vehicles.

SEC. 16. Withdrawal of fleet vehicles, credits and accounting. If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under the provisions of this act, the owner of such fleet shall so notify the department on appropriate forms to be prescribed by the department. The department may require the owner to surrender proportional registration cards and such other identification devices which have been issued with respect to such vehicle as the department may deem advisable. If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from the service of the registrant, the unused portion of the gross weight fee paid with respect to such vehicle, which shall be a sum equal to the amount of gross weight fee paid with respect to such vehicle when it was first proportionally registered in such registration year, reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first day of the month of the current year in which the vehicle was registered and the date the notice of withdrawal is received by the department, shall be credited to the proportional registration account of such owner. Such credit shall be applied against the gross weight

Withdrawal of fleet vehicles, credits and accounting.

fee liability for subsequent additions to be prorated during such registration year or for additional gross weight fees due upon audit under section 19 of this act. If any such credit is less than five dollars, no credit shall be made or entered. In no event shall such amount be credited against fees other than those for such registration year nor shall any such amount be subject to refund.

Motor vehicle
registration
reciprocity.
New fleet—
Estimated
mileage.

SEC. 17. New fleet; estimated mileage. The initial application for proportional registration of a fleet shall state the mileage data with respect to such fleet for the preceding year in this and other jurisdictions. If no operations were conducted with such fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in this state and other jurisdictions. The department shall determine the in-state and total fleet miles to be used in computing the fee payment for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to the correctness thereof.

Fleet registra-
tion denied,
when.

SEC. 18. Fleet registration may be denied, when. The department may refuse to accept proportional registration applications for the registration of vehicles based in another jurisdiction if the department shall find that such other jurisdiction does not grant similar registration privileges to fleet vehicles based in or owned by residents of this state.

Preservation
of records,
audit, costs,
joint agree-
ments.

SEC. 19. Preservation of proportional registration records, audit, costs, joint agreements with other jurisdictions. Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the year or period upon which said application is based. Upon request of the department, the owner agrees to make such rec-

ords available to the department, at its designated office for audit as to accuracy of computations and payments and assessment of deficiencies or allowances for credit, or to pay the costs of an out of state audit by the department or its duly appointed representative at the applicant's home office. If the department determines that the applicant should have registered more vehicles in this state under the provisions of this chapter the department may deny him the right of any further benefits by reason of any reciprocal agreement or declaration until the fees, interest and penalties for such additional vehicle or vehicles which should have been registered, have been paid. The fees, interest and penalties determined to be due and owing under the provisions of this paragraph shall be a lien upon all the property of the applicant, and such lien shall attach at the time the audit report has been mailed to such applicant by the department, and shall have the effect of an execution duly levied on such property and shall so remain until said additional fees, interest and penalties so determined, are paid, or a sufficient amount of such property sold for the payment thereof. The department may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any sums found to be due and owing upon audit shall bear interest of six percent from the date when they should have been paid until the date of actual payment. If the audit discloses a deliberate and wilful intent to evade the requirements of payment under sections 11 and 12 of this act, a penalty of ten percent shall also be assessed.

SEC. 20. Relation to other state laws. The provisions of this act shall constitute complete authority for the registration of fleet vehicles upon a propor-

Relation to
other state
laws.

tional registration basis without reference to or application of any other statutes of this state except as in this act expressly provided.

Motor vehicle
registration
reciprocity.
Proportional
registration
not exclusive.

SEC. 21. Proportional registration not exclusive. Nothing contained in this act relating to proportional registration of fleet vehicles shall be construed as requiring any vehicle to be proportionally registered if it is otherwise registered in this state for the operation in which it is engaged, including, but not by way of limitation, regular registration, temporary registration, or trip permit or registration.

Rules.

SEC. 22. Rules. The department may enter into agreements with other states on behalf of the state of Washington for the purpose of facilitating the administration of this act. In addition it may conclude arrangements or agreements with other states for the exchange of information for audit and enforcement activities in connection with such proportional registration. The department may adopt and promulgate such rules and regulations as it shall deem necessary to effectuate and administer the provisions of sections 11 and 12 of this act and the registration of fleet vehicles under said section shall be subject to the rights, terms and conditions granted or contained in any applicable agreement made by the department under the authority of this section.

Floater license
plate. Author-
ized—Pre-
requisites.

SEC. 23. Floater license plate—Authorized—Pre-requisites. Any owner eligible for proportional registration and licensing pursuant to this act but who is unable in the opinion of the reciprocity commission to comply with the reporting and application requirements thereof, may subject to prior approval of the commission and in lieu of registration of such vehicles under the provisions of chapter 46.16 RCW, and payment of excise taxes and fees imposed by chapter 82.44 RCW and RCW 81.80.320, apply to the

director of licenses for issuance of a special "floater" license plate.

SEC. 24. Application—Fee. Application for each "floater" license plate shall be made upon forms prescribed by the director and shall be accompanied by a fee equivalent to double the total annual fees and taxes which would be due under the provisions of chapters 46.16 and 82.44 RCW and RCW 81.80.320 for licensing a semitrailer to the maximum gross weight of thirty-one thousand nine hundred ninety-nine pounds together with such additional fees, including filing and special fees, as are applicable upon annual registration and licensing of a semitrailer.

—Application—Fee.

SEC. 25. Valid only for intracity operation—Penalty for violation. Each "floater" license plate may be used interchangeably upon any semitrailer, not exceeding the maximum gross weight, for which such license is issued, owned by or in the possession of the licensee. Such "floater" plates shall be valid only for intracity operations.

—Valid only for intracity operation.

Every violation of this section shall be punishable as a misdemeanor and every peace officer witnessing any use of any "floater" license plate outside of incorporated cities or towns shall confiscate such plate and forthwith return it to the director.

SEC. 26. Design, size, etc.—Furnished as other plates. Each "floater" license plate shall be of distinctive design and shall be of such size and contain such symbols as are prescribed by the director. All such plates shall be obtained from the metal working plant of the state penitentiary at Walla Walla, if available therefrom, and shall upon application therefor and payment of all fees, be furnished in the manner provided for the annual licensing of vehicles of like class.

—Design, size, etc.

SEC. 27. Special reciprocity identification plate—Display. The reciprocity commission may require

Motor vehicle registration reciprocity. Special identification plate. Display.

the display of a special reciprocity identification plate upon any commercial vehicle operating within this state under the provisions of any reciprocal agreement between this state and the state or other jurisdiction in which such vehicle is properly licensed: *Provided*, That such reciprocal agreement is on file with the reciprocity commission: *Provided further*, That the issuance and display of such identification plate shall not be deemed to enlarge upon, restrict, or in any manner affect the terms or conditions of such reciprocal agreement.

Proviso.

Proviso.

—Duration.

SEC. 28. Duration. Each identification plate shall be valid until the expiration date of the current and valid vehicle license issued by the state or other jurisdiction wherein such vehicle is licensed: *Provided*, That such identification plate shall become invalid upon the termination of any reciprocal agreement between this state and the state or jurisdiction wherein such vehicle is licensed.

Proviso.

—Application—Issuance—Fee, deposit.

SEC. 29. Application—Issuance—Fee, deposit. All special reciprocity identification plates shall be obtained by the director of licenses in the manner prescribed in RCW 46.16.230 and shall be issued by the director or his authorized agent upon application in the form prescribed in RCW 46.16.040. One reciprocity identification plate shall be issued for each vehicle. The fee therefor shall be two dollars plus a filing fee of fifty cents. All funds collected under this section shall be transmitted to the state treasurer and deposited in the motor vehicle fund.

Act supplemental.

SEC. 30. Act part of and supplemental to motor vehicle registration law. This act shall be, and construed as, a part of and supplemental to the motor vehicle registration law of this state.

Severability.

SEC. 31. Constitutionality. If any phrase, clause, subsection or section of this act shall be declared unconstitutional or invalid by any court of competent

jurisdiction, it shall be conclusively presumed that the legislature would have enacted this act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

SEC. 32. The following acts or parts of acts and RCW sections are hereby repealed: Repeal.

(1) Sections 46.84.010, 46.84.030, 46.84.040, 46.84-.050, 46.84.060, 46.84.070, 46.84.080, 46.84.090 and 46-.84.100, chapter 12, Laws of 1961 and RCW 46.84.010, 46.84.030, 46.84.040, 46.84.050, 46.84.060, 46.84.070, 46.84.080, 46.84.090 and 46.84.100;

(2) Section 46.84.020, chapter 12, Laws of 1961 as amended by section 37, chapter 21, Laws of 1961 extraordinary session and RCW 46.84.020;

(3) Sections 1, 2, 3, and 4, chapter 266, Laws of 1961 and RCW 46.84.110, 46.84.120, 46.84.130 and 46.84.140; and

(4) Sections 38, 39, and 40, chapter 21, Laws of 1961 extraordinary session and RCW 46.84.150, 46.84-.160 and 46.84.170.

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, nor the term of office or appointment or employment of any person appointed or employed thereunder. Savings.

SEC. 33. This act shall take effect and be in force on and after July 1, 1963. Effective date.

SEC. 34. Section captions as used in this act shall not constitute any part of the law. Captions not law.

Passed the House February 23, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 107.

[H. B. 369.]

PESTICIDE APPLICATION—SURETY BOND, INSURANCE.

AN ACT relating to the application of agricultural pesticides; and amending section 17, chapter 249, Laws of 1961 and RCW 17.21.170.

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

RCW 17.21.170 amended.

SECTION 1. Section 17, chapter 249, Laws of 1961 and RCW 17.21.170 are each amended to read as follows:

Pesticide application—Amount of bond or insurance required—Notice of reduction or cancellation.

The amount of the surety bond or liability insurance as provided for in RCW 17.21.160 shall be not less than twenty-five thousand dollars for property damage and public liability insurance, each separately, and including loss or damage arising out of the actual use of any pesticide. Such surety bond or liability insurance shall be maintained at not less than that sum at all times during the licensed period. The director shall be notified ten days prior to any reduction at the request of the applicant or cancellation, of such surety bond or liability insurance by the surety or insurer: *Provided*, That the total and aggregate of the surety and insurer for all claims shall be limited to the face of the bond or liability insurance policy.

Proviso.

Passed the House February 21, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 108.

[H. B. 371.]

COUNTIES—COMMISSIONERS' INVENTORY STATEMENT.

AN ACT relating to state and local government; counties; and amending section 36.32.210, chapter [4] (Senate Bill No. 47) Laws of 1963 and RCW 36.32.210.

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

SECTION 1. Section 36.32.210, chapter [4], (Senate Bill No. 47) Laws of 1963 and RCW 36.32.210 are each amended to read as follows:

RCW 36.32.210 amended.

Each county commissioner of the several counties of the state of Washington shall, on the first Monday of March of each year beginning with the year 1964, file with the auditor of the county wherein such commissioner resides a statement verified by oath of such county commissioner showing for the twelve months period ending December 31st of the preceding year, the following:

County commissioners—Inventory of county property.

(1) A full and complete inventory of all tools, machinery, equipment and appliances belonging to the district of such commissioner used or intended to be used in the repair or construction of any highway, road or any work within said county for which public funds are to be expended in whole or in part and which said inventory shall be segregated to show the following subheads:

(a) The equipment on hand, together with a statement of the date when acquired, the amount paid therefor, the present value, the estimated life thereof and a sufficient description to fully identify such property;

(b) All equipment of every kind or nature sold or disposed of in any manner during such preceding twelve months period, together with the name of the purchaser, the amount paid therefor, whether or not the same was sold at public or private sale, the

County com-
missioners—
Inventory of
county
property.

reason for such disposal and a sufficient description to fully identify the same;

(c) All the equipment purchased during said period, together with the date of purchase, the amount paid therefor, whether or not the same was bought under competitive bidding, the price paid therefor and the probable life thereof, the reason for making the purchase and a sufficient description to fully identify such property;

(2) The exact amount of money derived from sources other than tax levy coming into possession or under the control of such commissioner for or on account of such district or of the commissioner making such statement; with the name of the party paying the same, the source from which derived, why so derived, and the date of its reception.

(3) The person to whom such money or any part thereof was paid and why so paid and the date of such payment.

Note: See also section 36.32.210, chapter 4, Laws of 1963.

Passed the House March 9, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 109.

[H. B. 394.]

STATE COLLEGES—ACADEMIC DEGREES.

AN ACT relating to state institutions of higher learning; and adding a new section to chapter 28.81 RCW.

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

New section.

SECTION 1. There is added to chapter 28.81 RCW a new section to read as follows:

State colleges
may grant
certain aca-
demic degrees.

In addition to all other powers and duties given to them by law, the boards of trustees of Central Washington State College, Eastern Washington State

College, and Western Washington State College may grant an associate degree in nursing to any student who has satisfactorily completed a two-year course of study approved by the proper accrediting state agency and may grant the degree of Master of Arts, or Master of Science to any student who has completed a course of at least one year in graduate study.

Passed the House March 12, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 110.

[H. B. 403.]

SOIL AND WATER CONSERVATION DISTRICTS—GENERAL POWERS.

AN ACT relating to soil and water conservation districts; amending section 23, chapter 304, Laws of 1955 as amended by section 13, chapter 240, Laws of 1961 and RCW 89.08.220.

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

SECTION 1. Section 23, chapter 304, Laws of 1955 as amended by section 13, chapter 240, Laws of 1961 and RCW 89.08.220 are each amended to read as follows:

RCW 89.08.220 amended.

A district shall constitute a body corporate, exercising public powers, but shall not levy taxes or issue bonds.

Soil and water conservation district. Corporate status and powers.

A district may:

(1) Conduct, in cooperation with the Washington State University and any state or federal agency, surveys relating to water and to the character of soil erosion and control measures needed within the district; publish the results thereof; and disseminate the information concerning such measures;

(2) Conduct demonstrational projects within the district on lands or waters controlled by any state

Soil and water
conservation
district.
Corporate
status and
powers.

agency in cooperation with such agency and on other lands or waters within the district with the consent of the owner thereof, in order to demonstrate how soil or water and soil and water resources may be conserved and soil erosion prevented and controlled;

(3) Carry out preventative and control measures, such as engineering operations, methods of cultivation, growing of vegetation or changes in water use or land use on land or water within the district, with the consent and cooperation of the person or agency owning it or in control thereof;

(4) Cooperate or enter into agreements with any agency or landowner or tenant and furnish financial or other aid in carrying on erosion control and preventive operations within the district, as the board deems necessary to carry out the purposes of this chapter;

(5) Obtain options upon and acquire in any manner, except by condemnation, any property or rights therein necessary or proper to further the purposes for which it was created, and manage, lease, and dispose of such property for such purposes, and use the income therefrom for district purposes;

(6) Make available to landowners and tenants in the district, agricultural and engineering equipment, fertilizer, seeds, seedlings, and such other equipment and material as will assist them to conserve their water and soil resources and prevent and control soil erosion;

(7) Develop detailed comprehensive plans for the conservation of water and soil resources and prevention and control of soil erosion and publish such plans and spread the information thereon throughout the district;

(8) Acquire or lease and operate any water or soil conservation, erosion control, or prevention project in the district undertaken by any state or federal agency; act as agent for the agency in acquiring,

constructing, or operating the project; and accept contributions from the agency and use them to carry out its operations;

(9) Cooperate with other districts organized under this chapter in the exercise of any of its powers;

(10) Construct, improve, and maintain structures necessary or convenient for its purposes and borrow moneys from any agency of the United States or from other lending agencies for the purpose of carrying out said activities; and

(11) Sue and be sued in its name; adopt a seal; have perpetual existence, subject to termination provided herein; execute all instruments necessary for its purposes; and make and amend rules to carry out its purposes.

Passed the House March 12, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 111.

[H. B. 417.]

WATER DISTRICTS—SEWER SYSTEMS.

AN ACT relating to the establishment, maintenance and operation of sewer systems by water districts; and adding a new section to chapter 57.08 RCW.

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

SECTION 1. There is added to chapter 57.08 RCW New section.
a new section 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

Water districts
may operate
sewer system
—Powers.

Water districts
may operate
sewer system
—Powers.

for the doing thereof in connection with water supply systems.

In addition thereto, a water district constructing, maintaining and operating a sanitary sewer system may exercise all the powers permitted to a sewer district under RCW Title 56, including, but not limited to, the right to compel connections to the district's system, liens for delinquent sewer connection charges or sewer service charges, and all other powers presently exercised by or which may be hereafter granted to such sewer districts. Any comprehensive plan for a system of sewers or addition thereto or betterment thereof shall be approved by the same county and state officials as are required to approve such plans adopted by a sewer district.

Passed the House March 7, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 112.

[H. B. 459.]

CEMETERY DISTRICTS—EXCESS LEVIES—
COOPERATIVE AGREEMENTS.

AN ACT relating to cemetery districts; and amending section 84.52.052, chapter 15, Laws of 1961 and RCW 84.52.052.

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

SECTION 1. Section 84.52.052, chapter 15, Laws of 1961 and RCW 84.52.052 are each amended to read as follows:

RCW 84.52.052 amended.

The limitations imposed by RCW 84.52.050 through 84.52.056, shall not prevent the levy of additional taxes, not in excess of five mills a year and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding on December 6, 1934, issued by or through the agency of the state, or any county, city, town, or school district, or the levy of additional taxes to pay interest on or toward the reduction, at the rates provided by statute, of the principal of county, city, town, or school district warrants outstanding on December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, park and recreation district in Class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056, when authorized so to do by the electors of such

Property taxes
—Excess levy
authorized—
When—
Procedure.

Property taxes
—Excess levy
authorized—
When—
Procedure.

county, school district, metropolitan park district, park and recreation district in Class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in Class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, cemetery district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes," and those opposed thereto to vote "No": *Provided*, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general state election:

Provided further, That the total number of persons voting on an excess levy for school district purposes or for cities and towns at any such special election of any school district or of any city or town must constitute not less than forty percent of the voters in said taxing district or in any city or town, as the

Proviso.

Proviso.

case may be who voted at the last preceding general election in such district.

SEC. 2. As used in section 3 of this act, “public agency” means counties, cities and towns, special districts, or quasi municipal corporations. Public agency defined.

SEC. 3. A cemetery district may jointly operate or provide, cooperate to operate and provide and/or contract for a term of not to exceed five years to provide or have provided public cemetery facilities or services, with any other public or private agency, including out of state public agencies, which each is separately authorized to operate or provide, under terms mutually agreed upon by such public or private agencies. The governing body of a cemetery district may join with any other public or private agency in buying supplies, equipment, and services collectively. Cemetery districts—Joint acquisition, operation of public cemetery facilities and services.

Passed the House March 9, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 113.

[H. B. 487.]

MOTOR VEHICLE FUEL TAX—USE FUEL TAX—
DISTRIBUTION OF REVENUES.

AN ACT relating to revenue and taxation; providing for the distribution of certain motor vehicle fuel and use fuel tax revenues; amending section 82.36.020, chapter 15, Laws of 1961, as amended by section 1, chapter 7, Laws of 1961, first extraordinary session, and RCW 82.36.020; and amending section 82.40.290, chapter 15, Laws of 1961, as amended by section 4, chapter 7, Laws of 1961, first extraordinary session, and RCW 82.40.290.

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

RCW 82.36.020
amended.

SECTION 1. Section 82.36.020, chapter 15, Laws of 1961, as amended by section 1, chapter 7, Laws of 1961, first extraordinary session, and RCW 82.36.020 are each amended to read as follows:

Motor vehicle
fuel tax—Im-
posed—Rate—
Allocation of
proceeds.

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of seven and one-half cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100: *Provided*, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel. The invoice shall contain a statement

that the distributor has assumed the tax thereon. The proceeds of the net gallonage remaining after deduction of one-quarter of one percent as herein provided shall be distributed as follows: Of the seven and one-half cents collected as herein provided, six and one-half cents shall be distributed between the state, cities and counties under the provisions of RCW 46.68.090 and 46.68.100, and one-quarter cent shall be distributed to the state and expended pursuant to RCW 46.68.130, one-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350, and one-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110: *Provided*, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be matched twenty-five percent by such city or town and seventy-five percent from the proceeds of such one-half cent of additional tax: *And provided further*, That the proceeds of such one-half cent of additional tax and the matching funds provided by such city or town shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030, or for the payment of any municipal indebtedness which may be incurred after the effective date of this act in the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

Proviso.

Proviso.

SEC. 2. Section 82.40.290, chapter 15, Laws of 1961, as amended by section 4, chapter 7, Laws of 1961, first extraordinary session, and RCW 82.40.290 are each amended to read as follows:

RCW 82.40.290 amended.

All moneys collected by the director shall be

Use fuel tax—
Revenue to
motor vehicle
fund—Alloca-
tion of pro-
ceeds.

transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. A duplicate of such statement shall be sent to the state auditor.

The proceeds of the use fuel tax imposed by this chapter shall be distributed as follows: Of the seven and one-half cents collected, six and one-half cents shall be distributed between the state, cities and counties under the provisions of RCW 46.68.090 and 46.68.100, one-quarter cent shall be distributed to the state and expended pursuant to RCW 46.68.130, one-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350, and one-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110: *Provided*, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be matched twenty-five percent by such city or town and seventy-five percent from the proceeds of such one-half cent of additional tax: *And provided further*, That the proceeds of such one-half cent of additional tax and the matching funds provided by such city or town shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030, or for the payment of any municipal indebtedness which may be incurred after the effective date of this act in the construction, improvement, and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

Proviso.

Proviso.

Passed the House March 2, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 114.

[H. B. 530.]

PROPERTY TAXES—REFUNDS.

AN ACT relating to local governmental units; prescribing refund procedure; and amending section 84.69.070, chapter 15, Laws of 1961 as amended by section 2, chapter 270, Laws of 1961 and RCW 84.69.070.

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

SECTION 1. Section 84.69.070, chapter 15, Laws of 1961 as amended by section 2, chapter 270, Laws of 1961 and RCW 84.69.070 are each amended to read as follows:

RCW 84.69.070 amended.

Refunds ordered with respect to taxing districts shall be paid by checks drawn by the county treasurer upon such available funds, if any, as the taxing districts may have on deposit in the county treasury, or in the event such funds are insufficient, then out of funds subsequently accruing to such taxing district and on deposit in the county treasury. When such refunds are made as a result of taxes paid under levies or statutes adjudicated to be illegal or unconstitutional all administrative costs incurred by the county treasurer in making such refunds shall be a charge against the funds of such districts until the county current expense fund is fully reimbursed for the administrative expenses incurred in making such refund: *Provided*, That whenever orders for refunds of ad valorem taxes promulgated by boards of county commissioners and unpaid checks shall expire and become void as provided in RCW 84.69.110, then any moneys remaining in a refund account established by the county treasurer for any taxing district may be transferred by the county treasurer from such refund account to the county current expense fund to reimburse the county for the administrative expense incurred in making refunds as prescribed

Property tax refunds with respect to taxing districts—Administrative expenses if taxes declared invalid.

Proviso.

herein. Any excess then remaining in the taxing district refund account may then be transferred by the county treasurer to the current expense fund of the taxing district for which the tax was originally levied and collected.

Passed the House March 9, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 115.

[H. B. 560.]

CITIES AND TOWNS—STREETS, FISCAL PROCEDURES—
EQUIPMENT RENTAL FUND.

AN ACT relating to city streets; and amending section 1, chapter 67, Laws of 1953 and RCW 35.21.088; and providing an effective date.

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

Streets—
Budget and
accounting.
Purpose—
Functional
categories
method.

SECTION 1. Records of city street expenditures are generally inadequate to meet the needs of cities for planning and administration of their street programs and the needs of the legislature in providing for city street financing. It is the intent of the legislature that each city and town shall budget and thereafter maintain records and accounts for all street expenditures by functional categories in a manner consistent with its size, administrative capabilities, and the amounts of money expended by it for street purposes.

Cost account-
ing and
reporting.
Cities over
eight
thousand.

SEC. 2. The state auditor, through the division of municipal corporations, shall formulate, prescribe and install a system of cost accounting and reporting for each city having a population of more than eight thousand, according to the last official census, which will correctly show all street expenditures by

functional categories. The system shall also provide for reporting all revenues available for street purposes from whatever source including local improvement district assessments and state and federal aid.

SEC. 3. Consistent with the intent of this act as stated in section 1, the state auditor, from and after July 1, 1965, through the division of municipal corporations, is authorized and directed to prescribe accounting and reporting procedures for street expenditures for cities and towns having a population of eight thousand or less, according to the last official census.

———Cities of eight thousand or less.

SEC. 4. The state auditor, after consultation with the Association of Washington Cities and the planning division of the state highway commission shall prepare and distribute to the cities and towns a manual of instructions governing accounting and reporting procedures for all street expenditures.

Manual of instructions.

SEC. 5. The division of municipal corporations shall annually make a cost-audit examination of street records for each city and town and make a written report thereon to the legislative body of each city and town. The expense of such examination shall be paid out of that portion of the motor vehicle fund allocated to the cities and towns and withheld for use by the state highway commission under the terms of RCW 46.68.110(1).

Cost-audit examination and report.

SEC. 6. Expenditures for city and town streets shall be budgeted by each city and town according to the same functional categories prescribed by the state auditor for purposes of accounting and reporting as provided in sections 2 and 3 of this act.

Budgets.

In the preparation of city and town budgets, including the preparation and filing of budget estimates, adoption of preliminary budgets and adoption of final budgets, all expenditures for street purposes

shall be designated by such functional categories only.

RCW 35.21.088
amended.

SEC. 7. Section 1, chapter 67, Laws of 1953 and RCW 35.21.088 are each amended to read as follows:

City or town
equipment
rental fund.

Any city or town may create, by ordinance, an "equipment rental fund," hereinafter referred to as "the fund," in any department of the city or town to be used as a revolving fund to be expended for salaries, wages, and operations required for the repair, replacement, purchase, and operation of equipment, and for the purchase of equipment, materials, and supplies to be used in the administration and operation of the fund.

The legislative authority of a city or town may transfer any equipment, materials or supplies of any office or department to the equipment rental fund either without charge, or may grant a credit to such office or department equivalent to the value of the equipment, materials or supplies transferred. An office or department receiving such a credit may use it any time thereafter for renting or purchasing equipment, materials, supplies or services from the equipment rental fund.

Money may be placed in the fund from time to time by the legislative authority of the city or town. Cities and towns may purchase and sell equipment, materials and supplies by use of such fund, subject to any laws governing the purchase and sale of property. Such equipment, materials and supplies may be rented for the use of various offices and departments of any city or town or may be rented by any such city or town to governmental agencies. The proceeds received by any city or town from the sale or rental of such property shall be placed in the fund, and the purchase price of any such property or rental payments made by a city or town shall be made from moneys available in the fund. The ordinance creating the fund shall designate the

official or body that is to administer the fund and the terms and charges for the rental for the use of any such property which has not been purchased for its own use out of its own funds and may from time to time amend such ordinance.

There shall be paid monthly into the fund out of the moneys available to the department using any equipment, materials, and/or supplies, which have not been purchased by that department for its own use and out of its own funds, reasonable rental charges fixed by the legislative authority of the city or town, and moneys in the fund shall be retained there from year to year so long as the legislative authority of the city or town desires to do so.

Every city having a population of more than eight thousand, according to the last official census, shall establish such an equipment rental fund in its street department or any other department of city government. Such fund shall acquire the equipment necessary to serve the needs of the city street department. Such fund may, in addition, be created to service any other departments of city government or other governmental agencies as authorized hereinabove.

Passed the House March 9, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 116.

[H. B. 584.]

PUBLIC AGENCIES—PURCHASES.

AN ACT relating to certain purchases by school districts and other public agencies.

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

Purchase of
magazines,
U. S. postage
or publications
by public
agencies—
Payment.

SECTION 1. Notwithstanding the provisions of chapter 42.24 RCW or any other existing statute, school districts and other public agencies including but not limited to state agencies and municipal corporations which are expressly or by necessary implication authorized to subscribe to magazines or other periodical publications or to purchase postage or publications from the United States government may make payment of the costs of such purchases in a manner as consistent as possible and practicable with normal and usual business methods, and in the case of subscriptions, for periods not in excess of three years.

Passed the House March 9, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 117.

[H. B. 21.]

MOTOR VEHICLES—SEAT BELTS.

AN ACT relating to motor vehicles and requiring new automobiles or motor cars sold or registered after July 1, 1963, to be equipped with seat belts installed for the front seats thereof; and adding a new section to chapter 46.37 RCW.

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

SECTION 1. There is added to chapter 46.37 RCW a new section to read as follows:

No person shall sell any automobile manufactured or assembled after January 1, 1964 nor shall any owner cause such vehicle to be registered thereafter under the provisions of chapter 46.12 RCW unless such motor car or automobile is equipped with automobile seat belts installed for use on the front seats thereof which are of a type and installed in a manner approved by the state commission on equipment. Where registration is for transfer from an out of state license, applicant shall be informed of this section by issuing agent and have thirty days to comply. The state commission on equipment shall adopt and enforce standards as to what shall constitute adequate and safe seat belts and for the fastening and installation thereof, such standards not to be below those specified as minimum requirements by the Society of Automotive Engineers on the effective date of this act.

Motor vehicles
—Safety belt
requirement.

Passed the House March 13, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 118.

[H. B. 75.]

VOCATIONAL REHABILITATION—NONDISABLED
VOCATIONALLY HANDICAPPED PERSONS.

AN ACT relating to vocational rehabilitation of certain nondisabled vocationally handicapped persons; and amending sections 74.11.010, 74.11.020, 74.11.030, 74.11.040 and 74.11.070, chapter 26, Laws of 1959 and RCW 74.11.010, 74.11.020, 74.11.030, 74.11.040 and 74.11.070.

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

RCW 74.11.010 amended.

SECTION 1. Section 74.11.010, chapter 26, Laws of 1959 and RCW 74.11.010 are each amended to read as follows:

Vocational rehabilitation. Purpose.

This chapter provides for the attainment of full or partial self-support of nondisabled vocationally handicapped persons, including recipients of public assistance, whose capacity to earn a living is impaired.

RCW 74.11.020 amended.

SEC. 2. Section 74.11.020, chapter 26, Laws of 1959 and RCW 74.11.020 are each amended to read as follows:

Definitions.

As used in this chapter:

(1) "Nondisabled vocationally handicapped person" means an individual:

(a) Who does not have a substantial physical or mental handicap;

(b) Who is receiving public assistance or who is receiving aid or services from a public or private agency or from the courts; and

(c) Who is "vocationally handicapped," because of lack of training, experience, skills, and other factors, which, if corrected, would lead to self-support instead of dependency.

(2) "Board" means the state board for vocational education and includes the division of vocational rehabilitation of the "board".

(3) "Private agency" means an incorporated nonprofit organization.

SEC. 3. Section 74.11.030, chapter 26, Laws of 1959 and RCW 74.11.030 are each amended to read as follows: RCW 74.11.030 amended.

To be eligible for vocational rehabilitation under this chapter, a person must: Persons eligible.

(1) Be a "nondisabled vocationally handicapped person", as defined in RCW 74.11.020; and

(2) Either be, or be expected to become, responsible for his own maintenance, or be the responsible head of a household; and

(3) Have a potential capacity which would warrant development with a reasonable chance for employment after rehabilitation services; and

(4) Be accessible to services, or be willing to move if necessary to take advantage of the services offered; and

(5) Be referred by the department of public assistance or a public or private agency or court: *Provided*, That any such person referred by the department of public assistance or a public or private agency or court for vocational rehabilitation may be denied public assistance if, and for as long as, such person without good cause (a) fails or refuses to accept such services, or (b) after referral fails or refuses to cooperate with the board in undergoing such training as is deemed necessary by the board to accomplish his vocational rehabilitation. Proviso.

The department of public assistance, or a public or private agency or court referring a nondisabled vocationally handicapped person for vocational rehabilitation, shall forward with such referral any medical, psychiatric, social, financial, or other information that the board may request under the customary rules and confidentiality.

RCW 74.11.040 amended.

SEC. 4. Section 74.11.040, chapter 26, Laws of 1959 and RCW 74.11.040 are each amended to read as follows:

Vocational rehabilitation. Powers and duties of board.

The board shall:

(1) Disburse all funds provided by law, and all funds obtained from private and other sources, that are unconditionally offered for the rehabilitation program provided for by this chapter;

(2) Appoint and fix the compensation of the personnel necessary to administer this chapter;

(3) Vocationally rehabilitate and place in remunerative occupation, insofar as it is deemed possible and feasible, persons eligible for the benefits of this chapter: *Provided*, That eligible persons accepted from public or private agencies or from the courts for vocational rehabilitation and placement shall not exceed ten percent of the total of all eligible persons accepted for vocational rehabilitation and placement pursuant to the provisions of this chapter;

Proviso.

(4) Provide for the training of personnel as may be needed to carry out and to develop vocational rehabilitation services for the rehabilitation of those eligible for the benefits of this chapter;

(5) Make such rules and regulations as may be deemed necessary for the administration of this chapter;

(6) Make exploratory or evaluation studies, reviews and do research as may be needed.

RCW 74.11.070 amended.

SEC. 5. Section 74.11.070, chapter 26, Laws of 1959 and RCW 74.11.070 are each amended to read as follows:

Acceptance of federal acts.

The state of Washington accepts the provisions and benefits of any acts of congress which provide for the rehabilitation of nondisabled vocationally handicapped persons as defined in RCW 74.11.020.

Passed the House March 13, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 119.

[Sub. H. B. 110.]

MUNICIPAL CORPORATIONS—INCORPORATION.

AN ACT relating to municipal corporations; amending section 15, p 141, Laws of 1890, and RCW 35.21.010; and amending section 5, chapter 319, Laws of 1955, and RCW 35.01.040.

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

SECTION 1. Section 15, p 141, Laws of 1890, and RCW 35.21.010 are each amended to read as follows: RCW 35.21.010 amended.

Municipal corporations now or hereafter organized are bodies politic and corporate under the name of the city of
or the town of

as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this act, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this act: *Provided*, That not more than two square miles in area shall be included within the corporate limits of municipal corporations of the fourth class, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of municipal corporations of the fourth class without the consent of the owner of such unplatted land: *Provided* further, That the original incorporation of municipal corporations of the fourth class shall be limited to an area of not more than one square mile and a population as prescribed in RCW 35.01.040. Proviso.

as the case may be, and as such may sue and be sued, contract or be contracted with, acquire, hold, possess and dispose of property, subject to the restrictions contained in other chapters of this act, having a common seal, and change or alter the same at pleasure, and exercise such other powers, and have such other privileges as are conferred by this act: *Provided*, That not more than two square miles in area shall be included within the corporate limits of municipal corporations of the fourth class, nor shall more than twenty acres of unplatted land belonging to any one person be taken within the corporate limits of municipal corporations of the fourth class without the consent of the owner of such unplatted land: *Provided* further, That the original incorporation of municipal corporations of the fourth class shall be limited to an area of not more than one square mile and a population as prescribed in RCW 35.01.040. Proviso.

SEC. 2. Section 5, chapter 319, Laws of 1955, and RCW 35.01.040 are each amended to read as follows: RCW 35.01.040 amended.

A municipal corporation of the fourth class, which shall be known as a town, is one having not less Fourth class city or town.

than three hundred inhabitants and not more than fifteen hundred inhabitants at the time of its organization.

Passed the House February 19, 1963.

Passed the Senate March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 120.

[H. B. 144.]

MOTOR VEHICLES—DRIVER LICENSE COMPACT.

AN ACT relating to motor vehicles and the licensing of operators thereof; adopting a compact between this and other states or provinces; and providing an effective date.

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

Driver license compact. Enacted.

SECTION 1. The driver license compact prepared pursuant to resolutions of the western governors' conference and the western interstate committee on highway policy problems of the council of state governments is hereby entered into and enacted into law, the terms and provisions of which shall be as follows:

DRIVER LICENSE COMPACT

ARTICLE I

Findings and Declaration of Policy

Findings, declaration of policy.

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II

Definitions

As used in this compact:

Definitions.

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III

Reports of Conviction

Driver license compact. Reports of conviction.

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV

Effect of Conviction

Effect of conviction.

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

- (1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;
- (2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;
- (3) Any felony in the commission of which a motor vehicle is used;
- (4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

ARTICLE V

Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

Applications
for new
licenses.

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI

Applicability of Other Laws

Driver license compact. Applicability of other laws.

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

ARTICLE VII

Compact Administrator and Interchange of Information

Compact administrator—Interchange of information.

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII

Entry into Force and Withdrawal

Effective, when—Withdrawal.

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same,

but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Construction—
Severability.

SEC. 2. As used in the compact, the term "licensing authority" with reference to this state, shall mean the department of licenses. 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.

Licensing
authority
defined.

SEC. 3. The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his

Administra-
tor's expenses.

Driver license compact. Administrator's expenses.

service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.

Executive head defined.

SEC. 4. As used in the compact, with reference to this state, the term "executive head" shall mean governor.

Effective date.

SEC. 5. The effective date of this act shall be July 1, 1963.

Passed the House March 14, 1963.

Passed the Senate March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 121.

[H. B. 150.]

HEALTH DISTRICTS—FEES.

AN ACT relating to health districts; adding a new section to chapter 183, Laws of 1945 and to chapter 70.46 RCW.

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

New section.

SECTION 1. There is added to chapter 183, Laws of 1945 and to chapter 70.46 RCW a new section to read as follows:

Health districts may change fees—Limitations.

In addition to all other powers and duties, health districts shall have the power to charge fees in connection with the issuance or renewal of a license or permit required by law: *Provided*, That the fees charged shall not exceed the actual cost involved in issuing or renewing the license or permit: *Provided further*, That no fees shall be charged pursuant to this section within the corporate limits of any city or town which prior to the enactment of this section charged fees in connection with the issuance or re-

Proviso.

Proviso.

newal of a license or permit pursuant to city or town ordinance and where said city or town makes a direct contribution to said health district, unless such city or town expressly consents thereto.

Passed the House March 13, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 122.

[H. B. 211.]

HORTICULTURAL PLANTS AND PRODUCTS— STANDARDS, GRADES AND PACKS.

AN ACT relating to horticulture; providing standards, grades, and packs for horticultural plants and products; providing for certain fees and procedures; providing penalties; repealing sections 15.16.010 through 15.16.490, chapter 11, Laws of 1961 and RCW 15.16.010 through 15.16.490; and making an effective date.

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

SECTION 1. The purpose of this act is to provide uniform grades and standards for horticultural plants and products and to provide for the inspection of such horticultural plants or products in the state of Washington. This act is important and vital to the maintenance of a high level of public health and welfare of the citizens of this state by protecting the national and international reputation of horticultural plants and products grown and shipped from this state and protecting the citizens of this state from the importation and sale of ungraded, immature, and inferior horticultural plants and products so as to prevent a condition conducive to substitution, confusion, deception, and fraud, a condition which if permitted to exist would tend to interfere with the orderly and fair marketing of horticultural plants and products

Horticultural
plants,
products—
Standards,
grades, packs.
Purpose.

essential to the well being of the citizens of this state. It is hereby declared that this act is enacted in the exercise of the police power of this state for the purpose of protecting the immediate and future health, safety, and general welfare of the citizens of this state.

Horticultural
plants,
products—
Standards,
grades, packs.
Definitions.

SEC. 2. For the purpose of this act:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means a natural person, individual, or firm, partnership, corporation, company, society, and association, and every officer, agent, or employee thereof. This term shall import either the singular or plural, as the case may be.

(4) "Horticultural plant or product" includes, but is not limited to, any horticultural, floricultural, viticultural, olericultural plant, growing or otherwise, and their products whether grown above or below the ground's surface.

(5) "Horticultural facilities" means, but is not limited to, the premises where horticultural plants and products are grown, stored, handled, or delivered for sale or transportation, and all vehicles and equipment, whether aerial or surface, used to transport such horticultural plants or products.

(6) "Deceptive pack" means the pack of any container which has in the outer layer or any exposed surface, horticultural plants or products which are in quality, size, condition, or any other respect so superior to those in the interior of the container in the unexposed portion as to materially misrepresent the contents. Such pack is deceptive when the outer or exposed surface is composed of horticultural plants or products whose size is not an accurate representation of the variation of the size of such horticultural plants or products in the entire container, even

though such horticultural plants or products in the container are virtually uniform in size or comply with the specific horticultural plant or product for which the director in prescribing standards for grading and classifying has prescribed size variations or if such size variations are prescribed by law.

(7) "Deceptive arrangement or display" of any horticultural plants or products, means any bulk lot or load, arrangement or display of such horticultural plants or products which has in the exposed surface, horticultural plants or products which are so superior in quality, size, condition, or any other respect to those which are concealed, or the unexposed portion, as to materially misrepresent any part of such bulk lot or load, arrangement, or display.

(8) "Mislabel" means the placing or presence of any false or misleading statement, design, or device upon any container, or upon the label or lining of any such container, or upon the wrapper of any horticultural plants or products, or upon any such horticultural plants or products, or any placard used in connection therewith and having reference to such horticultural plants or products. A statement, design, or device is false or misleading when the horticultural plant or product or container to which it refers does not conform to such statement.

(9) "Container" means any container, subcontainer used within a container, or any type of a container used to prepackage any horticultural plants or products: *Provided*, That this does not include containers used by a retailer to package such horticultural plants or products sold from a bulk display to a consumer. Proviso.

(10) "Agent" means broker, commission merchant, auctioneer, solicitor, seller, or consignor, and any other person acting upon the actual or implied authority of another.

Horticultural plants, products— Standards, grades, packs. Definitions.

(11) "Inspection and certification" means, but is not limited to, the inspection of any horticultural plant or product at any time prior to, during, or subsequent to harvest, by the director, and the issuance by him of a written permit to move or sell or a written certificate stating the grade, classification, and if such horticultural plants or products are free of plant pests and/or other defects.

(12) "Plant pests" means, but is not limited to, any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts thereof, viruses, or any organisms similar to or allied with any of the foregoing, or any infectious substance, which can directly or indirectly injure or cause disease or damage in any plant or parts thereof, or any processed, manufactured, or other products of plants.

Enforcement— Rules, hearing on.

SEC. 3. (1) The director shall enforce and carry out the provisions of this act and may adopt the necessary rules to carry out its purpose. The adoption of rules shall be subject to the provisions of chapter 34.04 RCW, concerning the adoption of rules, as enacted or hereafter amended.

(2) The director shall, whenever he considers the adoption of rules or amendments to existing rules, consult with growers, associations of growers, or other persons affected by such rules or amendments.

(3) The director may, on his own motion or shall, on the written application of twenty-five or more interested persons, call a hearing for the purpose of considering changes to any rules prescribed under the provisions of this act.

Unlawful acts enumerated— Exception.

SEC. 4. It shall be unlawful to sell, offer for sale, hold for sale, ship, or transport any fruits or vegetables in bulk or in containers unless ninety per-

cent or more by weight or count, as established by inspection, are free from (1) plant pest injury which has penetrated or damaged the edible portions; (2) worms, mold, slime, or decay. The provisions of this section shall not apply to those fruits or vegetables for which grades and/or classifications and standards for such grades and/or classifications have been especially provided under the provisions of this act or by rules adopted hereunder.

SEC. 5. The director may, unless otherwise provided for by the laws of this state, or in this act, establish rules:

Rules, scope—
Authority to
promulgate.

(1) Providing standards and sizes for grades and/or classifications especially provided for in this act for any horticultural plant or product;

(2) Providing grades and/or classifications for any horticultural plant or product not especially provided for in this act. In establishing such standards for grades and/or classifications, the director shall take into account the factors of maturity, soundness, color, shape, size, and freedom from mechanical and plant pest injury. When adopting grades and/or classifications for any horticultural plant or product not especially provided for in this act the director may consider and adopt grades and/or classifications established by the secretary of agriculture of the United States in effect on the effective date of this act, and any subsequent amendment to such grades and/or classifications prescribed by the said secretary;

(3) Fixing the sizes and dimensions of containers to be used for the packing or handling of any horticultural plant or product;

(4) Concerning the inspection of any horticultural plant or product subject to the provisions of this act or in cooperation with the United States Government or any other state;

(5) Necessary to carry out the purpose and provisions of this act.

Horticultural plants, products—Standards, grades, packs. Adoption of U. S. grades, classifications.

SEC. 6. The director may adopt any United States grade and/or classification for any horticultural plant or product especially provided for in this act if such United States grade and/or classification is substantially equivalent to or better than the minimum grade and/or classification especially provided for such horticultural plant or product in this act.

Combination grades.

SEC. 7. The director may establish combination grades for fruits and vegetables, and standards and sizes for such combination grades. The standards for such combination grades shall, by percentage quantities, include two or more of the grades, except cull grades, especially provided for in this act or adopted by rule hereunder.

Restrictions on selling fresh fruit as culls—Otherwise unlawful.

SEC. 8. It shall be unlawful for any person to sell fresh fruits for fresh consumption classified as culls under the provisions of this act or rules adopted hereunder unless such fruit is packed in one-half bushel or one bushel wooden baskets ring faced, with the fruit in the ring face representative of the size and quality of the fruit in such baskets. Such baskets shall be lidded and the words "cull" including the kind of fruit and variety must appear on the top and side of each basket and on any label thereon in clear and legible letters at least two and one-half inches high. Every bill of lading, invoice, memorandum, and document referring to said fruit shall designate them as culls.

Private grades, brands—Registration—Limitation. Proviso.

SEC. 9. The director may approve and register a private grade or brand for any horticultural plant or product: *Provided*, That such private grade or brand shall not be lower than the second grade and/or classification established under the provisions of this act or rules adopted hereunder for such horticultural plant or product.

SEC. 10. The director shall by rule establish grades and/or classifications for apples and standards and sizes for such grades and/or classifications. In establishing such standards for grades and/or classifications, the director shall take into account the factors of maturity, soundness, color, shape, and freedom from mechanical and plant pest injury. When establishing standards of color requirements for red varieties and partial red varieties of apples, the director shall establish color standards for such varieties which are not less than the following:

Apple grades,
classifications,
color standards
—Hearings—
Notice.

1. Arkansas Black	Fifteen percent
2. Spitzenburg (Esopus)	Fifteen percent
3. Winesap	Twenty percent
4. King David	Fifteen percent
5. Delicious	Twenty percent
6. Stayman Winesap	Ten percent
7. Vanderpool	Ten percent
8. Black Twig	Ten percent
9. Jonathan	Ten percent
10. McIntosh	Ten percent
11. Rome	Ten percent
12. Red Sport varieties	Twenty percent

Whenever red sport varieties are marked as such, they shall meet the color requirements of red sport varieties.

The director may upon his own motion or upon the recommendation of an organization such as the Washington state horticultural association's grade and pack committee hold hearings in each major apple producing area concerning changes in apple grades and/or standards for such apple grades as proposed by the director or as recommended by such organization.

The hearings on such recommendations for changes in grades for apples and/or standards for such grades shall be subject to chapter 34.04 RCW concerning the adoption of rules and the director

Horticultural
plants,
products—
Standards,
grades, packs.
Apples—
Hearing—
Violations.

shall publish notice of such hearings at least three times in the legal newspaper with the widest circulation in the major apple producing areas where such hearings are to be held. The last publication of such notice shall be published at least fourteen days prior to such hearings.

The director in making his final determination on his recommendation or those proposed by such organization shall give due consideration to testimony given by producers or producer organizations at such hearing.

It shall be unlawful for any person to sell, offer for sale, hold for sale, ship, or transport any apples unless they comply with the provisions of this act and the rules adopted hereunder.

Specific grades,
classifications
to be made—
Basis—
Violations.

SEC. 11. The director shall by rule establish grades and/or classifications for:

- (1) Apricots and standards and sizes for such grades and/or classifications;
- (2) Cantaloupes and standards and sizes for such grades and/or classifications;
- (3) Italian prunes and standards and sizes for such grades and/or classifications;
- (4) Peaches and standards and sizes for such grades and/or classifications;
- (5) Pears and standards and sizes for such grades and/or classifications;
- (6) Potatoes and standards and sizes for such grades and/or classifications;
- (7) Tomatoes and standards and sizes for such grades and/or classifications.

In establishing standards for grades and/or classifications of apricots, cantaloupes, Italian prunes, peaches, pears, potatoes, and tomatoes, the director shall consider, when applicable, the factors of maturity, soundness, color, shape, size, and freedom from mechanical and plant pest injury.

It shall be unlawful for any person to sell, offer

for sale, hold for sale, ship, or transport apricots, cantaloupes, Italian prunes, peaches, pears, potatoes, and tomatoes unless they comply with the provisions of this act or rules adopted hereunder.

The provisions of this section and of section 10 of this act shall not in any manner be construed to limit the director's authority to adopt grades and/or classifications for any other horticultural plant or product not especially mentioned in such sections or standards and sizes for grades and/or classifications.

The director when adopting rules in respect to horticultural plants or products shall hold a public hearing and shall consult with affected parties, such as growers, associations of growers and handlers and any final rule adopted as a result of a hearing shall be designed to promote orderly marketing and shall be reasonable and necessary and based upon the requirements and conditions of the industry and shall be for the purpose of promoting the well-being of the members of the horticultural industry as well as for the general welfare of the people of the state.

SEC. 12. The grades and/or classifications and the standards and sizes for such grades and/or classifications relating to horticultural plants and products specifically mentioned in sections 10 and 11 of this act and included in or adopted under the provisions of chapter 15.16 RCW and in effect immediately prior to the repeal of RCW 15.16.010 through RCW 15.16.490 shall be considered to have been adopted by the director as rules under the provisions of this act pursuant to the provisions of chapter 34.04 RCW concerning the adoption of rules, as enacted or hereafter amended. Any amendment or repeal of such rules after the effective date of this act shall be subject to the provisions of chapter 34.04 RCW concerning the adoption of rules as enacted or hereafter amended.

Grades,
classifications,
continued—
Change subject
to chapter
34.04 RCW.

Horticultural plants, products—Standards, grades, packs. Exemptions.

SEC. 13. The provisions of this act shall not apply:

(1) To the movement in bulk of any horticultural plant or product from the premises where grown or produced to a packing shed, warehouse, or processing plant within the area of production prior to inspection and/or grading where such inspection and/or grading is to be performed at such packing shed, warehouse, or processing plant; nor

(2) To any processed, canned, frozen, or dehydrated horticultural plants or products; nor

(3) Shall this act prevent the manufacture of any infected horticultural plant or product into by-products or its shipment to a byproducts plant.

Inspection, certification. Application for.

SEC. 14. Any person financially interested in any horticultural plants or products in this state may apply to the director for inspection and certification as to whether such horticultural plants or products meet the requirements provided for by the laws of this state, the provisions of this act or rules adopted hereunder, or the standards for grading and classifying such horticultural plants or products established by the secretary of the United States department of agriculture, or by any other state, or by contractual agreement between buyers and sellers of such horticultural plants or products.

—Fees.

SEC. 15. The director shall prescribe the necessary fees to be charged, (1) to the owner or his agent for the inspection and certification of any horticultural plants or products subject to the provisions of this act or rules adopted hereunder, (2) for inspection and certification when such inspection and certification is performed at the request of any person financially interested in any horticultural plants or products which are, or are not, subject to the provisions of this act or rules adopted hereunder, produced in, or imported into, this state. The fees

provided for in this section shall become due and payable by the end of the next business day and if such fees are not paid within the prescribed time the director may withdraw inspection or refuse to perform any inspection or certification services for the person in arrears: *Provided*, That the director in such instances may demand and collect inspection and certification fees prior to inspecting and certifying any horticultural plants or products for such person.

SEC. 16. The director may upon application of both buyer and seller provide a state inspector to perform third party grading for the parties and shall charge fees to cover the cost thereof on the same terms and conditions as provided in section 15 of this act for inspection and certification.

SEC. 17. Every inspection certificate issued by the director under the provisions of this act shall be received in all the courts of the state as prima facie evidence of the statements therein.

SEC. 18. Any container packed with any horticultural plant or product for which a grade and/or classification has been especially provided in this act or adopted by rule hereunder, may be stamped with either or both the state grade and/or classification and the United States grade and/or classification.

SEC. 19. The director may enter during business hours and inspect any horticultural facility where any horticultural plants or products are produced, stored, packed, delivered for shipment, loaded, shipped, being transported or sold, and may inspect all such horticultural plants or products and the containers thereof and the equipment in any such horticultural facility. The director may take for inspection such representative samples of such horticultural plants or products and such containers as may be necessary to determine whether or not provisions

of this act or rules adopted hereunder have been violated, and may subject such samples of horticultural plants or products to any method of inspection or testing. Should the director be denied access to any horticultural facilities where such access was sought for the purpose set forth in this section, he may apply to a court of competent jurisdiction for a search warrant authorizing access to such horticultural facilities for said purpose. The court may upon such application issue the search warrant for the purpose requested.

Horticultural plants, products— Standards, grades, packs. Noncomplying plants, products— Enforcement procedure.

SEC. 20. The director may affix to any such lot or part thereof of horticultural plants or products a tag or notice of warning that such lot of horticultural plants or products is held and stating the reasons therefor. It shall be unlawful for any person other than the director to detach, alter, deface, or destroy any such tag or notice affixed to any such lot, or part thereof, of horticultural plants or products, or to remove or dispose of such lot, or part thereof, in any manner or under conditions other than as prescribed in such tag or notice, except on the written permission of the director or the court.

The director shall forthwith cause a notice of noncompliance to be served upon the person in possession of such lot of horticultural plants or products. The notice of noncompliance shall include a description of the lot, the place where, and the reason for which, it is held, and it shall give notice that such lot of horticultural plants or products is a public nuisance and subject to disposal as provided in this section unless, within a minimum of seventy-two hours or such greater time as prescribed in the notice by the director, it is reconditioned or the deficiency is otherwise corrected so as to bring it into compliance.

If the person so served is not the sole owner of such lot of horticultural plants or products, or does

not have the authority as an agent for the owner to bring it into compliance, it shall be the duty of such person to notify the director forthwith in writing giving the names and addresses of the owner or owners and all other persons known to him to claim an interest in such lot of horticultural plants or products. Any person so served shall be liable for any loss sustained by such owner or other person whose name and address he has knowingly concealed from the director.

If such lot of horticultural plants or products has not been reconditioned or the deficiency corrected so as to bring it into compliance within the time specified in the notice, the director shall forthwith cause a copy of such notice to be served upon all persons designated in writing by the person in possession of such lot of horticultural plants or products to be the owner or to claim an interest therein. Any notice required by this section may be served personally or by mail addressed to the person to be served at last known address.

The director with the written consent of all such persons so served, is hereby authorized to destroy such lot of horticultural plants or products or otherwise abate the nuisance. If any such person fails or refuses to give such consent, then the director shall proceed in the manner provided for such purposes in this section.

If such lot of horticultural plants or products is perishable or subject to rapid deterioration the director may, through the prosecutor in the county where such horticultural plants or products are held, file a verified petition in the superior court of the said county to destroy such lot of horticultural plants or products or otherwise abate the nuisance. The petition shall state the condition of such lot of horticultural plants or products, that such lot of horticultural plants or products is held, and that notice of noncom-

Horticultural
plants,
products—
Standards,
grades, packs.
Noncomplying
plants or
products—
Enforcement
procedure.

pliance has been served as provided in this act. The court may then order that such lot of horticultural plants or products be forthwith destroyed or the nuisance otherwise abated as set forth in said order.

If such lot of horticultural plants or products is not perishable or subject to rapid deterioration, the director may, through the prosecutor in the county in which it is located, file a petition within five days of the serving of the notice of noncompliance upon the owners or person in possession of such lot of horticultural plants or products in the superior court or justice court of the said county for an order to show cause, returnable in five days, why such lot of horticultural plants or products should not be abated. The owner or person in possession, on his own motion within five days from the expiration of the time specified in the notice of noncompliance, may file a petition in such court for an order to show cause, returnable in five days, why such lot of horticultural plants or products should not be released to the petitioner and any warning tags previously affixed removed therefrom.

The court may enter a judgment ordering that such lot of horticultural plants or products be condemned and destroyed in the manner directed by the court or relabeled, or denatured, or otherwise processed, or sold, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. In the event of sale by the owner or the court, the costs of storage, handling, reconditioning, and disposal shall be deducted from the proceeds of the sale and the balance, if any, paid into the court for the owner.

Violations
enumerated.

SEC. 21. It shall be unlawful to sell, offer for sale, hold for sale, ship, or transport any horticultural plants or products:

(1) Subject to the requirements of section 4 of this act unless they meet such requirements;

(2) As meeting the grades and/or classifications and standards and sizes for such grades and/or classifications as adopted or amended by the director under section 5 of this act unless they meet such standards and sizes for such grades and/or classifications;

(3) As meeting the standards and sizes for private grades or brands as approved by the director under section 9 of this act unless they meet such standards and sizes;

(4) In containers other than the size and dimensions prescribed by the director, when he has prescribed by rule such size and dimensions for containers in which any horticultural plants or products will be placed or packed: *Provided*, That this subsection shall not apply when any such horticultural plants or products are being shipped or transported to a packing plant, processing plant, or cold storage facility for preparation for market; Proviso.

(5) Unless the containers in which such horticultural plants or products are placed or packed are marked as prescribed by the director, with the proper United States and/or Washington grade and/or classification or private grades or brands of such horticultural plants or products;

(6) Unless the containers in which such horticultural plants or products are placed or packed are marked as prescribed by the director, which may include the following:

(a) The name and address of the grower, or packer, or distributor;

(b) The varieties of such horticultural plants or products;

(c) The size, weight, volume and/or count of such horticultural plants or products;

(7) Which are in containers marked or advertised for sale or sold as being graded and/or classified according to the standards and sizes prescribed by the director or by law unless such horticultural

plants or products conform with such grades and/or classifications and their standards and sizes;

- (8) Which are deceptively packed;
- (9) Which are deceptively arranged or displayed;
- (10) Which are mislabeled;
- (11) Which do not conform to the provisions of this act or rules adopted hereunder.

Horticultural plants, products—Standards, grades, packs. Further violations enumerated.

SEC. 22. It shall be unlawful:

(1) To re-mark any container to a higher or superior grade than that marked thereon by the grower or packer of any horticultural plants or products, unless such horticultural plants or products meet the requirements of the higher grade;

(2) For any person to ship or transport or any carrier to accept any horticultural plant or product without an inspection certificate or permit when the director has prescribed by rule that such horticultural plants or products shall be accompanied by an inspection certificate or permit issued by him when shipped or transported. Such inspection certificate or permit shall be on a form prescribed by the director and may include space for stamps or other methods of denoting that all assessments provided for by law have been paid before such horticultural plants or products may lawfully be delivered or accepted for shipment;

(3) For any consignee to accept any shipment of horticultural plants or products which is not accompanied by an inspection certificate or permit prescribed by rule under the provisions of this act;

(4) For any reason to refuse to submit any container, load, or display of horticultural plants or products to the inspection of the director, or refuse to stop any vehicle or equipment containing horticultural plants or products for the purpose of inspection by the director;

(5) For any person to move any horticultural plants or products or their containers to which any

warning tags or notice from the place where it was affixed, except under a written permit from the director or under his specific direction.

SEC. 23. For the purpose of this act the state shall be divided into the following horticultural inspection districts to which the director may assign one or more inspectors-at-large who as a representative of the director shall supervise and administer regulatory and inspection affairs of the districts:

Horticultural
inspection
districts
established.

- | | |
|------------------|--|
| District One: | Walla Walla, Columbia, Garfield, Asotin, Whitman, Benton, Franklin |
| District Two: | Spokane, Lincoln, Stevens, Ferry, Pend Oreille |
| District Three: | Adams, Grant |
| District Four: | Chelan, southern portion of Douglas |
| District Five: | Yakima, Kittitas, Klickitat, Skamania |
| District Six: | Clark, Cowlitz, Wahkiakum |
| District Seven: | Lewis, Pacific, Thurston, Mason, Grays Harbor |
| District Eight: | Pierce, Kitsap, Jefferson, Clallam |
| District Nine: | King |
| District Ten: | Whatcom, Snohomish, San Juan, Skagit, Island |
| District Eleven: | Okanogan, northern portion of Douglas |

SEC. 24. The inspectors-at-large in charge of such inspections shall collect the fees therefor and deposit them in the horticultural district fund in any

Collection;
deposit of fees.

Horticultural plants, products—Standards, grades, packs. Use of inspection fees—Bond of inspectors-at-large—Accounting.

bank in the district approved for the deposit of state funds. The inspectors-at-large shall expend fees deposited in the horticultural district fund to assist in defraying the expenses of inspections and they shall make payments from the horticultural district fund to the horticultural inspection trust fund in Olympia as authorized by the director in accordance with RCW 15.04.100. Inspectors-at-large shall furnish bonds to the state in amounts set by the administrative board, pursuant to RCW 43.17.090, with sureties approved by the director, conditioned upon the faithful handling of said funds for the purposes specified; and shall, on or before the tenth day of each month, render to the director a detailed account of the receipts and disbursements for the preceding month.

Inspectors-at-large reports—Refunds by district.

SEC. 25. On the thirtieth day of June of each year the inspectors-at-large shall render to the commissioners of every county in which such service has been rendered in their districts, a complete account of the past year's business. Should there remain on hand in any horticultural district fund after all expenses for said services have been paid, amounts in excess of those in the following schedule, they shall be returned to the contributors to the fund in proportion to the amount each contributed; Schedule: Districts 2, 6, and 7, each twenty-five thousand dollars; districts 1 and 8, each thirty thousand dollars; districts 9 and 10, each fifty thousand dollars; district 11, seventy-five thousand dollars; and districts 3, 4, and 5, each one hundred thousand dollars.

Injunctions.

SEC. 26. The director may bring an action to enjoin the violation of any provision of this act or rule adopted pursuant to this act in the superior court in which such violation occurs, notwithstanding the existence of other remedies at law.

SEC. 27. The provisions of this act shall be cumulative and nonexclusive and shall not affect any other remedy.

Provisions cumulative, nonexclusive.

SEC. 28. The enactment of this act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on the effective date of this act.

Savings.

SEC. 29. The repeal of chapter 15.16 RCW and the enactment of this act shall not be deemed to have repealed any rules adopted under the provisions of chapter 15.16 RCW not in conflict with the provisions of this act and in effect immediately prior to such repeal. For the purpose of this act it shall be deemed that such rules have been adopted under the provisions of this act pursuant to the provisions of chapter 34.04 RCW, as enacted or hereafter amended, concerning the adoption of rules. Any amendment or repeal of such rules after the effective date of this act shall be subject to the provisions of chapter 34.04 RCW as enacted or hereafter amended, concerning the adoption of rules.

Continuation of rules—
Change subject to chapter 34.04 RCW.

SEC. 30. Any person violating the provisions of this act or rules adopted hereunder is guilty of a misdemeanor.

General penalty.

SEC. 31. The director may cooperate with and enter into agreements with governmental agencies of this state, other states, and agencies of federal government in order to carry out the purpose and provisions of this act.

Cooperation with governmental agencies.

SEC. 32. There shall be exempt from the provisions of this act the sale of up to five hundred pounds of any fruits or vegetables sold by any producer where grown by any producer and sold directly by producer to ultimate consumer: *Provided*, That such fruits and vegetables shall meet the requirements of section 4 of this act.

Exemptions.

Proviso.

Severability. SEC. 33. 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.

Effective date. SEC. 34. The effective date of this act is July 1, 1963.

Repeal. SEC. 35. Sections 15.16.010 through 15.16.490, chapter 11, Laws of 1961, and RCW 15.16.010 through 15.16.490 are hereby repealed.

Passed the House March 13, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 123.

[H. B. 255.]

JUSTICE COURTS—SMALL CLAIMS.

AN ACT relating to small claims in justice courts; amending section 1, chapter 187, Laws of 1919 and RCW 12.40.010; and amending section 3, chapter 187, Laws of 1919 and RCW 12.40.030.

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

RCW 12.40.010
amended.

SECTION 1. Section 1, chapter 187, Laws of 1919 and RCW 12.40.010 are each amended to read as follows:

Justice courts
—Small claims
department.
Authorized.

That in every justice court of this state there shall be created and organized by the justice of the peace thereof a department to be known as the "small claims department of the justice's court", which shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed fifty dollars.

SEC. 2. Section 3, chapter 187, Laws of 1919 and RCW 12.40.030 are each amended to read as follows:

Upon filing said claim such justice of the peace shall appoint a time for the hearing of said matter and shall cause to be issued a notice of the claim, as hereinafter provided, which shall be served upon the defendant.

Said justice of the peace shall collect in advance upon each claim the sum of one dollar, and this shall be the only fee for such justice of the peace to be charged or taxed against the plaintiff in such action during the pendency or disposition of said claim: *Provided, however,* That when any such "small claims department" shall be created and organized in any justice court as herein provided, in which the justice is not paid a salary, he may be paid as compensation for conducting such department from the county treasury of his county such monthly salary as the county court and commissioners of said county shall deem just and proper.

Passed the House March 14, 1963.

Passed the Senate March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 124.

[H. B. 311.]

AGRICULTURAL COMMODITIES—STORAGE,
SHIPMENT, HANDLING.

AN ACT relating to the storage of agricultural commodities; providing for the establishment and preservation of standards for agricultural commodities; regulating warehousemen and shippers of such commodities; defining certain duties of railroads; regulating track and elevator scales and track connections with industries; providing penalties for the violation thereof; repealing acts and certain parts of acts and chapters 22.01, 22.08, 22.12, and 22.14 RCW; and making an effective date.

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

SECTION 1. For the purpose of this act:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means a natural person, individual, firm, partnership, corporation, company, society, association, cooperative, port district, or two or more persons having a joint or common interest.

(4) "Agricultural commodities", hereinafter referred to as commodities, means, but is not limited to, all the grains, hay, peas, hops, grain and hay products, beans, lentils, corn, sorghums, malt, peanuts, flax, and other similar agricultural products, and shall also include agricultural seeds but only when stored by a warehouseman who issues negotiable warehouse receipts therefor.

(5) "Public warehouse" hereinafter referred to as "warehouse" means any elevator, mill, warehouse, public grain warehouse, public warehouse, terminal warehouse, station, or other structure or facility in which commodities are received from the public for storage, shipment, or handling, for compensation: *Provided*, That this shall not include any warehouse

Agricultural
commodities
act. Defin-
itions.

Proviso.

storing or handling fresh fruits and/or vegetables or any warehouse used exclusively for cold storage.

(6) "Terminal warehouse" means any warehouse designated as a terminal by the department, and located at an inspection point where inspection facilities are maintained by the department and where commodities are ordinarily received and shipped by common carrier.

(7) "Inspection point" means a city, town, or other place wherein the department maintains inspection and weighing facilities.

(8) "Station" means two or more warehouses between which commodities are commonly transferred in the ordinary course of business and which are (a) immediately adjacent to each other, or (b) located within the corporate limits of any city or town and subject to the same transportation tariff zone, or (c) at any railroad siding or switching area and subject to the same transportation tariff zone, or (d) at one location in the open country off rail.

(9) "Depositor" means any person who deposits a commodity in a warehouse for storage, handling, or shipment, or who is the owner or legal holder of a warehouse receipt, outstanding scale weight ticket, or other evidence of such deposit.

(10) "Warehouse receipt" means a negotiable or nonnegotiable warehouse receipt as provided for in the Uniform Warehouse Receipts Act (chapter 22.04 RCW), as enacted or hereafter amended.

(11) "Warehouseman" means any person owning, operating, or controlling a warehouse.

(12) "Scale weight ticket" means a load slip or other evidence of deposit, serially numbered, not including warehouse receipts as defined in subsection (10) of this section, given a depositor on request upon initial delivery of the commodity to the warehouse and shall show the warehouse name, and state num-

ber, type of commodity, weight thereof, name of depositor, and the date delivered.

Agricultural commodities act. Administrative powers enumerated— Rules, regulations.

SEC. 2. The department shall administer and carry out the provisions of this act and rules adopted hereunder, and it shall have the power and authority to:

(1) Supervise the receiving, shipping, handling, weighing, and storage of all commodities;

(2) Supervise the inspection and grading of all commodities;

(3) Approve or disapprove the facilities, including scales, of all warehouses;

(4) Approve or disapprove all rates and charges for the handling, storage, and shipment of all commodities;

(5) Investigate all complaints of fraud in the operation of any warehouse;

(6) Examine and inspect, during ordinary business hours, any warehouse licensed hereunder, including all commodities therein and all books, documents, and records;

(7) Inspect at reasonable times any warehouse or storage facility where commodities are stored, handled, shipped, or received including all commodities stored therein and all books, documents, and records in order to determine whether or not such facility should be licensed pursuant to this act;

(8) Administer oaths, issue subpoenas to compel the attendance of witnesses, and/or the production of books, documents, and records anywhere in the state pursuant to a hearing relative to the purpose and provisions of this act. Witnesses shall be entitled to fees for attendance and travel, as provided in chapter 2.40 RCW, as enacted or hereafter amended;

(9) Adopt rules regarding the identification of commodities by the use of confetti or other similar means so that such commodities may be readily identified if stolen or removed in violation of the provi-

sions of this act from a warehouse or if otherwise unlawfully transported;

(10) Adopt all the necessary rules and regulations for carrying out the purpose and provisions of this act. The adoption of rules and regulations under the provisions of this act shall be subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended. The director when adopting rules in respect to the provisions of this act shall hold a public hearing and shall to the best of his ability consult with persons and organizations or interests who will be affected thereby, and any final rule adopted as a result of the hearing shall be designed to promote the provisions of this act and shall be reasonable and necessary and based upon needs and conditions of the industry, and shall be for the purpose of promoting the well-being of the industry to be regulated and the general welfare of the people of the state.

SEC. 3. It shall be unlawful for any person to operate a warehouse without first having obtained an annual license from the department. A separate license shall be required for each warehouse a person intends to operate: *Provided*, That any person operating two or more warehouses which constitute a station may license such warehouses under one state license. All the assets of a given station, licensed under one state license, shall be subject to all the liabilities of that station and for the purposes of this act shall be treated as a single warehouse, requiring all the stocks and obligations of the warehouses at a given station to be treated as a unit for all purposes including, but not limited to, issuance of warehouse receipts and receipt and delivery of commodities for storage, shipment, or handling.

License or
licenses
required.

Proviso.

SEC. 4. Application for a license to operate a warehouse under the provisions of this act shall be on a

Application
for license.

Agricultural commodities act. Application for license.

form prescribed by the department and shall include:

- (1) The full name of the person applying for the license and whether the applicant is an individual, partnership, association, corporation or other;
- (2) The full name of each member of the firm or partnership, or the names of the officers of the company, society, cooperative association, or corporation;
- (3) The principal business address of the applicant in the state and elsewhere;
- (4) The name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant;
- (5) The location of each warehouse the applicant intends to operate and the preponderate commodity expected in storage;
- (6) The bushel storage capacity of each such warehouse to be licensed, including a schematic diagram accurately showing the areas of storage and floor plan of the warehouse;
- (7) The schedule of fees to be charged at each warehouse for the handling, storage, and shipment of all commodities during the licensing period;
- (8) A financial statement;
- (9) Whether the application is for a station, terminal, or public warehouse license;
- (10) Any other reasonable information the department finds necessary to carry out the purpose and provisions of this act.

License fees, penalties.

SEC. 5. Any application for a license to operate a warehouse shall be accompanied by a license fee of one hundred dollars for a terminal warehouse and twenty-five dollars for a public warehouse. If a licensee operates more than one warehouse, under one state license as provided for in section 3 of this act, the license fee shall be computed by multiplying the number of physically separated warehouses within such station by the applicable terminal or public warehouse license fee. If an application for renewal

of a license or licenses is not received by the department prior to June 30th of any year, a penalty of fifty dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued. This penalty shall not apply if the applicant furnishes an affidavit certifying that he has not acted as a warehouseman subsequent to the expiration of his prior license.

SEC. 6. No license shall be issued to an applicant before a bond as provided in section 9 of this act and a certificate of insurance as provided in section 11 of this act have been filed with the department, or, as to bond requirements under section 9 of this act proof of filing of a bond with the United States secretary of agriculture as required by the United States Warehouse Act (7 USCA § 241 *et seq.*). Proof of such filing with the United States secretary of agriculture shall be by filing a certified copy of such bond with the department.

Bond and insurance as prerequisite to license.

SEC. 7. The department shall issue a license to an applicant upon its determination that the applicant has facilities adequate for handling and storage and that the application is in the proper form and upon approval of the matters contained therein and upon a showing that such applicant has complied with the provisions of this act and rules adopted hereunder. The licensee shall forthwith upon receipt of such license post it in a conspicuous place in the office of the licensed warehouse or if a station license, in the main office at such station. Such license shall expire on June 30th, subsequent to the date of issuance unless it has been revoked, canceled, or suspended prior thereto by the department.

License—Issuance—Posting—Duration.

SEC. 8. The department is authorized to deny, suspend, or revoke a license after a hearing in any case in which it is determined that there has been a violation or refusal to comply with the requirements of

Licenses—Denial—Suspension—Revocation.

this act, rules adopted hereunder, or the provisions of the Uniform Warehouse Receipts Act (chapter 22.04 RCW) as enacted or hereafter amended. All hearings for the denial, suspension, or revocation of a license shall be subject to chapter 34.04 RCW (Administrative Procedure Act) as enacted or hereafter amended.

Agricultural
commodities
act. Bond
requisites—
insurance
policy in
lieu of.

SEC. 9. (1) Before any person shall be granted a license pursuant to the provisions of this act such person shall give a bond to the state of Washington executed by the warehouseman as principal and by a corporate surety licensed to do business in this state as surety. The bond shall be in the sum of not less than ten thousand dollars nor more than two hundred thousand dollars. The department shall, after holding a public hearing, determine the amount of the bond which shall be computed at a rate of not less than ten cents nor more than twenty-five cents per bushel multiplied by the number of bushels of licensed commodity storage capacity of the warehouses of the licensee furnishing the bond. The department shall in determining the rate per bushel in fixing the amount of the bond take into consideration the bonding requirements of the United States Warehouse Act (7 USCA § 241 *et seq.*).

(2) The bond shall be approved by the department and shall be conditioned upon the faithful performance by the warehouseman of the duty to keep in the warehouse for the depositor the commodity delivered, and to deliver the commodity to, or ship it for such depositor, and such additional obligations as a warehouseman as may be assumed by him under storage contracts with the respective depositors of commodities in such warehouse. In case a person has applied for licenses to conduct two or more warehouses in the state, the assets applicable to all warehouses, but not the deposits except in case of a sta-

tion, shall be subject to the liabilities of each. The total and aggregate liability of the surety for all claims upon such bond shall be limited to the amount specified in the bond.

(3) The warehouseman may give a single bond meeting the requirements of this act, and all warehouses operated by the warehouseman shall be deemed as one warehouse for the purpose of the bond required under such section. Any change in the capacity of a warehouse or installation of any new warehouse involving a change in bond liability under this act shall be immediately reported to the department prior to the operation thereof.

(4) If a bond has been filed with, and approved by, the department of agriculture of the United States, as required by the United States Warehouse Act (7 USCA § 241 *et seq.*), then such bond shall be considered as in lieu of the bond required by this section only when:

(a) Satisfactory proof of the filing and approval of the bond is filed with the department;

(b) The surety is a corporation authorized to do business as a surety in this state;

(5) The department may when the sum of such surety bond is less than that required in this act accept in addition thereto a surety bond whose sum when added to the sum of the surety bond filed with the United States department of agriculture shall satisfy the requirement of this act.

(6) Notwithstanding any other provisions of this act, the license of a warehouseman shall automatically be suspended in accordance with the provisions of section 10 of this act for failure at any time to have or to maintain a bond in the amount and type required herein. The department shall remove the suspension or issue a license as the case may be, when the required bond has been obtained.

(7) Any warehouseman required to submit a

**Agricultural
commodities
act. Insurance
policy in lieu
of bond.**

bond to the department pursuant to the provisions of this act shall have the option to file a policy of insurance with the department in lieu of the warehouseman's bond. Such insurance policy before being accepted shall be approved by the attorney general and the insurance commissioner of the state of Washington if they deem the coverage provided thereby is equivalent to or greater than the coverage for depositors provided by the warehouseman's bond. If such an insurance policy is accepted in place of the bond such insurance policy, as between the department, warehouseman, and the depositors, shall be treated exactly the same as if it were a bond filed with the department. It is the intention of the legislature in this subsection to have the insurance policy replace the bond, as between the department, warehouseman, and the depositors, for all purposes as though the term bond used throughout the several sections of this act were to contain instead the term insurance policy.

**Bonds—Dura-
tion—Release
of surety.**

SEC. 10. Every bond filed with and approved by the department shall without the necessity of periodic renewal remain in force and effect until such time as the warehouseman's license is revoked for cause or otherwise canceled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond after the expiration of ninety days from the date upon 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 ninety-day period. The surety shall simultaneously send such notification of cancellation in writing to any other governmental agency requesting it. The department shall promptly upon receiving any such request notify the principal who

furnished the bond and unless the principal shall, on or before the expiration of the ninety-day period, file a new bond, the department shall forthwith cancel the principal's license.

SEC. 11. All commodities in storage in a warehouse shall be kept fully insured for the current market value of such commodity for the license period against loss by fire, lightning, internal explosion, windstorm, cyclone, and tornado. Evidence of such insurance coverage in the form of a certificate of insurance approved by the department shall be filed by the warehouseman with the department at the time of making application for an annual license to operate a warehouse as required by this act. The department shall issue a license when such certificate of insurance is received.

Casualty
insurance
required—
Certificate to
be filed.

SEC. 12. (1) Upon the existence of an effective policy of insurance as required in section 11 of this act, the insurance company involved shall be required to give thirty days' advance notice to the department by registered mail or certified mail return receipt requested of any cancellation of the policy. In the event of any cancellation, the department, without hearing, shall immediately suspend the license of such person, and the suspension shall not be removed until satisfactory evidence of the existence of an effective policy of insurance conditioned as above set out, has been submitted to the department.

Insurance—
Cancellation
procedure—
Suspension of
license.

SEC. 13. (1) Every warehouseman shall receive for storage, handling, or shipment, so far as the capacity and facilities of his warehouse will permit, all commodities included in the provisions of this act, in suitable condition for storage, tendered him in the usual course of business and shall issue therefor a warehouse receipt or receipts in form prescribed by the department as herein provided or a scale

Rights and
duties of
licensee.

Agricultural
commodities
act—Rights,
duties of
licensee.
Receipts—
Special
binning—
Unsuitable
commodities.

weight ticket. The deposit for storage, shipment or handling of such commodity must be credited to the depositor in the books of the warehouseman within seven days from the date of such deposit. If the commodity has been graded a warehouse receipt shall be issued within ten days after demand by the owner.

(2) If requested by the depositor, each lot of his commodity shall be kept in a special pile or special bin, if available, but in the case of a bulk commodity, if the lot or any portion of it does not equal the capacity of any available bin, the depositor may exercise his option to require the commodity to be specially binned only on agreement to pay charges based on the capacity of the available bin most nearly approximating the required capacity.

(3) A warehouseman shall have the right to refuse to accept for storage commodities which are wet, damaged, insect-infested, or in other ways unsuitable for storage.

—Partial
withdrawal,
procedure—
Liability to
third parties.

SEC. 14. (1) When partial withdrawal of his commodity is made by a depositor, the warehouseman shall make appropriate notation thereof on the depositor's nonnegotiable receipt or on other records, or, if the warehouseman has issued a negotiable receipt to the depositor, he shall claim, cancel, and replace it with a negotiable receipt showing the amount of such depositor's commodity remaining in the warehouse, and for his failure to claim and cancel, upon delivery to the owner of a commodity stored in his warehouse, a negotiable receipt issued by him, the negotiation of which would transfer the right to possession of such commodity, a warehouseman shall be liable to anyone who purchases such receipt for value and in good faith, for failure to deliver to him all the commodity specified in the receipt, whether such purchaser acquired title to the negotiable receipt before or after delivery of any part of the commodity by the warehouseman.

SEC. 15. (1) The duty of the warehouseman to deliver the commodity stored shall be governed by the provisions of this act and the requirements of the Uniform Warehouse Receipts Act (chapter 22.04 RCW) as enacted or hereafter amended. Upon the return of the receipt to the proper warehouseman, properly endorsed, and upon payment or tender of all advances and legal charges, commodities of the grade and quantity named therein shall be delivered to the holder of such receipt, except as provided by the Uniform Warehouse Receipts Act (chapter 22.04 RCW) as enacted or hereafter amended.

—Delivery
of stored
commodities
—Damages.

(2) A warehouseman's duty to deliver any commodity is fulfilled if delivery is made pursuant to the contract with the depositor or if no contract exists, then to the several owners in the order of demand as rapidly as it can be done by ordinary diligence; where delivery is made within forty-eight hours excluding Saturdays, Sundays, and legal holidays after facilities for receiving the commodity are provided, such delivery is deemed to comply with this subsection.

(3) No warehouseman shall fail to deliver a commodity as provided in this section, and delivery shall be made at the warehouse or station where the commodity was received unless agreed otherwise.

(4) In addition to being subject to penalties provided in this act for a violation of this section, if a warehouseman unreasonably fails to deliver commodities within the time as provided in this section, the person entitled to delivery of the commodity may maintain an action against the warehouseman for any damages resulting from the warehouseman's unreasonable failure to so deliver. In any such action the person entitled to delivery of the commodity has the option to seek recovery of his actual damages or liquidated damages of one-half of one percent of the

value for each day's delay after such forty-eight hour period.

Agricultural commodities act—Rights, duties of licensee. Disposition of hazardous commodities.

SEC. 16. (a) If a warehouseman discovers that as a result of a quality or condition of a certain commodity placed in his warehouse, including identity preserved commodities as provided for in section 13 (2) of this act, of which he had no notice at the time of deposit, such commodity is a hazard to other commodities or to persons or to the warehouse he may notify the depositor that it will be removed. If the depositor does not accept delivery of such commodity upon removal the warehouseman may sell the commodity at public or private sale without advertisement but with reasonable notification of the sale to all persons known to claim an interest in the commodity. If the warehouseman after a reasonable effort is unable to sell the commodity, he may dispose of it in any other lawful manner and shall incur no liability by reason of such disposition.

(b) At any time prior to sale or disposition as authorized in this section, the warehouseman shall deliver the commodity to any person entitled to it, upon proper demand and payment of charges.

(c) From the proceeds of sale or other disposition of the commodity the warehouseman may satisfy his charges for which otherwise he would have a lien, and shall hold the balance thereof for delivery on the demand of any person to whom he would have been required to deliver the commodity.

—Special disposition of commodities pursuant to written order.

SEC. 17. (1) If written instruction or order is given or furnished by the owner of the commodity, or his authorized agent, directed to a licensed warehouseman, and if such order is properly made a part of the warehouseman's records and available for departmental inspection, then the warehouseman:

(a) May accept such deposit of a commodity for the purpose of sale to the warehouseman;

(b) May receive such commodity for the purpose of processing or cleaning;

(c) May receive such commodity for the purpose of shipping by the warehouseman for the account of the depositor;

(d) May accept seed and handle the same pursuant to the terms of a contract with the depositor and the contract shall be considered written instructions pursuant to subsection (1) of this section.

(2) Commodities deposited with the warehouseman without written order, as provided for in subsection (1) of this section, must be handled and considered to be a commodity in storage.

SEC. 18. (1) A licensee operating another business in conjunction with, or in proximity to, his warehouse shall keep a complete set of records for all commodities stored. Deposits of commodities for the account of such other business, or for commodities owned by the warehouseman, shall be entered in the books of the warehouse in the same manner as those of other depositors.

—Records when operating other business—Effect of ownership of goods by licensee.

(2) No warehouse receipt issued by any warehouseman as defined in this act and no negotiation, transfer, or pledge of any such receipt shall be defeated by reason of the fact that the goods covered by the receipt were owned, in whole or in part, by the warehouseman at the time the receipt was issued.

SEC. 19. No warehouseman subject to the provisions of this act shall:

—Rebates, performances, etc., prohibited.

(1) Directly or indirectly, by any special charge, rebate, drawback, or other device, demand, collect, or receive from any person a greater or lesser compensation for any service rendered or to be rendered in the handling, storage, or shipment of any commodity than he demands, collects, or receives from any other person for doing for him a like and contemporaneous service in the handling, storage, or ship-

ment of any commodity under substantially similar circumstances or conditions;

(2) Make or give any undue or unreasonable preference or advantage to any person in any respect whatsoever;

(3) Subject any particular person to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

Agricultural commodities act—Rights, duties, of licensee. Reports to department.

SEC. 20. Each warehouseman shall report information to the department at such times and as may be reasonably required by the department for the necessary enforcement and supervision of a sound, reasonable, and efficient warehouse inspection program for the protection of depositors of commodities and for persons, or agencies, who deal in such commodities.

—Receipt without inspection, weighing, grading, unlawful.

SEC. 21. It shall be unlawful for any warehouseman to receive in any terminal warehouse any grain that has not been weighed, inspected, and/or graded by an employee of the department under the supervision of a duly authorized inspector of the department, or to deliver out of any terminal warehouse any grain that has not been weighed, inspected, and/or graded in such manner.

—Premises requisite.

SEC. 22. A warehouse or station shall be constructed and maintained in a manner adequate to carry out the provisions of this act.

—Sign to be posted—Unlawful use.

SEC. 23. Every licensee shall post at or near the main entrance to each of his warehouses a sign as prescribed by the department which shall include the words "Washington Bonded Warehouse". It shall be unlawful to display such sign or any sign of similar appearance or bearing the same words, or words of similar import, when such warehouse is not licensed and bonded under this act.

—Schedule of rates posted.

SEC. 24. Every warehouseman shall annually, during the first week in July, publish by posting in a

conspicuous place in each of his warehouses the schedule of storage and handling rates filed with the department for the ensuing license year. The schedule shall be kept posted and the rates shall not be changed during such year except upon approval of the department.

SEC. 25. It shall be unlawful for a warehouseman to: —Unlawful practices.

(1) Issue a warehouse receipt for any commodity which he does not have in his warehouse at the time such receipt is issued;

(2) Issue warehouse receipts in excess of the amount of the commodities held in the licensee's warehouse to cover such receipt;

(3) Remove, deliver, direct, assist, or permit any person to remove, or deliver any commodity from any warehouse for which warehouse receipts have been issued and are outstanding without receiving and canceling the warehouse receipt issued therefor;

(4) Sell, encumber, ship, transfer, or in any manner remove or permit to be shipped, transferred, or removed from a warehouse any commodity received by him for deposit, shipment, or handling, for which scale weight tickets have been issued without the written approval of the holder of the scale weight ticket and such transfer shall be shown on the individual depositor's account and the inventory records of the warehouseman;

(5) Remove, deliver, direct, assist, or permit any person to deliver, or remove any commodities from any warehouse, whereby the amount of any fairly representative grade or class of any commodity in the warehouses of such licensee is reduced below the amount for which warehouse receipts for the particular commodity are outstanding;

(6) Issue a warehouse receipt showing a grade or description different from the grade or descrip-

Agricultural commodities act. Unlawful practices.

tion of the commodity delivered and for which such warehouse receipt is issued;

(7) Issue a warehouse receipt or scale weight ticket which exceeds in amount from the actual quantity of commodities delivered for storage;

(8) Fail to deliver commodities pursuant to section 15 of this act upon demand of the depositor;

(9) Knowingly accept for storage any commodity destined for human consumption which has been contaminated with an agricultural pesticide or filth rendering it unfit for human consumption, if such commodities are commingled with any uncontaminated commodity;

(10) Terminate storage of a commodity in his warehouse without giving reasonable notice to the depositor.

Notice upon deposit of unfit commodities.

SEC. 26. No depositor shall knowingly deliver for storage, shipment, or handling any commodity treated with an agricultural pesticide or contaminated with filth rendering it unfit for human consumption without first notifying the warehouseman.

Police protection of terminal yards, tracks.

SEC. 27. All railroad companies and warehousemen operating in the cities provided for inspection by this act shall furnish ample and sufficient police protection to all their several terminal yards and terminal tracks to securely protect all cars containing commodities while the same are in their possession. They shall prohibit and restrain all unauthorized persons, whether under the guise of sweepers, or under any other pretext whatever, from entering or loitering in or about their railroad yards or tracks and from entering any car of commodities under their control, or removing commodities therefrom, and shall employ and detail such number of watchmen as may be necessary for the purpose of carrying out the provisions of this section.

SEC. 28. Any railroad delivering commodities covered by this act in cars at designated inspection points shall provide convenient and suitable side tracks at such places as the department may approve. All cars billed for inspection shall be placed on such side tracks and the department shall be notified by the railroad in accordance with department regulations. Such railroad company shall provide suitable track scales for weighing cars of commodities upon the request of interested persons. Upon request, the department may weigh, or supervise the weighing of all cars of commodities received over the line of such railroad. Such weighing shall be conditioned upon the weighing of such cars after unloading to determine the actual weight of commodities delivered.

Railroads to provide side tracks, track scales—
Weighing of cars.

SEC. 29. (1) Every warehouse receipt issued for commodities covered by this act shall embody within its written or printed terms:

Warehouse receipts. Required forms.

(a) The grade of the commodities received as established by the official standards of this state, unless the identity of the commodity is in fact preserved in a special pile or special bin, and an identifying mark of such pile or bin shall appear on the face of the receipt and on the pile or bin. Such commodity in such special pile or bin shall not be removed or relocated without canceling the outstanding receipt and issuing a new receipt showing such change;

(b) Such other terms and conditions as required by the Uniform Warehouse Receipts Act (chapter 22.04 RCW) as enacted or hereafter amended: *Provided*, That nothing contained therein shall require a receipt issued for wheat to specifically state the variety of wheat by name;

Proviso.

(c) A clause reserving for the warehouseman the optional right to terminate storage and collect outstanding charges against any lot of commodities after June 30th following the date of the receipt.

(2) Warehouse receipts issued under the United States Warehouse Act (7 USCA § 241 *et seq.*) shall be deemed to fulfill the requirements of this act so far as it pertains to the issuance of warehouse receipts.

Agricultural commodities act—Warehouse receipts. Forms, numbering, bond—Compliance with federal act—Confiscation.

SEC. 30. (1) All warehouse receipts issued under this act shall be upon forms prescribed by the department and supplied only to licensed warehousemen at cost of printing, packing, and shipping, as determined by the department. They shall contain the state number of such license and shall be numbered serially for each state number and the original negotiable receipts shall bear the state seal. Requests for such receipts shall be on forms furnished by the department and shall be accompanied by payment to cover cost: *Provided*, That the department by order may allow a warehouseman to have his individual warehouse receipts printed, after the form of the receipt is approved as in compliance with this act, and the warehouseman's printer shall supply an affidavit stating the amount of receipts printed, numbers thereof: *Provided further*, That the warehouseman must supply a bond in an amount fixed by the department and not to exceed five thousand dollars to cover any loss resulting from the unlawful use of any such receipts.

Proviso.

Proviso.

(2) All warehouse receipts shall comply with the provisions of the Uniform Warehouse Receipts Act (chapter 22.04 RCW) as enacted or hereafter amended, except as to the variety of wheat as set forth in section 29 (1) (b) herein, and with the provisions of this act where not inconsistent or in conflict with the Uniform Warehouse Receipts Act. All receipts remaining unused shall be confiscated by the department if the license required herein is not promptly renewed or is suspended, revoked, or canceled.

SEC. 31. Any person, or any agent or servant of such person, or any officer of a corporation who prints, binds, or delivers warehouse receipt forms, except on an order or requisition signed by the director, or who uses such forms knowing that they were not so printed, bound, or delivered shall be guilty of a misdemeanor.

—Dealing in unauthorized receipts prohibited—
Penalty.

SEC. 32. In case any warehouse receipt issued by a licensee shall be lost or destroyed, the owner thereof shall be entitled to a duplicate receipt from the licensee upon executing and delivering to the warehouseman issuing such receipt, a bond in double the value of the commodity covered by such lost receipt, with good and sufficient surety to indemnify the warehouseman against any loss sustained by reason of the issuance of such duplicate receipt, and such duplicate receipt shall state that it is issued in lieu of the former receipt, giving the number and date thereof.

—Lost or destroyed receipts.

SEC. 33. Nothing in this act shall be construed to prevent the issuance of scale weight tickets as defined in section 1 (12) of this act showing when and what quantities of commodities were received and the condition thereof upon delivery.

Scale weight tickets not precluded.

SEC. 34. (1) Upon the request of any person or persons having an interest in a commodity stored in any public warehouse and upon payment of twenty-five dollars in advance by such person or persons, the department may cause such warehouse to be inspected and shall check the outstanding negotiable and nonnegotiable warehouse receipts, and scale weight tickets which have not been superseded by negotiable or nonnegotiable warehouse receipts, with the commodities on hand and shall report the amount of receipts and scale weight tickets outstanding and the amount of storage, if any. If the cost of the examination is more than twenty-five dollars,

Examination of receipts, commodities—
Request—Fee—
Access to bins, records.

the person or persons having an interest in the commodity stored in any such warehouse, and requesting such examination, shall pay the additional cost to the department, unless a shortage is found to exist.

(2) A warehouse shall be maintained in a manner which will provide a reasonable means of ingress and egress to the various storage bins and compartments by those persons authorized to make inspections and an adequate facility to complete such inspections shall be provided.

(3) The property, books, records, accounts, papers, and proceedings of every such warehouseman shall at all reasonable times be subject to such inspection by the department. The warehouseman shall maintain adequate records and systems for the filing and accounting of warehouse receipts, canceled warehouse receipts, scale weight tickets, other documents, and transactions necessary or common to the warehouse industry. Canceled warehouse receipts, copies of scale weight tickets, and other copies of documents evidencing ownership or ownership liability shall be retained by the warehouseman for a period of at least three years from the date of deposit.

Agricultural commodities act. When evidence of shortage or refusal of inspection, departmental remedies.

SEC. 35. (1) Whenever it appears that there is evidence after any investigation that a warehouseman has not in his possession sufficient commodities to cover the outstanding warehouse receipts, scale weight tickets, or other evidence of storage liability issued or assumed by him, or when such warehouseman refuses to submit his books, papers, or property to lawful inspection, the department may give notice to the warehouseman to comply with all or any of the following requirements:

- (a) Cover such shortage;
- (b) Give additional bond as requested by the department;
- (c) Submit to such inspection as the department may deem necessary.

(2) If such warehouseman fails to comply with the terms of such notice within twenty-four hours from the date of its issuance, or within such further time as the department may allow, the department may petition the superior court of the county where the licensee's principal place of business is located (as shown by the license application) for an order:

(a) Authorizing the department to seize and take possession of all or a portion of special piles and special bins of commodities and all or a portion of commingled commodities in the warehouse or warehouses owned, operated, or controlled by the warehouseman, and of all books, papers, and property of all kinds used in connection with the conduct or the operation of such warehouseman's warehouse business, and the books, papers, records and property which pertain specifically, exclusively and directly to that business; and

(b) Enjoining the warehouseman from interfering with the department in the discharge of its duties as required by this section.

(3) Upon taking possession the department shall give written notice of its action to the surety on the bond of the warehouseman and may notify the holders of record, as shown by the warehouseman's records, of all warehouse receipts or scale weight tickets issued for commodities, to present their warehouse receipt or other evidence of deposits for inspection, or to account for the same. The department may thereupon cause an audit to be made of the affairs of such warehouse, especially with respect to the commodities in which there is an apparent shortage, to determine the amount of such shortage and compute the shortage as to each depositor as shown by the warehouseman's records, if practicable. The department shall notify the warehouseman and the surety on his bond of the approximate amount of such shortage and notify each depositor thereby

Agricultural commodities act. When evidence of shortage or refusal of inspection, departmental remedies.

affected by sending notice to the depositor's last known address as shown by the records of the warehouseman.

(4) The department shall retain possession of the commodities in the warehouse or warehouses, and of the books, papers, and property of the warehouseman, until such time as the warehouseman or the surety on the bond shall have satisfied the claims of all holders of warehouse receipts or other evidence of deposits, or, in case the shortage exceeds the amount of the bond, the surety on the bond shall have satisfied such claims pro rata, or until such time as the department is ordered by the court to surrender possession.

(5) If during or after the audit provided for in this section, or at any other time the department has evidence that the warehouseman is insolvent or is unable to satisfy the claims of all holders of warehouse receipts or other evidence of deposits, the department may petition the superior court which authorized the department to take possession, for the appointment of a receiver to operate or liquidate the business of the warehouseman in accordance with law.

(6) At any time within ten days after the department takes possession of any commodities, or the books, papers, and property of any warehouse, the warehouseman may serve notice upon the department to appear in the superior court of the county in which such warehouse is located, at a time to be fixed by such court, which shall not be less than five, nor more than fifteen days from the date of the service of such notice, and show cause why such commodities, books, papers, and property should not be restored to his possession.

(7) All necessary expenses incurred by the department in carrying out the provisions of this section may be recovered in a separate civil action

brought by the department in the said superior court or recovered at the same time and as a part of the receivership or seizure action filed under this act.

(8) As a part of the expenses so incurred, the department or the receiver is authorized to include the cost of adequate liability insurance necessary to protect the department, its officers, and others engaged in carrying out the provisions of this section.

SEC. 36. If a receiver is appointed, the surety on the bond of the warehouseman shall be joined as a party defendant by the receiver. If required by the court, the surety shall pay the bond proceeds, or so much thereof as the court may find necessary, into court and thereby shall become absolutely discharged and relieved of any further liability to the extent of such payment. In addition to other authority provided by law, the receiver shall have authority to give notice and provide a reasonable time, as approved by the court, to persons holding warehouse receipts or other evidence of deposit issued by the defaulting warehouseman, to file their claims with the receiver. The receiver shall investigate each claim, determine the pro rata share of commodities less set-offs, or the proceeds from the sale of such commodities, due each claimant. The receiver shall also determine the amount, if any, due each claimant by the surety. The court, after hearing, may adopt or amend the findings of the receiver and shall by order, make distribution of commodities or the proceeds from the sale of commodities. The court by order may also require the surety to make payment to claimants. Such orders, unless appealed as otherwise authorized by law, are to be a final settlement of such matters between the parties concerned. The receiver is authorized, with the approval of the court, to continue the operation of all or any part of the entire business of the warehouseman and to take any other course of action or pro-

**Powers and
duties of
receivers.**

cedure which will best serve the interest of the depositors or those who need and use the services offered by the licensee and the warehouse.

Agricultural commodities act. Action by depositor upon licensee's bond.

SEC. 37. (1) If no action is commenced pursuant to section 36 of this act within thirty days after written demand to the department, any depositor injured by the failure of a licensee to comply with the condition of his bond shall have a right of action upon such licensee's bond for the recovery of all damages suffered thereby.

(2) Recovery under such bond shall be prorated when the claims exceed the liability under such bond.

(3) Whenever the claimed shortage exceeds the amount of such bond, it shall not be necessary for any depositors suing on such bond to join other depositors in such suit and the burden of establishing proration shall be on the surety as a matter of defense.

Designation of inspection points, terminal warehouses.

SEC. 38. The department may designate a warehouse located at an inspection point as a terminal warehouse. The cities of Spokane, Pasco, Seattle, Tacoma, Longview, Kalama, and Vancouver shall be considered inspection points and shall be provided with state inspection and weighing commencing July 1, 1963: *Provided*, That were the department after hearing determines that such cities are no longer necessary as inspection points it may by regulation change such designated inspection points by removing one or more or by designating other locations as inspection points where commodities are received and shipped by common carrier and which reasonably justify and render necessary the inspection and weighing thereof: *Provided further*, That the revenue from inspection and weighing at such inspection points shall equal the cost of providing such services.

Proviso.

Proviso.

SEC. 39. The grades and standards established by the United States department of agriculture as of July 1, 1963, for all commodities included within the provisions of this act are hereby adopted as the grades and standards for such commodities in this state: *Provided*, That the department is hereby authorized to adopt by regulation any new or future amendments to such federal grades and standards. The department is also authorized to issue regulations whether or not in accordance with the federal government and to prescribe therein grades and standards which it may deem suitable for such commodities, except hops, in the state of Washington. In adopting any new or amendatory regulations the department shall give appropriate consideration, among other relevant factors, to the following:

Inspection,
grading of
commodities.
Grades and
standards—
Regulations.

Proviso.

- (1) The usefulness of uniform federal and state grades;
- (2) The common classifications given such commodities within the industry;
- (3) The utility of various grades;
- (4) The kind and type of grades requested by those dealing with the particular type of commodity; and
- (5) The condition of the commodity with regard to its wholesomeness and purity.

SEC. 40. Inspection and grading of a lot or parcel of a commodity tendered for inspection and grading under this act shall consist of taking and examining a representative sample thereof and making such tests as are necessary to determine its grade. Commodities tendered for inspection must be offered and made accessible for sampling at inspection points during customary business hours.

—Method of
inspection,
grading.

- (1) No inspector shall issue a certificate of grade for any commodity unless the inspection and grading thereof be based upon a correct and representative sample of the commodity and the inspection is

Agricultural commodities act—Inspection, grading of commodities. Method.

made under conditions which permit the determination of its true grade, except as provided in subsections (2) and (3) of this section. No sample shall be deemed to be representative unless it is of the size and procured in accordance with the uniform methods prescribed by the department.

(2) An inspection may be made of a submitted sample or package of a commodity, provided that the certificate issued in such case clearly shows that the inspection and grading covers only the submitted sample or package of such commodity and not the lot from which it was purportedly drawn.

(3) When commodities are tendered for inspection in such a manner as to make the drawing of a representative sample impossible, a qualified inspection may be made. In such case the certificate shall clearly show the condition preventing proper sampling such as heavily loaded box car, truck, barge, or other container, or other condition.

—State samples.

SEC. 41. From all commodities inspected, samples may be drawn, which samples shall become the property of the state and subject to disposition by the department. Upon prior request the department may transmit a portion of such samples to interested persons upon payment of a reasonable fee therefor set by regulation. Official state samples shall be retained for a period of fifteen days.

—Inspectors at terminal warehouses, powers and duties.

SEC. 42. The department's inspectors shall, at terminal warehouses, have exclusive control of the weighing, inspecting, and grading of the commodities which are included within the provisions of this act and the action and certificates of such inspectors in the discharge of their duties, as to all commodities weighed or inspected by them, shall be accepted as prima facie evidence of the correctness of the above activity: *Provided*, That an appeal may be taken as provided in section 45 of this act, to the director

Proviso.

of the department. Suitable books and records shall be kept in which shall be entered a record of every carload, or cargo, or part of cargo of commodities inspected or weighed by them, showing the number and initial or other designation of the vehicle or boat containing such carload, or cargo, or part of cargo, its weight, the kind of commodity, and its grade, the reason for such grade, if of inferior grade, the amount of such dockage, the amount of fees and forfeitures and disposition of same; and for each vehicle or cargo, or part of cargo, of commodity inspected, they shall give a certificate of inspection showing the kind and grade of the same and the reason for all grades established. They shall also keep a record of all appeals, decisions, and a complete record of every official act, which books and records shall be open to inspection by any party in interest. They shall also furnish the agent of the railroad company, or other carrier over which such commodity was shipped or carried, a report showing the weight thereof, if requested to do so.

SEC. 43. No inspection shall be made of any commodity which is to be loaded into a vessel, vehicle, or other container, if it appears that the hold, compartment, or other enclosure into which the commodity is to be loaded is in such condition as to contaminate the commodity or lower the grade.

—If defective container, no inspection.

SEC. 44. Any department employee who shall, directly or indirectly, accept any money or other consideration for any neglect of duty or any improper performance of duty as such department employee; or any person who shall knowingly cause or attempt to cause the issuance of a false or incorrect grade or weight certificate under this act by deceptive loading, handling, or sampling of commodities or by submitting commodities for inspection knowing that it has been so loaded, handled, or sampled, or by

—Unlawful practices—
Penalty.

any other means; shall be deemed guilty of a misdemeanor.

Agricultural
commodities
act—Inspection,
grading
of commodities.
Appeals.

SEC. 45. (1) In case any owner, consignee, or shipper of any commodity included under the provisions of this act, or his agent or broker, or any warehouseman shall be aggrieved at the grading of such commodity, such aggrieved person may appeal to the department from such decision within fifteen days from the date of certificate by giving notice of appeal, and paying a fee to be fixed by the department, not exceeding twenty dollars, which shall be retained if the decision appealed is sustained, otherwise to be refunded. Such notice of appeal may be given by a letter or other written notice to the department stating the inspector's name, number of the certificate, date of inspection, and that such party appeals from such decision concerning such grade.

(2) It shall be the duty of the department upon receiving such notice of appeal to hold a hearing within twenty days and inquire into the reasonableness and correctness of such original grading and such evidence shall be received as the parties thereto may desire to offer. After such hearing the director of the department shall make such order affirming or modifying the grade so established by the inspector as the facts may justify.

(3) If the grading of any commodity for which federal standards have been fixed and the same adopted as official state standards has not been the subject of a hearing, in accordance with subsection (2) of this section, any interested party who is aggrieved with the grading of such commodity, may, with the approval of the secretary of the United States department of agriculture, appeal to the federal grain supervisor of the supervision district in which the state of Washington may be located. Such federal grain supervisor shall confer with the department inspectors and any other interested party

and shall make such tests as he may deem necessary to determine the correct grade of the commodity in question. Such federal grade certificate shall be prima facie evidence of the correct grade of the commodity in any court in the state of Washington.

SEC. 46. (1) The department shall fix the fees for inspection, grading, and weighing of the commodities included under the provisions of this act, which fees shall be sufficient to cover the cost of such service. The fees for inspection, weighing, and grading of such commodities shall be a lien upon the commodity so weighed, graded, or inspected which the department may require to be paid by the carrier or agent transporting the same and treated by it as an advanced charge, except when the bill of lading contains the notation "not for terminal weight and grade," and the commodity is not unloaded at a terminal warehouse. —Fees and charges.

(2) The department is authorized to make any tests relating to grade or quality of commodities covered by his act. The department may inspect and approve facilities and vessels to be used in transporting such commodities and provide any other necessary services. It may fix and charge a reasonable fee to be collected from the person or his agent requesting such service.

(3) The department shall so adjust the fees to be collected under this act as to meet the expenses necessary to carry out the provisions hereof, and may prescribe a different scale of fees for different localities. The department may also prescribe a reasonable charge for service performed at places other than terminal warehouses in addition to the regular fees when necessary to avoid rendering the services at a loss to the state.

SEC. 47. If any terminal warehouse at inspection points is provided with proper scales and weighing —Scales and weighing.

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commodities
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Scales and
weighing.

facilities, the department may weigh the commodity upon the scales so provided. The department at least once each year shall cause to be examined, tested, and corrected, all scales used in weighing commodities in any of the cities designated as inspection points in this act or such places as may be hereinafter designated, and after such scale is tested, if found to be correct and in good condition, to seal the weights with a seal provided for that purpose and issue to the owner or proprietor a certificate authorizing the use of such scales for weighing commodities for the ensuing year, unless sooner revoked by the department. If such scales be found to be inaccurate or unfit for use, the department shall notify the party operating or using them, and the party thus notified shall, at his own expense, thoroughly repair the same before attempting to use them and until thus repaired or modified to the satisfaction of the department the certificate of such party shall be suspended or revoked at the discretion of the department. The party receiving such certificate shall pay to the department a reasonable fee for such inspection and certificate to be fixed by the department. It shall be the duty of the department to see that the provisions of this section are strictly enforced.

—Commodi-
ties shipped to,
from, other
than inspec-
tion points.

SEC. 48. In case any commodity under the provisions of this act is sold for delivery on Washington grade to be shipped to or from places not provided with state inspection under this act, the buyer, seller, or persons making delivery may have it inspected by notifying the department or its inspectors, whose duty it shall be to have such commodity inspected, and after it is inspected, to issue to the buyer, seller, or person delivering it, without undue delay, a certificate showing the grade of such commodity. The person or persons, or his agent, calling for such in-

spection shall pay for such inspection a reasonable fee to be fixed by the department.

SEC. 49. When commodities are shipped to points where inspection is provided and the bill of lading does not contain the notation "not for terminal weight and grade" and the commodity is unloaded by or on account of the consignee or his assignee without being inspected or weighed by a duly authorized inspector under the provisions of this act, the shipper's weight and grade shall be conclusive and final and shall be the weight and grade upon which settlement shall be made with the seller, and the consignee or his assignee, by whom such commodities are so unlawfully unloaded shall be liable to the seller thereof for liquidated damages in an amount equal to ten percent of the sale price of such commodities computed on the basis of the shipper's weight and grade.

—Unloading commodity without inspection, weighing.

SEC. 50. (1) All moneys collected as warehouse license fees, fees for weighing, grading, and inspecting commodities and all other fees collected under the provisions of this act, except as provided in subsection (2) of this section, shall be paid into the grain and hay inspection fund in the state treasury which is hereby established. Such fund shall be used for administrative expenses under this act and for the enforcement of all the provisions thereof. The department may use so much of such fund not exceeding five percent thereof as the director of agriculture may determine necessary for research and promotional work, including rate studies, relating to wheat and wheat products.

Disposition of revenue.

(2) All fees collected for the inspection, grading, and testing of hops shall be deposited into the hop inspection fund, which is hereby established, and shall be retained by the department for the purpose of inspecting, grading, and testing hops. Any moneys

Agricultural commodities act. Disposition of revenue.

in any fund retained by the department on the effective date of this act and derived from hop inspection and grading shall be deposited to this hop inspection fund. For the purposes of research which would contribute to the development of superior hop varieties and to improve hop production and harvest practices, the department may expend up to twenty percent of the moneys deposited in the hop inspection fund during the fiscal year ending June 30th immediately preceding the year in which such expenditures are to be made. No expenditures shall be made under the provisions of this subsection when the hop inspection fund is, or the director may reasonably anticipate that it will be, reduced below twenty thousand dollars as the result of such expenditure or other necessary expenditures made to carry out the inspection, grading, and testing of hops.

Transfer of fund moneys.

SEC. 51. All moneys in the grain and hay inspection fund as provided for in section 13, chapter 189, Laws of 1919, as amended (RCW 22.08.090) are hereby transferred to the account created under this act.

Deposits as bailments.

SEC. 52. Whenever any commodity shall be delivered to a warehouse under this act, and the warehouse receipt issued therefor provides for the return of a like amount of like kind, grade, and class to the holder thereof, such delivery shall be a bailment and not a sale of the commodity so delivered. In no case shall such commodities be liable to seizure upon process of any court in an action against such bailee, except action by the legal holder of the warehouse receipt to enforce the terms thereof. Such commodities, in the event of failure or insolvency of such bailee, shall be applied exclusively to the redemption of such outstanding warehouse receipts and scale weight tickets covering commodities so stored with such bailee. The commodities on hand in any warehouse or warehouses with a particular license,

as provided in section 3 of this act, shall be applied to the redemption and satisfaction of warehouse receipts and scale weight tickets which were issued pursuant to the particular license. Commodities in special piles or special bins shall be applied exclusively against the warehouse receipts or scale weight tickets issued therefor.

SEC. 53. It shall be unlawful to ship commodities in closed conveyances which have been fumigated without labeling such railroad car, vehicle, or other conveyance to show that it has been fumigated. The label shall show the type of fumigant used and the date of application.

Unlawful to ship fumigated commodities without label.

SEC. 54. The director may bring an action in the name of the state to temporarily and/or permanently enjoin the violation of any provision of this act or any rule adopted pursuant to this act in the superior court in the county in which such violation occurs notwithstanding the existence of any other remedy at law.

Injunctions.

SEC. 55. The director may cooperate with and enter into agreements with governmental agencies of this state, other states, agencies of the federal government, and private associations in order to carry out the purpose and provisions of this act and the United States Warehouse Act (7 USCA § 241 *et seq.*).

Cooperation with governmental, private agencies.

SEC. 56. The repeal of chapter 22.08 RCW and the enactment of this act shall not be deemed to have repealed any rules adopted under the provisions of chapter 22.08 RCW and in effect immediately prior to such repeal and not inconsistent with the provisions of this act. For the purpose of this act it shall be deemed that such rules have been adopted under the provisions of this act pursuant to the provisions of chapter 34.04 RCW concerning the adoption of rules.

Continuation of rules—
Change under chapter 30.04 RCW.

Agricultural commodities act. Savings.

SEC. 57. The enactment of this act shall not have the effect of terminating, or in any way modifying any liability, civil or criminal, which shall already be in existence on July 1, 1963.

General penalty.

SEC. 58. A violation of any provision or section of this act, where no other penalty is provided for, and the violation of any rule or regulation adopted hereunder shall constitute a misdemeanor.

Construction as to federal act.

SEC. 59. Nothing herein contained, with the exception of section 29 (1) (b), shall be deemed to repeal, amend, or modify the Uniform Warehouse Receipts Act (chapter 22.04 RCW).

Effective date.

SEC. 60. The effective date of this act shall be July 1, 1963.

Severability.

SEC. 61. If any section, sentence, clause, or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, sentence, clause, and part thereof despite the fact that one or more sections, clauses, sentences, or parts thereof be declared unconstitutional.

Repeal.

SEC. 62. The following acts or parts of acts and RCW chapters are hereby repealed:

(1) (a) Sections 2, 5, 9, 10, 30, and 40, chapter 109, Laws of 1895;

(b) Sections 1, 5 through 7, 9 through 14, 16, 20 through 22, 24, 29, 30 and 31, chapter 137, Laws of 1909;

(c) Sections 1, 2, 6 through 23, and 25 through 31, chapter 91, Laws of 1911;

(d) Chapter 170, Laws of 1915;

(e) Sections 1, 2, 6 through 23, 25 through 33 and 35, chapter 189, Laws of 1919;

(f) Chapter 74, Laws of 1921;

(g) Section 1, chapter 137, Laws of 1921;

- (h) Chapter 144, Laws of 1921;
 - (i) Sections 2, 3, 6 and 7, chapter 145, Laws of 1921;
 - (j) Section 4, chapter 154, Laws of 1921;
 - (k) Chapter 48, Laws of 1923;
 - (l) Section 8, chapter 123, Laws of 1923;
 - (m) Chapter 146, Laws of 1923;
 - (n) Sections 2 through 5, chapter 46, Laws of 1931;
 - (o) Section 1, chapter 186, Laws of 1933;
 - (p) Section 1, chapter 25, Laws of 1933 extraordinary session;
 - (q) Chapter 157, Laws of 1935;
 - (r) Sections 1 through 9 and 12, chapter 90, Laws of 1937;
 - (s) Chapter 103, Laws of 1947;
 - (t) Chapter 171, Laws of 1951;
 - (u) Chapter 149, Laws of 1953;
 - (v) Chapter 164, Laws of 1955;
 - (w) Section 1, chapter 300, Laws of 1955;
 - (x) Chapter 315, Laws of 1955;
 - (y) Sections 2 and 3, chapter 388, Laws of 1955;
- and
- (2) (a) Chapter 22.01 RCW;
 - (b) Chapter 22.08 RCW;
 - (c) Chapter 22.12 RCW;
 - (d) Chapter 22.14 RCW.

Passed the House March 13, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 125.

[H. B. 538.]

MOTOR VEHICLES—GRADE CROSSINGS.

AN ACT relating to motor vehicles; and amending section 46.60-.320, chapter 12, Laws of 1961 and RCW 46.60.320.

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

RCW 46.60.320 amended.

SECTION 1. Section 46.60.320, chapter 12, Laws of 1961 and RCW 46.60.320 are each amended to read as follows:

Motor vehicles —Rules of the road. Stopping or reducing speed at certain grade crossings.

Any person operating a vehicle carrying passengers for hire or a school bus or a vehicle in which are being transported explosive substances or flammable liquids or any other substance listed as a dangerous article under the regulations of the Interstate Commerce Commission shall bring such vehicle to a full stop within fifty feet, but not less than twenty feet, of any railroad or interurban grade crossing before proceeding across it. Any person operating a vehicle, other than those specifically mentioned above, shall, upon approaching the intersection of any public highway with a railroad or interurban grade crossing, reduce the speed of his vehicle to a rate of speed not to exceed that at which, considering the view along the track in both directions, the vehicle can be brought to a complete stop not less than ten feet from the nearest track in the event of an approaching train. The actual maximum speed permitted on the approach to any highway-railroad grade crossing on a public highway may be controlled by signs posted on the approach thereto, and the state highway commission shall place, as soon as is practicable, approach signs upon state highways, setting the maximum speed allowed at crossings and within one hundred feet on the approach thereto. No stop need be made at any such highway-railroad grade crossing by any person operating any of the

above mentioned vehicles, except a school bus, where a peace officer or a traffic control signal, which is intended exclusively to control traffic at such crossing, by green light, directs traffic to proceed across such crossing.

Passed the House March 14, 1963.

Passed the Senate March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 126.

[H. B. 100.]

STATE EMPLOYEES' RETIREMENT—EMPLOYER'S CONTRIBUTION.

AN ACT relating to payment of employer's contribution to the state employees' retirement system; and amending section 38, chapter 274, Laws of 1947 as last amended by section 12, chapter 291, Laws of 1961, and RCW 41.40.370.

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

SECTION 1. Section 38, chapter 274, Laws of 1947, as last amended by section 12, chapter 291, Laws of 1961, and RCW 41.40.370 are each amended to read as follows:

RCW 41.40.370
amended.

(1) The retirement board 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 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.

State
employees'
retirement—
Employer's
contribution—
Computation.

(2) Beginning April 1, 1949, the amount to be collected as the employer's contribution for pension benefits shall be computed by applying the rates es-

State
employees'
retirement—
Employer's
contribution—
Computation—
Billing.

established by RCW 41.40.361 to the total compensation earnable of employer's members as shown on the current payrolls of the said employer. The retirement board 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 retirement board 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 retirement board shall bill such employer through the budget director 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 budget director shall cause the same to be paid from any funds appropriated to the budget director for such purposes.

Passed the House February 14, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 127.

[S. B. 24.]

CITIES AND TOWNS—FALSE ARREST INSURANCE.

AN ACT relating to insurance for certain governmental employees; and amending section 1, chapter 162, Laws of 1947 and RCW 35.23.460.

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

SECTION 1. Section 1, chapter 162, Laws of 1947 and RCW 35.23.460 are each amended to read as follows:

RCW 35.23.460 amended.

Any city of the second or third class or town may contract with an insurance company authorized to do business in this state to provide group insurance for its employees including group false arrest insurance for its law enforcement personnel, and pursuant thereto may use a portion of its revenues to pay an employer's portion of the premium for such insurance, and may make deductions from the payrolls of employees for the amount of the employees' contribution and may apply the amount deducted in payment of the employees' portion of the premium.

Second and third class cities, towns—Group insurance, false arrest insurance.

SEC. 2. Any county may contract with an insurance company authorized to do business in this state to provide group false arrest insurance for its law enforcement personnel and pursuant thereto may use such portion of its revenues to pay the premiums therefor as the county may determine.

Counties—Group false arrest insurance.

Passed the Senate January 29, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 128.

[S. B. 76.]

BUILDING CONSTRUCTION—GLASS DOORS.

AN ACT relating to building construction and to glass doors; and prescribing a penalty.

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

Glass door safety requirements. "Safety glazing material" defined—Types.

SECTION 1. As used in this act, "safety glazing material" 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 these safety glazing materials when they may be cracked or broken, and these materials shall be of the following types and shall meet the following tests:

- (1) Fully tempered glass;
 - (a) Particle test—the fully tempered safety glass panel shall be fractured by impact with a spring loaded center punch or by striking a regular center punch with a hammer. The point of impact shall be one-half inch to one inch from any glass edge. When fractured, there shall be no individual fragment larger than 0.15 ounces.
 - (b) Impact test—as in test No. 8 of American Standards Association Z26.1 conducted January 1, 1950.
- (2) Laminated glass;
 - (a) Boil test—as in test No. 4 of American Standards Association Z26.1 conducted January 1, 1950.
 - (b) Impact test—as in tests No. 9 and 12 of American Standards Association Z26.1 conducted January 1, 1950.

- (3) Wire glass; impact test—as in test No. 11 of American Standards Association Z26.1 conducted January 1, 1950.

SEC. 2. The glass in sliding glass doors and sliding glass door assemblies installed after January 1, 1964 in new or remodeled houses, buildings, or other structures shall be of a safety glazing material as defined in section 1 of this act, and shall bear a label, decal, or etching in a lower corner which shall be visible after installation and shall identify the glass as being of a type and meeting the tests set forth in section 1 of this act.

Requirements for installation after Jan. 1, 1964—Identifying decal.

SEC. 3. On and after January 1, 1964, it shall be unlawful for any person, firm or corporation to install in houses, buildings or other structures, or cause to be so installed, sliding glass doors, or sliding glass door assemblies unless the glazing material in such doors or assemblies is of a type and meets the test set forth in section 1 of this act.

Unlawful to install other types.

SEC. 4. The violation of any provision of this act shall constitute a misdemeanor.

Penalty.

SEC. 5. If any provision of this act, or its application to any person or circumstance is held to be invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

Passed the Senate March 10, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 129.

[S. B. 30.]

MENTALLY OR PHYSICALLY DEFICIENT PERSONS.

AN ACT relating to mentally or physically deficient persons; and repealing section 6, chapter 251, Laws of 1961, which section provided that chapter 251, Laws of 1961, was to expire on July 1, 1963.

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

Repeal. SEC. 1. Section 6, chapter 251, Laws of 1961, is hereby repealed.

Passed the Senate March 5, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 130.

[S. B. 39.]

CITIES AND TOWNS—GARBAGE DISPOSAL—BIDS.

AN ACT relating to municipalities of the second, third, and fourth class and adding a new section 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:

Second and third class cities, towns—Garbage disposal, bid method.

Any purchase by a municipality of the second, third or fourth class of supplies, material, equipment or services for garbage collection and disposal, except for public work or improvement, where the cost thereof exceeds two thousand dollars shall be made upon call for bids in accordance with the procedure prescribed for any public work or improvement in the first paragraph of RCW 35.23.352 as now or hereafter amended. Notwithstanding any provi-

sion of law to the contrary, any municipality of the second, third or fourth class may call for bids for garbage collection and disposal for a period of five years or less but in no case for more than five years. The contract shall be awarded to the lowest responsible bidder. Nothing in this section is intended to repeal, amend or change chapter 282, Section 1, Session Laws 1957 (RCW 35.13.280).

Passed the Senate February 5, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 131.

[S. B. 11.]

CITIES, THIRD CLASS—AMBULANCE SERVICE.

AN ACT relating to third class cities; and adding a new section to chapter 184, Laws of 1915 and to chapter 35.24 RCW.

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

SECTION 1. There is added to chapter 184, Laws of 1915 and to chapter 35.24 RCW a new section to read as follows: New section.

In incorporated cities of the third class where commercial ambulance service is not readily available, the city shall have the power: Third class cities—Ambulance service.

(1) To authorize the operation of municipally-owned ambulances which may serve the city and may serve for emergencies surrounding rural areas;

(2) To authorize the operation of other municipally-owned first aid equipment which may serve the city and surrounding rural areas;

(3) To contract with the county or with another municipality for emergency use of city-owned ambulances or other first aid equipment: *Provided*, Proviso.
That the county or other municipality shall contrib-

ute at least the cost of maintenance and operation of the equipment attributable to its use thereof; and

(4) To provide that such ambulance service may be used to transport persons in need of emergency hospital care to hospitals beyond the city limits.

Proviso.

The council may, in its discretion, make a charge for the service authorized by this section: *Provided*, That such ambulance service shall not enter into competition or competitive bidding where private ambulance service is available.

Passed the Senate March 11, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 132.

[S. B. 352.]

CORPORATE SECURITIES—TRANSFERS—JOINT TENANCY.

AN ACT relating to corporations and to the transfer of shares of stock and other securities issued by corporations in joint tenancy form; and adding a new section to chapter 23.01 RCW.

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

New section.

SECTION 1. There is added to chapter 23.01 RCW a new section to read as follows:

Private business corporations act. Shares owned in joint tenancy, transfer of—Presumptions—Liability.

Whenever certificates for shares or other securities issued by domestic or foreign corporations are or have been issued or transferred to two or more persons in joint tenancy form on the books or records of the corporation, it is presumed in favor of the corporation, its registrar and its transfer agent that the shares or other securities are owned by such persons in joint tenancy and not otherwise. A domestic or foreign corporation or its registrar or transfer agent is not liable for transferring or

causing to be transferred on the books of the corporation to or pursuant to the direction of the surviving joint tenant or tenants any share or shares or other securities theretofore issued by the corporation to two or more persons in joint tenancy form on the books or records of the corporation, unless the transfer was made with actual knowledge by the corporation or by its registrar or transfer agent of the existence of any understanding, agreement, condition, or evidence that the shares or securities were held other than in joint tenancy, or of the invalidity of the joint tenancy or a breach of trust by the joint tenants.

Passed the Senate February 25, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 133.

[S. B. 491.]

CRIMES AND PUNISHMENT—COIN OR CURRENCY RECEPTACLES.

AN ACT relating to crimes and punishment; and adding a new section to chapter 249, Laws of 1909 and to chapter 9.61 RCW.

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

SECTION 1. There is added to chapter 249, Laws of 1909, and to chapter 9.61 RCW a new section to read as follows: New section.

Any person who shall open, remove from its normal place of repose or in any other manner interfere with the operation of any coin or currency receptacle, with intent to unlawfully remove money therefrom, shall be guilty of a gross misdemeanor. Coin, currency receptacles, unlawful interference with.

Passed the Senate March 2, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 134.

[S. B. 556.]

VOCATIONAL REHABILITATION—ASSISTANCE TO CERTAIN AGENCIES.

AN Act relating to vocational rehabilitation; and amending section 1, chapter 307, Laws of 1959 and RCW 28.10.070.

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

RCW 28.10.070 amended.

SECTION 1. Section 1, chapter 307, Laws of 1959 and RCW 28.10.070 are each amended to read as follows:

Vocational rehabilitation— Assistance to public and nonsectarian agencies.

For the purposes of rehabilitation the division of vocational rehabilitation, subject to the approval of the state board for vocational education, may assist public or nonsectarian private agencies in the development, operation, or maintenance of sheltered workshops, supervised work opportunities, or other facilities needed for the rehabilitation of the handicapped.

All grants for independent living rehabilitation made under this section to nonsectarian private or public agencies shall be consistent with project plans recommended by the division of vocational rehabilitation and approved by the state board for vocational education. The length of time state funds shall be available to any nonsectarian private or public agency for any such project plan shall be determined by the state board for vocational education.

Passed the Senate March 4, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 135.

[S. B. 581.]

VOCATIONAL REHABILITATION—GENERAL POWERS.

AN ACT relating to vocational rehabilitation; and amending section 3, chapter 176, Laws of 1933 as amended by section 3, chapter 223, Laws of 1957, and RCW 28.10.030.

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

SECTION 1. Section 3, chapter 176, Laws of 1933 as amended by section 3, chapter 223, Laws of 1957, and RCW 28.10.030 are each amended to read as follows:

RCW 28.10.030 amended.

The division of vocational rehabilitation shall:

Division of vocational rehabilitation — Powers and duties.

(1) Disburse all funds provided by law and may receive, accept and disburse such gifts, grants, conveyances, devises and bequests of real and personal property from public or private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out vocational rehabilitation services as specified by law and the regulations of the state board for vocational education; and may sell, lease or exchange real or personal property according to the terms and conditions thereof. Any money so received shall be deposited in the state treasury for investment, reinvestment or expenditure in accordance with the conditions of its receipt and RCW 43.88.180;

(2) Appoint and fix the compensation of the necessary personnel;

(3) Vocationally rehabilitate, and place in remunerative occupations, eligible persons;

(4) Make necessary rules and regulations;

(5) Report annually to the governor on the administration of this chapter.

Passed the Senate March 4, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 136.

[S. B. 44.]

BUSINESS AND OCCUPATION TAX—PRODUCTION CREDIT ASSOCIATION EXEMPTED.

AN ACT relating to revenue and taxation; and amending section 82.04.400, chapter 15, Laws of 1961 and RCW 82.04.400.

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

RCW 82.04.400 amended.

SECTION 1. Section 82.04.400, chapter 15, Laws of 1961 and RCW 82.04.400 are each amended to read as follows:

B & O tax—Exemptions—Financial institutions.

This chapter shall not apply to national banks, state banks, trust companies, production credit associations organized under the Farm Credit Act of 1933, mutual savings banks, building and loan and savings and loan associations with respect to their banking, trust, or savings and loan business but shall apply with respect to their engaging in any other business taxable hereunder, even though such other business is conducted primarily for the purpose of liquidating the assets thereof.

Passed the Senate February 22, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 137.

[S. B. 62.]

REAL PROPERTY—NOTICE OF PENDENCY OF ACTION IN UNITED STATES DISTRICT COURT.

AN ACT relating to notice of the pendency of an action in a United States district court affecting the title to real property in the state of Washington; and adding a new section to chapter 4.28 RCW.

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

New section.

SECTION 1. There is added to chapter 4.28 RCW a new section to read as follows:

In an action in a United States district court for any district in the state of Washington affecting the title to real property in the state of Washington, the plaintiff, at the time of filing the complaint, or at any time afterwards, or a defendant, when he sets up an affirmative cause of action in his answer, or at any time afterwards, if the same be intended to affect real property, may file with the auditor of each county in which the property is situated a notice of the pendency of the action, containing the names of the parties, the object of the action and a description of the real property in that county affected thereby. From the time of the filing only shall the pendency of the action be constructive notice to a purchaser or encumbrancer of the property affected thereby, and every person whose conveyance or encumbrance is subsequently executed or subsequently recorded shall be deemed a subsequent purchaser or encumbrancer, and shall be bound by all proceedings taken after the filing of such notice to the same extent as if he were a party to the action. For the purpose of this section an action shall be deemed to be pending from the time of filing such notice: *Provided, however,* That such notice shall be of no avail unless it shall be followed by the first publication of the summons, or by personal service thereof on a defendant within sixty days after such filing. And the court in which the said action was commenced may, in its discretion, at any time after the action shall be settled, discontinued or abated, on application of any person aggrieved and on good cause shown and on such notice as shall be directed or approved by the court, order the notice authorized in this section to be canceled of record, in whole or in part, by the county auditor of any county in whose office the same may have been filed or recorded, and such cancellation shall be made by

Lis pendens in actions in U. S. district court affecting title to real estate.

Proviso.

an indorsement to that effect on the margin of the record.

Passed the Senate February 1, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 138.

[S. B. 64.]

INDUSTRIAL DEVELOPMENT DISTRICTS—SALES OF PROPERTY.

AN ACT relating to port districts; validating certain sales made under sections 12 and 18, chapter 73, Laws of 1955; amending section 12, chapter 73, Laws of 1955 and RCW 53.25.120; and repealing section 18, chapter 73, Laws of 1955 and RCW 53.25.180.

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

RCW 53.25.120 amended.

SECTION 1. Section 12, chapter 73, Laws of 1955 and RCW 53.25.120 are each amended to read as follows:

Industrial development districts. Sales by, notice of hearing on—Hearings.

The port commission shall give notice of the proposed sale by publication in two newspapers published in the county, if there are two such newspapers, and by posting in three public places in the port district at least ten days before the date fixed for the hearing thereon.

The notice shall describe the property to be sold and state that at the time and place specified therein, the commission will meet at its usual meeting place, designating it, to hear and determine the advisability of the sale.

The hearing shall be held not more than twenty days from the publication of notice. At the hearing the commission shall hear the reasons of any taxpayer in the port district, for or against the sale.

No sales shall be made, however, of the property of any industrial development district until the

purchaser thereof shall have submitted to the port commission plans and specifications for the development of said property, and said plans and specifications shall be approved in writing before said property shall be conveyed, and the conditions upon which said properties are conveyed shall be set forth in the instrument conveying title thereof with the further condition that all of the said conditions set forth shall be covenants running with the land. All properties acquired in the manner herein set forth shall be devoted to the public use herein provided for.

SEC. 2. Section 18, chapter 73, Laws of 1955 and RCW 53.25.180 are each hereby repealed. Repeal.

SEC. 3. All sales made prior to the effective date of this amendatory act which are otherwise valid except for compliance with the limitation in section 12, chapter 73, Laws of 1955, which provided that the hearing shall be held not more than ten days from the publication of notice, are hereby ratified and validated. Validation.

All sales made prior to the effective date of this amendatory act under the provisions of section 18, chapter 73, Laws of 1955 and RCW 53.25.180 are hereby ratified and validated.

Passed the Senate February 6, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 139.

[S. B. 103.]

HARBOR LINE COMMISSION—CHANGE OF LINES
AUTHORIZED—STUDY AND REPORT.

AN ACT relating to state government; authorizing the commission on harbor lines to change certain harbor lines; and setting forth powers and duties relating to harbor lines and the relocation thereof.

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

Change of harbor lines authorized, where.

SECTION 1. The commission on harbor lines is hereby authorized to change, relocate, or reestablish harbor lines in Guemes Channel in front of the city of Anacortes, Skagit 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 of Renton, King county; Commencement Bay in front of the city of Tacoma, Pierce county, and within one mile of the limits of such city; and Budd Inlet in front of the city of Olympia.

Commission to report to legislature.

SEC. 2. The harbor lines commission shall, in addition to reestablishing and relocating the harbor lines as specified in section 1 of this act, study harbor lines throughout the state of Washington and prepare a report which shall be presented to the next session of the state legislature. The report shall set forth the requirements and recommendations for establishing or reestablishing harbor lines on the navigable waters of this state.

Passed the Senate March 11, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 140.

[S. B. 155.]

DEPARTMENT OF NATURAL RESOURCES—ACCESS TO STATE TIMBER AND VALUABLE MATERIALS.

AN ACT relating to the acquisition, maintenance, control and disposal of access rights to state timber and other valuable materials by the department of natural resources; and amending sections 1, 2, 3 and 4, chapter 239, Laws of 1945 and RCW 76.16.010, 76.16.020, 76.16.030 and 76.16.040.

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

SECTION 1. Section 1, chapter 239, Laws of 1945 and RCW 76.16.010 are each amended to read as follows:

RCW 76.16.010 amended.

Whenever the department of natural resources, hereinafter referred to as the department, shall find it to be for the best interests of the state of Washington to acquire any property or use of a road in private ownership to afford access to state timber and other valuable material for the purpose of developing, caring for or selling the same, the acquisition of such property, or use thereof, is hereby declared to be necessary for the public use of the state of Washington, and said department is hereby authorized to acquire such property or the use of such roads by gift, purchase, exchange or condemnation, and subject to all of the terms and conditions of such gift, purchase, exchange or decree of condemnation to maintain such property or roads as part of the department's land management road system.

Access to state timber. Acquisition of property for, authorized.

SEC. 2. Section 2, chapter 239, Laws of 1945 and RCW 76.16.020 are each amended to read as follows:

RCW 76.16.020 amended.

The attorney general of the state of Washington is hereby required and authorized to condemn said property interests found to be necessary for the public purposes of the state of Washington, as pro-

—Condemnation—Duty of attorney general.

vided in RCW 76.16.010, and upon being furnished with a certified copy of the resolution of the department, describing said property interests found to be necessary for the purposes set forth in RCW 76.16.010, the attorney general shall immediately take steps to acquire said property interests by exercising the state's right of eminent domain under the provisions of chapter 8.04 RCW, and in any condemnation action herein authorized, the resolution so describing the property interests found to be necessary for the purposes set forth above shall, in the absence of a showing of bad faith, arbitrary, capricious or fraudulent action, be conclusive as to the public use and real necessity for the acquisition of said property interests for a public purpose, and said property interests shall be awarded to the state without the necessity of either pleading or proving that the department was unable to agree with the owner or owners of said private property interest for its purchase. Any condemnation action herein authorized shall have precedence over all actions, except criminal actions, and shall be summarily tried and disposed of.

RCW 76.16.030
amended.

SEC. 3. Section 3, chapter 239, Laws of 1945 and RCW 76.16.030 are each amended to read as follows:

Access to state
timber.
Disposition of
unnecessary
property—
Procedure—
Limitations.

In the event the department should determine that the property interests acquired under the authority of this act are no longer necessary for the purposes for which they were acquired, the department shall dispose of the same in the following manner, when in the discretion of the department it is to the best interests of the state of Washington to do so, except that property purchased with educational funds or held in trust for educational purposes shall be sold only in the same manner as are public lands of the state:

(1) Where the state property necessitating the acquisition of private property interests for access

purposes under authority of this chapter is sold or exchanged, said acquired property interests may be sold or exchanged as an appurtenance of said state property when it is determined by the department that sale or exchange of said state property and acquired property interests as one parcel is in the best interests of the state.

(2) If said acquired property interests are not sold or exchanged as provided in the preceding subsection, the department shall notify the person or persons from whom the property interest was acquired, stating that said property interests are to be sold, and that said person or persons shall have the right to purchase the same at the appraised price. Said notice shall be given by registered letter or certified mail, return receipt requested, mailed to the last known address of said person or persons. If the address of said person or persons is unknown, said notice shall be published twice in an official newspaper of general circulation in the county where the lands or a portion thereof is located. The second notice shall be published not less than ten nor more than thirty days after the notice is first published. Said person or persons shall have thirty days after receipt of the registered letter or five days after the last date of publication, as the case may be, to notify the department, in writing, of their intent to purchase the offered property interest. The purchaser shall include with his notice of intention to purchase, cash payment, certified check or money order in an amount not less than one-third of the appraised price. No instrument conveying property interests shall issue from the department until the full price of the property is received by said department. All costs of publication required under this section shall be added to the appraised price and collected by the department upon sale of said property interests.

Access to state timber. Disposition of unnecessary property—Procedure—Limitations.

(3) If said property interests are not sold or exchanged as provided in the preceding subsections, the department shall notify the owners of land abutting said property interests in the same manner as provided in the preceding subsection and their notice of intent to purchase shall be given in the manner and in accordance with the same time limits as are set forth in the preceding subsection (2):

Proviso.

Provided, That if more than one abutting owner gives notice of intent to purchase said property interests the department shall apportion them in relation to the lineal footage bordering each side of the property interests to be sold, and apportion the costs to the interested purchasers in relation thereto:

Proviso.

Provided further, That no sale is authorized by this section unless the department is satisfied that the amounts to be received from the several purchasers will equal or exceed the appraised price of the entire parcel plus any costs of publishing notices.

(4) If no sale or exchange is consummated as provided in subsections (1), (2) and (3) hereof, the department shall sell said properties in the same manner as public lands of the state of Washington are sold.

(5) Any disposal of property interests authorized by this act shall be subject to any existing rights previously granted by the department.

RCW 76.16.040 amended.

SEC. 4. Section 4, chapter 239, Laws of 1945 and RCW 76.16.040 are each amended to read as follows:

Source of payment for acquired property.

The department in acquiring any property interests under the provisions of this chapter, either by purchase or condemnation, is hereby authorized to pay for the same out of any moneys available to the department of natural resources for this purpose.

Passed the Senate February 8, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 141.

[S. B. 156.]

NATURAL RESOURCES EQUIPMENT FUND.

AN ACT relating to equipment, machinery, and supplies of the department of natural resources; creating a natural resources equipment fund; limiting its uses; and providing for its reimbursement.

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

SECTION 1. A revolving fund in the custody of of the state treasurer, to be known as the natural resources equipment fund, is hereby created to be expended by the department of natural resources without appropriation solely for the purchase of equipment, machinery, and supplies for the use of the department and for the payment of the costs of repair and maintenance of such equipment, machinery, and supplies.

Natural resources equipment fund.
Created—
Purpose.

SEC. 2. The natural resources equipment fund shall be reimbursed by the department of natural resources for all moneys expended from it. Reimbursement may be prorated over the useful life of the equipment, machinery, and supplies purchased by moneys from the fund. Reimbursement may be made from moneys appropriated or otherwise available to the department for the purchase, repair and maintenance of equipment, machinery, and supplies and shall be prorated on the basis of relative benefit to the programs. For the purpose of making reimbursement, all existing and hereafter acquired equipment, machinery, and supplies of the department shall be deemed to have been purchased from the natural resources equipment fund.

Fund reimbursed.
method.

Passed the Senate February 12, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 142.

[S. B. 171.]

MEDICINE AND SURGERY—OSTEOPATHY AND SURGERY—PROFESSIONAL STANDARDS OF CONDUCT.

AN ACT relating to professional standards of conduct; amending section 3, chapter 202, Laws of 1955 and RCW 18.72.030; and amending section 11, chapter 4, Laws of 1919 and RCW 18.57.170.

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

RCW 18.72.030 amended.

SECTION 1. Section 3, chapter 202, Laws of 1955 and RCW 18.72.030 are each amended to read as follows:

Medicine and surgery—"Unprofessional conduct" defined.

The term "unprofessional conduct" as used in this chapter and RCW 18.71.120 and 18.71.140 shall mean the following items or any one or combination thereof:

- (1) Conviction in any court of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence;
- (2) The procuring, or aiding or abetting in procuring a criminal abortion;
- (3) Fraud or deceit in the obtaining of a license to practice medicine;
- (4) All advertising of medical business which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety;
- (5) All advertising of any medicine or of any means whereby the monthly period of women can be regulated or the menses reestablished if suppressed;
- (6) The personation of another licensed practitioner;
- (7) Habitual intemperance;
- (8) The use or prescription for use of narcotic drugs, or dangerous drugs as described in RCW

69.40.060, in any way other than for therapeutic purposes;

(9) The offering, undertaking or agreeing to cure or treat disease by a 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;

(10) The wilful betrayal of a professional secret;

(11) Repeated acts of immorality, or repeated acts of gross misconduct in the practice of the profession;

(12) Unprofessional conduct as defined in chapter 19.68 RCW;

(13) Aiding or abetting an unlicensed person to practice medicine; or

(14) Declaration of mental incompetency by a court of competent jurisdiction.

SEC. 2. Section 11, chapter 4, Laws of 1919 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) The wilfully betraying of a professional secret.

(3) All advertising of any kind or character other than the carrying of a professional card, window or street sign.

(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.

(5) Conviction of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence.

(6) Habitual intemperance.

RCW 18.57.170 amended.

Osteopathy and surgery—
"Unprofessional conduct" defined.

Osteopathy and surgery—
"Unprofessional conduct" defined.

(7) The personation 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.

(9) The use or prescription for the use of narcotic drugs, or dangerous drugs described in RCW 69.40-.060, 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.

(11) Unprofessional conduct as defined in chapter 19.68 RCW.

(12) Aiding or abetting an unlicensed person to practice osteopathy.

(13) Declaration of mental incompetency by a court of competent jurisdiction.

(14) Fraud or deceit in the obtaining of a license to practice osteopathy.

Passed the Senate February 21, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 143.

[S. B. 208.]

STATE COLLEGES—STUDENT FEES.

AN ACT relating to education; amending section 3, chapter 13, Laws of 1961 first extraordinary session and RCW 28.81.080 and declaring an emergency.

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

RCW 28.81.080 amended.

SECTION 1. Section 3, chapter 13, Laws of 1961 first extraordinary session and RCW 28.81.080 are each amended to read as follows:

The boards of trustees of Eastern Washington State College, Central Washington State College, and Western Washington State College shall, each quarter other than summer session charge to and collect from each of the full time students registered at the respective colleges general tuition fee and incidental fees as follows:

State colleges
—Student fees.

(1) Resident students

(a) General tuition fee, not less than fifteen dollars; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not less than fifty dollars nor more than seventy-seven dollars.

(2) Nonresident students

(a) General tuition fee, not less than forty-five dollars; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred and five dollars.

The term "incidental fees" as used in this section, without limiting the generality thereof, should be deemed to include all building fees, (except the above denominated general tuition fees), student activity fees, laboratory, library, gymnasium, and health fees charged all students registering at each college.

The term "resident students" as used in this section shall mean full-time students who have been domiciled in this state at least one year prior to the date of their registration and the children of federal employees residing within the state and children and spouses of staff members of the colleges. The term "nonresident students" shall mean all full-time students other than resident students.

In addition to the foregoing fees, the boards of trustees of the state colleges are authorized to make such charges as each board shall in its discretion determine, for application for admission, part time

State colleges
—Student fees.

instruction, summer sessions, short courses, correspondence courses, extension courses, noncredit instruction, deposits, breakage, disciplinary infractions, late registration, change of program, diplomas, special individual instruction or examination or service; materials, textbooks, yearbooks, equipment rental, or transportation, and to make and establish such charges and rentals as they may in their discretion determine for the use of all revenue-producing lands, buildings, and facilities of each college, heretofore or hereafter acquired, constructed, or installed, including but not limited to income from rooms, dormitories, dining rooms, hospital, infirmaries, housing, or student activity buildings or facilities, vehicular parking facilities, land, or the appurtenances thereon.

Emergency.

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

Passed the Senate March 2, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 144.

[S. B. 225.]

VENDING STANDS IN PUBLIC BUILDINGS—BLIND PERSONS, PREFERENCE.

AN ACT relating to public assistance and to the operation of vending stands by blind persons on property owned by the state, county, city or political subdivision; and adding a new section to chapter 26, Laws of 1959 and to chapter 74.16 RCW.

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

New section.

SECTION 1. There is added to chapter 26, Laws of 1959 and to chapter 74.16 RCW a new section to read as follows:

Preference shall be given to blind persons licensed by the state pursuant to the provisions of Public Law 732, 74th Congress, 49 Stat. 1559, as amended by section 4 of Public Law 565, 83d Congress, 68 Stat. 663; 20 U.S.C., 107, in the operation of vending stands operated by not more than two persons in public buildings owned by the state of Washington or any county, city, or political subdivision.

Blind persons
—To have
preference in
operation of
vending
stands.

The department shall promulgate rules and regulations designed to assure such preference for such licensed blind persons insofar as feasible but shall not in any way interfere with any existing business operations of any persons operating vending stands in such premises on or before the effective date of this amendatory act.

Passed the Senate February 20, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 145.

[S. B. 235.]

WASHINGTON STATE APPLE ADVERTISING COMMISSION.

AN ACT relating to apples, agriculture and marketing; amending section 15.24.010, chapter 11, Laws of 1961 and RCW 15.24.010; amending section 15.24.020, chapter 11, Laws of 1961 and RCW 15.24.020; amending section 15.24.030, chapter 11, Laws of 1961 and RCW 15.24.030; amending section 15.24.040, chapter 11, Laws of 1961 and RCW 15.24.040; amending section 15.24.070, chapter 11, Laws of 1961 and RCW 15.24.070; amending section 15.24.090, chapter 11, Laws of 1961 and RCW 15.24.090; and amending section 15.24.100, chapter 11, Laws of 1961 and RCW 15.24.100.

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

SECTION 1. Section 15.24.010, chapter 11, Laws of 1961 and RCW 15.24.010 are each amended to read as follows:

RCW 15.24.010
amended.

Apple advertising commission. Definitions.

As used in this chapter:

“Commission” means the Washington state apple advertising commission;

“Ship” means to load apples into a conveyance for transport, except apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production;

“Handler” means any person who ships or initiates a shipping operation, whether for himself or for another;

“Dealer” means any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples;

“Processor” and “processing plant” means every person to whom and every place to which apples are delivered for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;

“Director” means the director of the department of agriculture or his duly authorized representative;

“District No. 1” includes the counties of Chelan, Okanogan, and Douglas;

“District No. 2” includes the counties of Kittitas, Yakima, Benton, and Franklin;

“District No. 3” includes all counties in the state not included in the first and second districts.

RCW 15.24.020 amended.

SEC. 2. Section 15.24.020, chapter 11, Laws of 1961 and RCW 15.24.020 are each amended to read as follows:

Commission created—Qualifications of members.

There is hereby created a Washington state apple advertising commission to be thus known and designated. The commission shall be composed of nine practical apple producers and four practical apple dealers. The director shall be an ex officio member of the commission without vote.

The nine producer members shall be citizens and residents of this state, over the age of twenty-five

years, each of whom is and has been actually engaged in growing and producing apples within the state of Washington for a period of five years, and has during that period derived a substantial portion of his income therefrom: *Provided*, That he may own and operate an apple warehouse and pack and store apples grown by others, without being disqualified, so long as a substantial quantity of the apples handled in such warehouse are grown by him; and he may sell apples grown by himself and others so long as he does not sell a larger quantity of apples grown by others than those grown by himself. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association, or cooperative organization, are and have been actively engaged as dealers in apples within the state of Washington for a period of five years, and are citizens and residents of this state. The qualifications of members of the commission as herein set forth must continue during their term of office.

SEC. 3. Section 15.24.030, chapter 11, Laws of 1961 and RCW 15.24.030 are each amended to read as follows:

Thirteen persons with the qualifications stated in section 2 of this 1963 amendatory act shall be elected members of said commission. Four of the grower members, being positions one, two, three and four, shall be from district No. 1, at least one of whom shall be from an Okanogan county subdivision; four of the grower members, being positions five, six, seven and eight, from district No. 2; and one grower member, being position nine, from district No. 3. Two of the dealer members, being positions ten and eleven, shall be from district No. 1; and two of the dealer members, being positions twelve and thirteen, shall be from district No. 2.

The commission shall have authority in its dis-

Apple
advertising
commission.
Members—
Election—
Terms of
office.

cretion to establish by regulation one or more additional subdivisions of district No. 1 and one or more subdivisions of district No. 2; provided that each of the same includes a substantial apple producing district or districts, and provided the same does not result in an unfair or inequitable voting situation or an unfair or inequitable representation of apple growers on said commission. The commission may in its discretion by regulations prescribe a specific portion of the northerly part of Douglas county which may be added to the Okanogan county subdivision. In such event each of said subdivisions shall be entitled to be represented by one of the said grower members of the commission, who shall be elected by vote of the qualified apple growers in said subdivision of said district.

The regular term of office of the members of the commission shall be three years from March 1 following their election and until their successors are elected and qualified. The terms of office of the two additional members of the commission created by this 1963 amendatory act shall commence immediately following their election and shall terminate on March 1, 1966.

RCW 15.24.040
amended.

SEC. 4. Section 15.24.040, chapter 11, Laws of 1961 and RCW 15.24.040 are each amended to read as follows:

Members—
Nominations—
Method of
election.

The director shall call a meeting of apple growers in each of the three districts and in each subdivision thereof, and meetings of apple dealers in district No. 1 and district No. 2 annually for the purpose of nominating their respective members of the commission, when a term is about to expire, or when a vacancy exists, except as provided in RCW 15.24.050, as amended, at times and places to be fixed by the commission. Said meetings shall be held annually not later than February 15th of each year. Insofar as practicable, the said meetings of the growers shall

be held at the same time and place as the annual state and district meetings of the Washington State Horticultural Association and its affiliated clubs, but not while the same are in actual session. Public notice of such meetings shall be given by the commission in such manner as it may determine: *Provided*, That nonreceipt of the notice by any interested person shall not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the said respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the Wenatchee office of the commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district.

The members of the commission shall be elected by secret mail ballot under the supervision of the director. Grower members of the commission shall be elected by a majority of the votes cast by the apple growers in the respective districts or subdivisions thereof, as the case may be, each grower who operates a commercial producing apple orchard, whether an individual proprietor, partnership, joint venture, or corporation, being entitled to one vote. As to bona fide leased or rented orchards, only the lessee-operator thereof shall be entitled to vote. An individual commercial orchard operator, if otherwise qualified, shall be entitled to vote as such, even though he is also a member of a partnership or corporation which votes for other apple acreage. Dealer members of the commission shall be elected by a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

RCW 15.24.070
amended.

SEC. 5. Section 15.24.070, chapter 11, Laws of 1961 and RCW 15.24.070 are each amended to read as follows:

Apple
advertising
commission.
Powers and
duties.

The Washington state apple advertising commission is hereby declared and created a corporate body. The powers and duties of the commission shall include the following:

(1) To elect a chairman and such other officers as it deems advisable; and to adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers hereunder, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To investigate and prosecute violations hereof;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and products thereof.

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation.

RCW 15.24.090
amended.

SEC. 6. Section 15.24.090, chapter 11, Laws of 1961 and RCW 15.24.090 are each amended to read as follows:

If it appears from the investigation that the revenue from the assessment levied hereunder is inadequate to accomplish the purposes of this chapter the commission shall file with the director a report showing 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 a sum not to exceed twelve cents 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 filing of said report and findings. An increase shall become effective sixty days after such report is filed: *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 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.

Report to
director—
Increased
assessments.

Proviso.

Proviso.

Proviso.

SEC. 7. Section 15.24.100, chapter 11, Laws of 1961 and RCW 15.24.100 are each amended to read as follows:

RCW 15.24.100
amended.

There is hereby levied upon all apples grown annually in this state, and all apples packed as Washington apples, an assessment of ten cents on each one hundred pounds gross billing weight, except on apples shipped to a processing plant for processing

Assessments
levied.

or manufacturing. All moneys collected hereunder shall be expended to effectuate the purpose and objects of this chapter.

Passed the Senate March 2, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 146.

[S. B. 239.]

SEATTLE ARMORY, DISPOSAL—ACQUISITION OF NEW ARMORY IN KING COUNTY.

AN ACT relating to state government; authorizing the sale, lease or exchange of the Seattle armory and the acquisition of a new armory or armories.

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

SECTION 1. The state military department is hereby authorized to sell, lease, or exchange to the city of Seattle, the present state armory land and buildings in the city of Seattle at 305 Harrison street and commonly known as the New Seattle Armory, legally described as Block 46, D. T. Denny's Third Addition to North Seattle, King County, Washington, which sale, lease or exchange shall be by and under the direction of the adjutant general in accordance with the procedures provided by law: *Provided*, That in the opinion of the adjutant general the appraised value of said land and buildings is in a sum which together with other funds available to the state military department for the purchase of real property will provide sufficient funds for the construction of a new armory or armories.

The proceeds of the sale or exchange of said property shall be transmitted by the adjutant general to the state treasurer to be held by him in a special account to be known as the Seattle armory fund.

Disposal of
New Seattle
Armory
authorized—
Conditions—
Seattle
armory fund
created,
purpose.

Proviso.

In the event the armory is leased the proceeds of such lease shall be deposited as revenue to the armory fund (fund number 118).

SEC. 2. Upon the sale or exchange of the property described in section 1, the state military department may select a site or sites for a new armory or armories in King county and acquire lands and buildings or acquire lands and construct new buildings for such purpose and may furnish and equip such buildings for military purposes.

Procedure if sale, exchange, transpires.

SEC. 3. The disposition of the present armory and the acquisition of a new armory or armories shall in all respects be subject to the approval of the governor.

Governor's approval required.

Passed the Senate February 28, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 147.

[S. B. 298.]

PORT DISTRICTS—FORMATION—POWERS.

AN ACT relating to port districts; amending section 1, chapter 92, Laws of 1911 and RCW 53.04.010; amending section 1, chapter 94, Laws of 1959 and RCW 53.04.015; and amending section 3, chapter 65, Laws of 1955 as amended by section 1, chapter 126, Laws of 1961 and RCW 53.08.020.

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

SECTION 1. Section 1, chapter 92, Laws of 1911 and RCW 53.04.010 are each amended to read as follows:

RCW 53.04.010 amended.

Port districts are hereby authorized to be established in the various counties of the state for the purposes of acquisition, construction, maintenance, operation, development and regulation within the dis-

Port districts. Authorized.

trict of harbor improvements, rail or motor vehicle transfer and terminal facilities, water transfer and terminal facilities, air transfer and terminal facilities, or any combination of such transfer and terminal facilities, and other commercial transportation, transfer, handling, storage and terminal facilities, and industrial improvements.

RCW 53.04.015 amended.

SEC. 2. Section 1, chapter 94, Laws of 1959 and RCW 53.04.015 are each amended to read as follows:

Port districts in areas lacking appropriate bodies of water. Authorized.

In areas which lack appropriate bodies of water so that harbor improvements cannot be established, port districts are hereby authorized to be established under the laws of the state, for the purposes for which port districts may be established under RCW 53.04.010, and such port districts shall have all of the powers, privileges and immunities conferred upon all other port districts under the laws of this state, including the same powers and rights relating to municipal airports that other port districts now have or hereafter may be granted.

SEC. 3. Section 3, chapter 65, Laws of 1955 as amended by section 1, chapter 126, Laws of 1961 and RCW 53.08.020 are each amended to read as follows:

Port district powers— Acquisition and operation of facilities.

A port district may construct, condemn, purchase, acquire, add to, maintain, conduct, and operate sea walls, jetties, piers, wharves, docks, boat landings, and other harbor improvements, warehouses, storehouses, elevators, grain-bins, cold storage plants, terminal icing plants, bunkers, oil tanks, ferries, canals, locks, tidal basins, bridges, subways, tramways, cableways, conveyors, administration buildings, fishing terminals, together with modern appliances and buildings for the economical handling, packaging, storing, and transporting of freight and handling of passenger traffic, rail and motor vehicle transfer and terminal facilities, water transfer and terminal facilities, air transfer and terminal facilities, and any com-

bination of such transfer and terminal facilities, commercial transportation, transfer, handling, storage and terminal facilities, and improvements relating to industrial and manufacturing activities within the district, and in connection with the operation of the facilities and improvements of the district, it may perform all customary services including the handling, weighing, measuring and reconditioning of all commodities received. A port district may also construct, condemn, purchase, acquire, add to and maintain facilities for the freezing or processing of goods, agricultural products, meats or perishable commodities. A port district may also construct, purchase and operate belt line railways, but shall not acquire the same by condemnation.

Passed the Senate February 27, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 148.

[S. B. 260.]

INDUSTRIAL INSURANCE APPEALS.

AN ACT relating to industrial insurance; amending section 51.52-.060, chapter 23, Laws of 1961 as amended by section 8, chapter 274, Laws of 1961 and RCW 51.52.060; amending section 51.52.080, chapter 23, Laws of 1961 and RCW 51.52-.080; amending section 51.52.095, chapter 23, Laws of 1961 and RCW 51.52.095; amending section 51.52.100, chapter 23, Laws of 1961 and RCW 51.52.100; amending section 51.52.102, chapter 23, Laws of 1961 and RCW 51.52.102; amending section 51.52.106, chapter 23, Laws of 1961 and RCW 51.52.106; and adding a new section to chapter 51.52 RCW.

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

SECTION 1. Section 51.52.060, chapter 23, Laws of 1961 as amended by section 8, chapter 274, Laws

RCW 51.52.060
amended.

of 1961 and RCW 51.52.060 are each amended to read as follows:

Industrial insurance appeals. Notice of—Time—Cross—Department may modify, reverse, etc., prior to notice, denial of appeal.

Any workman, beneficiary, employer, or other person aggrieved by an order, decision, or award of the department must, before he appeals to the courts, file with the board and the director, by mail or personally, within sixty days from the day on which such copy of such order, decision, or award was communicated to such person, a notice of appeal to the board. Within ten days of the date on which an appeal has been granted by the board, the board shall notify the other interested parties thereto of the receipt thereof and shall forward a copy of said notice of appeal to such other interested parties. Within twenty days of the receipt of such notice of the board, the workman or the employer may file with the board a cross-appeal from the order of the department from which the original appeal was taken: *Provided*, That nothing contained in this section shall be deemed to change, alter or modify the practice or procedure of the department for the payment of awards pending appeal: *And provided*, That failure to file notice of appeal with both the board and the department shall not be ground for denying the appeal if the notice of appeal is filed with either the board or the department: *And provided*, That, if within the time limited for filing a notice of appeal to the board from an order, decision, or award of the department, the department shall direct the submission of further evidence or the investigation of any further fact, the time for filing such notice of appeal shall not commence to run until such person shall have been advised in writing of the final decision of the department in the matter: *Provided, further*, That the department, either within the time limited for appeal, or within thirty days after receiving a notice of appeal, may modify, reverse or change any order, decision, or award, or may hold any such order,

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decision, or award in abeyance pending further investigation in light of the allegations of the notice of appeal, and the board shall thereupon deny the appeal, without prejudice to the appellant's right to appeal from any subsequent determinative order issued by the department.

SEC. 2. Section 51.52.080, chapter 23, Laws of 1961 and RCW 51.52.080 are each amended to read as follows:

RCW 51.52.080 amended.

If the notice of appeal raises no issue or issues of fact and the board finds that the department properly and lawfully decided all matters raised by such appeal it may, without further hearing, deny the same and confirm the department's decision or award, or if the department's record sustains the contention of the person appealing to the board, it may, without further hearing, allow the relief asked in such appeal; otherwise, it shall grant the appeal and order a hearing to decide the issues raised.

Appeal to board denied, when.

SEC. 3. Section 51.52.095, chapter 23, Laws of 1961 and RCW 51.52.095 are each amended to read as follows:

RCW 51.52.095 amended.

The board, upon request of the workman, beneficiary, or employer, or upon its own motion, may direct all parties interested in an appeal, together with their attorneys, if any, to appear before it, a member of the board, or an authorized hearing examiner, for a conference for the purpose of determining the feasibility of settlement, the simplification of issues of law and fact, the necessity of amendments to the notice of appeal or other pleadings, the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, the limitation of the number of expert witnesses, and such other matters as may aid in the disposition of the appeal. Such conference may be held prior to the hearing, or it may be held during the hearing, at

Conference for disposal of matters involved in appeal.

the discretion of the board member or hearing examiner conducting the same, in which case the hearing will be recessed for such conference. Following the conference, the board member or hearing examiner conducting the same, shall state on the record the results of such conference, and the parties present or their representatives shall state their concurrence on the record. Such agreement as stated on the record shall control the subsequent course of the proceedings, unless modified at a subsequent hearing to prevent manifest injustice. If agreement concerning final disposition of the appeal is reached by the parties present at the conference, or by the employer and workman or beneficiary, the board may enter a final decision and order in accordance therewith, providing the board finds such agreement is in conformity with the law and the facts.

Note: See also section 1, chapter 6, Laws of 1963.

RCW 51.52.100
amended.

SEC. 4. Section 51.52.100, chapter 23, Laws of 1961 and RCW 51.52.100 are each amended to read as follows:

Industrial
insurance
appeals.
Proceedings
before board—
Contempt.

Hearings shall be held in the county of the residence of the workman or beneficiary, or in the county where the injury occurred, at a place designated by the board. Such hearing shall be de novo and summary, but no witness' testimony shall be received unless he shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless his testimony shall have been taken by deposition according to the statutes and rules relating to superior courts of this state. The department shall be entitled to appear in all proceedings before the board and introduce testimony in support of its order. The board shall cause all oral testimony to be stenographically reported and thereafter transcribed, and when transcribed, the same, with all depositions, shall be filed in, and remain a part of, the record on the appeal. Such hearings on appeal to the board may be con-

ducted by one or more of its members, or a duly authorized hearing examiner, and depositions may be taken by a person duly commissioned for the purpose by the board.

Members of the board, its duly authorized hearing examiners, and all persons duly commissioned by it for the purpose of taking depositions, shall have power to administer oaths; to preserve and enforce order during such hearings; to issue subpoenas for, and to compel the attendance and testimony of, witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of his office.

If any person in proceedings before the board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the board or any member or duly authorized hearing examiner may certify the facts to the superior court having jurisdiction in the place in which said board or member or hearing examiner is sitting; the court shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had oc-

curred with reference to the proceedings, or in the presence, of the court.

RCW 51.52.102 amended.

SEC. 5. Section 51.52.102, chapter 23, Laws of 1961 and RCW 51.52.102 are each amended to read as follows:

Industrial insurance appeals, Hearing the appeal—Evidence—Continuances.

At the time and place fixed for hearing each party shall present all his evidence with respect to the issues raised in the notice of appeal, and if any party fails so to do, the board may determine the issues upon such evidence as may be presented to it at said hearing, or if an appealing party who has the burden of going forward with the evidence fails to present any evidence, the board may dismiss the appeal: *Provided*, That for good cause shown in the record to prevent hardship, the board may grant continuances upon application of any party, but such continuances, when granted, shall be to a time and place certain within the county where the initial hearing was held unless it shall appear that a continuance elsewhere is required in justice to interested parties: *And provided further*, That the board may continue hearings on its own motion to secure in an impartial manner such evidence, in addition to that presented by the parties, as the board, in its opinion, deems necessary to decide the appeal fairly and equitably, but such additional evidence shall be received subject to any objection as to its admissibility, and, if admitted in evidence all parties shall be given full opportunity for cross-examination and to present rebuttal evidence.

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Proviso.

New section.

SEC. 6. There is added to chapter 51.52 RCW a new section to read as follows:

Recommended order—Preparation—Filing—Exception to—Adoption.

After all evidence has been presented at hearings conducted by a hearing examiner, who shall be an active member of the Washington state bar association, the hearing examiner shall prepare a proposed or recommended decision and order which shall be

in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the order based thereon. The hearing examiner shall file the original of the proposed decision and order, signed by him, with the board, and copies thereof shall be mailed by the board to each party to the appeal and to his attorney of record. Within twenty days, or such further period as the board may allow on application of a party, from the date of communication of the proposed decision and order to the parties or their attorneys of record, any party may file with the board a written statement of exceptions to the same. Such statement of exceptions shall set forth in detail the grounds therefor and the party or parties filing the same shall be deemed to have waived all objections or irregularities not specifically set forth therein.

In the event no statement of exceptions is filed as provided herein by any party, the proposed decision and order of the hearing examiner shall be adopted by the board and become the decision and order of the board, and no appeal may be taken therefrom to the courts.

SEC. 7. Section 51.52.106, chapter 23, Laws of 1961 and RCW 51.52.106 are each amended to read as follows:

RCW 51.52.106
amended.

After the filing of a statement or statements of exceptions as provided for in section 6, the record before the board shall be considered by a least two of the members of the board, and the decision and order of the majority of the members shall be the decision and order of the board. Every final decision and order rendered by the board shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the board's order based thereon. A copy of the decision and order, including the findings and conclusions, shall

Decision and
order on
appeal.

be mailed to each party to the appeal and to his attorney of record.

Passed the Senate March 3, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 149.

[S. B. 284.]

ARMORIES—AUTHORIZED USES.

AN ACT relating to armories; amending section 93, chapter 130, Laws of 1943 as last amended by section 1, chapter 125, Laws of 1949 and RCW 38.20.010; and repealing section 1, chapter 135, Laws of 1961 (uncodified).

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

RCW 38.20.010 amended.

SECTION 1. Section 93, chapter 130, Laws of 1943, as last amended by section 1, chapter 125, Laws of 1949 and RCW 38.20.010 are each amended to read as follows:

Armories—Regulations governing.

State owned armories may be used for strictly military purposes: *Provided*, That one room may be set aside for the exclusive use of bona fide veteran organizations subject to the direction of the officer in charge thereof, together with necessary furniture, heat, light and janitor service, and the members of such veteran organizations and their auxiliaries shall have access to said room and the use thereof at all times: *Provided, further*, That any bona fide veterans' organization may be permitted the use of any state armory for athletic and social events at such times as any such armory shall not be required for the use of units of the organized militia, without the payment of rent, but the adjutant general may require such veterans' organization to pay the cost of heating, lighting or other miscellaneous expenses incidental to such use: *Provided, also*, The adjutant

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Proviso.

general may, during an emergency, permit transient lodging of service men in armories: *Provided further,* That any civilian rifle club affiliated with the National Rifle Association of America shall be permitted to use the rifle range in such armories at least one night each week under regulations prescribed by the adjutant general: *Provided, also,* That state owned armories shall be available, at the discretion of the adjutant general, for use for casual civic purposes, amateur and professional sports and theatricals upon payment of fixed rental charges and compliance with regulations of the state military department: *Provided, however,* That children attending primary and high schools shall have a preferential right to use said armories. The adjutant general shall cause to be prepared a schedule of rental charges for each state owned armory which may not be waived except for activities of units of the organized militia, and no state owned armory shall be rented for a term longer than that which intervenes between regularly authorized formations of units of the organized militia using such armory. The revenue derived from armory rentals shall constitute a special fund from which the state military department shall pay, or cause to be paid, expenses incident to such use or maintenance and operation of armories.

SEC. 2. Section 1, chapter 135, Laws of 1961 (uncodified) is hereby repealed.

Passed the Senate March 1, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 150.

[S. B. 296.]

CITY STREETS AS PART OF STATE HIGHWAYS.

AN ACT relating to public highways; and amending section 47.24.020, chapter 13, Laws of 1961 and RCW 47.24.020.

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

RCW 47.24.020 amended.

SECTION 1. Section 47.24.020, chapter 13, Laws of 1961 and RCW 47.24.020 are each amended to read as follows:

City streets as highways— Jurisdiction, control of.

The jurisdiction, control and duty of the state and city or town with respect to such streets shall be as follows:

(1) The state highway commission shall have no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the state highway commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes: *Provided*, That within incorporated cities and towns the title to a limited access facility, after purchase and construction by the state alone, shall vest in the state, and the Washington state highway commission shall exercise full jurisdiction, responsibility and control to, and over, such facility as provided in chapter 47.52, as amended;

Proviso.

(3) The state highway commission shall have authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and shall have the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town shall have the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway:

Provided, That in cities and towns having a population of fifteen thousand or less according to the latest federal census, the state, when necessary for public safety, shall assume, at its expense, responsibility, for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself: *Provided* further, That the state shall install, maintain and operate all illuminating facilities on any limited access facility, together with their interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance and operation incurred after November 1, 1954;

Provided, That in cities and towns having a population of fifteen thousand or less according to the latest federal census, the state, when necessary for public safety, shall assume, at its expense, responsibility, for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself: *Provided* further, That the state shall install, maintain and operate all illuminating facilities on any limited access facility, together with their interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance and operation incurred after November 1, 1954;

Provided, That in cities and towns having a population of fifteen thousand or less according to the latest federal census, the state, when necessary for public safety, shall assume, at its expense, responsibility, for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself: *Provided* further, That the state shall install, maintain and operate all illuminating facilities on any limited access facility, together with their interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance and operation incurred after November 1, 1954;

(7) The state highway commission shall have the right to utilize all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the state highway commission, the cost of such facilities shall be borne by the state and/or city as may be mutually agreed upon between the state highway commission and the governing body of the city or town;

City streets as
highways—
Jurisdiction,
control of.

Proviso.

(8) Cities and towns shall have exclusive right to grant franchises, not in conflict with state laws, over, beneath and upon such streets but the state highway commission shall be authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town shall have granted on such street: *Provided*, That no franchise for transportation of passengers in motor vehicles shall be granted on such streets without the approval of the state highway commission but the state highway commission shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town shall have the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the state highway commission;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto shall be subject to the approval of the state highway commission before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the state highway commission heretofore or within one year after March 21, 1963;

(12) The state highway commission shall erect, control and maintain at state expense all route markers, and directional signs, except street signs, on such streets;

(13) The state highway commission shall install, operate, maintain and control at state expense all traffic control signals, signs and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest federal census: *Provided*, That such cities and towns may submit to the state highway commission a plan for traffic control signals, signs and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the state highway commission shall consult with the cities or towns concerning the same prior to installing such signals, signs, or devices. Cities and towns having a population in excess of fifteen thousand according to the latest federal census shall install, maintain, operate and control such signals, signs and devices at their own expense, subject to approval of the state highway commission for the installation and type only. For the purpose of this subdivision striping, lane marking and channelization are considered traffic control devices; Proviso.

(14) All revenue from parking meters placed on such streets shall belong to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all rights of way so acquired shall vest in the city or town: *Provided*, Proviso.

City streets as
highways—
Jurisdiction,
control of.

That no vacation, sale or rental of any unused portion of any such street shall be made by the city or town without the approval of the state highway commission; and all revenue derived from sale, vacation or rental of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town shall fail to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the state highway commission for the maintenance of a city or town street forming part of the route of a state highway, the state highway commission may notify the mayor of such town to perform such necessary maintenance within thirty days. If the city or town within such thirty days shall fail to perform such maintenance or fail to authorize the state highway commission to perform such maintenance as provided by RCW 47.24.050, the state highway commission may perform such maintenance. The state auditor shall pay the cost of such maintenance on vouchers submitted by the state highway commission and deduct the cost from any sums in the motor vehicle fund credited or to be credited to such city or town.

Passed the Senate February 16, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 151.

[S. B. 323.]

UNIVERSITY OF WASHINGTON—OCCUPATIONAL AND ENVIRONMENTAL RESEARCH FACILITY.

AN ACT relating to the University of Washington; providing for the welfare, safety and industrial and occupational health of workmen and for testing, research, training, teaching, consulting and service in connection therewith; making appropriations from the accident fund and medical aid fund for the construction and operation of a facility therefor at the University of Washington; adding new sections to chapters 28.77 and 51.16 RCW; declaring an emergency; and making an effective date.

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

SECTION 1. There is added to chapter 28.77 RCW a new section to read as follows: New section.

There shall be constructed and maintained at the University of Washington an occupational and environmental research facility in the school of medicine having as its objects and purposes testing, research, training, teaching, consulting and service in the fields of industrial and occupational medicine and health, the prevention of industrial and occupational disease among workmen, the promotion and protection of safer working environments and dissemination of the knowledge and information acquired from such objects and purposes. University research facility. Authorized—Purpose.

SEC. 2. There is added to chapter 51.16 RCW a new section to read as follows: New section.

Inasmuch as business, industry and labor desire to provide for testing, research, training and teaching facilities and consulting services at the University of Washington for industrial and occupational health for workmen in the environmental research facility thereat, each class of industry shall bear its proportionate share of the cost therefor accrued during any fiscal year based on average workman hours of Costs shared—Basis.

exposure over the preceding two-year calendar period.

New section.

SEC. 3. There is added to chapter 28.77 RCW a new section to read as follows:

University
research
facility.
Scope—To
provide free
data.

Any matter or problem relating to the industrial and occupational health of workmen may be submitted to the environmental research facility by any public agency or interested party. All research data and pertinent information available or compiled at such facility related to the industrial and occupational health of workmen shall be made available and supplied without cost to any public agency or interested party.

New section.

SEC. 4. There is added to chapter 28.77 RCW a new section to read as follows:

Advisory
committee.
Created—
Members—
Meetings—
Duties.

There is hereby created an advisory committee to the environmental research facility consisting of eight members. Membership on the committee shall consist of directors of the departments of labor and industries and health, the president of Washington state labor council, president of the association of Washington industries, dean of the school of medicine of the University of Washington, dean of the school of engineering of the University of Washington, president of the Washington state medical association, or their representatives, and the chairman of the department of preventive medicine of the University of Washington, who shall be ex officio chairman of the committee without vote. Such committee shall meet at least semi-annually at the call of the chairman. Members shall serve without compensation. It shall consult, review and evaluate policies, budgets, activities and programs of the facility relating to industrial and occupational health to the end that the facility will serve in the broadest sense the health of the workman as it may be related to his employment.

SEC. 5. There is added to chapter 28.77 RCW a new section to read as follows:

The University of Washington may accept and administer loans, grants, funds, or gifts, conditional or otherwise, in furtherance of the objects and purposes of this act, from the federal government and from other sources public or private. For the purpose of securing payment from the accident fund and medical aid fund as funds are required, vouchers shall be presented to the department of labor and industries.

SEC. 6. For the purposes of constructing and equipping the environmental research facility at the University of Washington and for providing service and utility facilities in connection therewith, there is hereby appropriated for the biennium ending June 30, 1965 from the accident fund to the University of Washington the sum of six hundred and twenty-five thousand dollars and from the medical aid fund to the University of Washington the sum of six hundred and twenty-five thousand dollars or so much thereof as may be necessary to be expended therefor.

SEC. 7. For the purposes of equipping, maintaining and operating the environmental research facility at the University of Washington for the industrial and occupational health of workmen there is hereby appropriated for the biennium ending June 30, 1965 from the accident fund to the University of Washington the sum of two hundred and fifty thousand dollars and from the medical aid fund to the University of Washington the sum of two hundred and fifty thousand dollars, or as much thereof as may be needed.

SEC. 8. This act is concurrent with and in addition to legislation with reference to providing funds for the construction of buildings of the Uni-

versity of Washington, and is not to be construed as repealing or limiting any existing provision of law with reference thereto.

Severability. 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.

Emergency. 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 on the first day of April, 1963.

Passed the Senate March 4, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 152.

[S. B. 374.]

GAME FISH—FISH PASSAGE FACILITIES—
PROTECTIVE DEVICES.

AN ACT relating to game fish; and adding a new section to chapter 77.16 RCW.

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

New section. SECTION 1. There is added to chapter 77.16 RCW a new section to read as follows:

Inadequate game fish passage facility, protective device, authority to modify.

In the event any fish passage facility or fish protective device as set forth in RCW 77.16.210 and 77.16.220 which have been in existence or are existing at the time of enactment of this act, is determined by the director to be inadequate for the purposes for which it was intended; the director in addition to other authority granted in this chapter may in his discretion, remove, relocate, reconstruct,

or modify said device, without cost for materials and labor to the owner or owners thereof: *Provided*,^{Proviso.} That the director may not materially modify the amount of flow of water through the facility or device. Thereafter such fish passage facility or fish protective device shall be maintained at the expense of the person or governmental agency owning said obstruction or water diversion in accordance with RCW 77.16.210 and 77.16.220.

Passed the Senate February 26, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 153.

[S. B. 339.]

FOOD FISH—FISH PASSAGE FACILITIES— PROTECTIVE DEVICES.

AN ACT relating to food fish; and adding a new section to chapter 75.20 RCW.

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

SECTION 1. There is added to chapter 75.20 RCW a new section to read as follows:

In the event any fish passage facility or fish protective device as set forth in RCW 75.20.040 and 75.20.060 which have been in existence or are existing at the time of enactment of this act, is determined by the director to be inadequate for the purposes for which it was intended; the director in addition to other authority granted in this chapter may in his discretion, remove, relocate, reconstruct, or modify said device, without cost for materials and labor to the owner or owners thereof: *Provided*,^{Proviso.} That the director may not materially modify the amount of flow of water through the facility or device. Thereafter such fish passage facility or fish protective

Inadequate food fish passage facility, protective device, authority to modify.

device shall be maintained at the expense of the person or governmental agency owning said obstruction or water diversion in accordance with RCW 75.20.040 and 75.20.060.

Passed the Senate February 26, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 154.

[S. B. 424.]

MOTOR VEHICLES—EQUIPMENT.

AN ACT relating to motor vehicle equipment; imposing penalties; providing an effective date; amending sections 46.37.010, 46.37.020, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.120, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.190, 46.37.200, 46.37.210, 46.37.230, 46.37.240, 46.37.280, 46.37.300, 46.37.340, 46.37.370, 46.37.400, and 46.04.130, chapter 12, Laws of 1961 and RCW 46.37.010, 46.37.020, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.120, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.190, 46.37.200, 46.37.210, 46.37.230, 46.37.240, 46.37.280, 46.37.300, 46.37.340, 46.37.370, 46.37.400, and 46.04.130; adding new sections to chapter 46.37 RCW and chapter 46.04 RCW; and repealing section 46.37.192 and section 46.37.350, chapter 12, Laws of 1961 and RCW 46.37.192 and 46.37.350.

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

RCW 46.37.010 amended.

SECTION 1. Section 46.37.010, chapter 12, Laws of 1961 and RCW 46.37.010 are each amended to read as follows:

Vehicle lighting, equipment. Scope and effect of regulations.

(1) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in

proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

(2) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(3) The provisions of the chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable.

SEC. 2. Section 46.37.020, chapter 12, Laws of 1961 and RCW 46.37.020 are each amended to read as follows:

RCW 46.37.020 amended.

Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices.

When lighted lamps, illuminating devices are required.

SEC. 3. Section 46.37.050, chapter 12, Laws of 1961 and RCW 46.37.050 are each amended to read as follows:

RCW 46.37.050 amended.

(1) After January 1, 1964, every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in RCW 46.37.020, shall emit a red light

Tail lamps.

Vehicle lighting, equipment.
Tail lamps.

plainly visible from a distance of one thousand feet to the rear, except that passenger cars manufactured or assembled prior to January 1, 1939, and motorcycles and motor-driven cycles, shall have at least one tail lamp. On a combination of vehicles only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches.

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

RCW 46.37.060 amended.

SEC. 4. Section 46.37.060, chapter 12, Laws of 1961 and RCW 46.37.060 are each amended to read as follows:

Motor vehicles to be equipped with reflectors.

(1) Every motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section, except that motorcycles and motor-driven cycles shall carry at least one such reflector: *Provided, however,* That vehicles of the types mentioned in RCW 46.37.090 shall be equipped with reflectors meeting the requirements of RCW 46.37.110 and 46.37.120.

Proviso.

(2) Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in

RCW 46.37.030(2), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

SEC. 5. Section 46.37.070, chapter 12, Laws of 1961 and RCW 46.37.070 are each amended to read as follows:

RCW 46.37.070 amended.

(1) After January 1, 1964, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two or more stop lamps meeting the requirements of RCW 46.37.200, except that passenger cars manufactured or assembled prior to January 1, 1964, and motorcycles and motor-driven cycles shall be equipped with at least one such stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in RCW 46.37.200(1).

Stop lamps and turn signals required on motor vehicles.

(2) After January 1, 1960, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of RCW 46.37.200(2), except that motor vehicles, trailers, semitrailers and pole trailers manufactured or assembled prior to January 1, 1954, and motorcycles and motor-driven cycles need not be equipped with electric turn signal lamps.

SEC. 6. Section 46.37.080, chapter 12, Laws of 1961 and RCW 46.37.080 are each amended to read as follows:

RCW 46.37.080 amended.

Those sections of this chapter which follow immediately, including RCW 46.37.090, 46.37.100, 46.37.110, 46.37.120 and 46.37.130, relating to clearance lamps, marker lamps, and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck tractors,

Application of RCW 46.37.090 through 46.37.130.

and trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in RCW 46.37.020.

RCW 46.37.090 amended.

SEC. 7. Section 46.37.090, chapter 12, Laws of 1961 and RCW 46.37.090 are each amended to read as follows:

Vehicle lighting, equipment. Additional equipment required on certain vehicles.

In addition to other equipment required in RCW 46.37.040, 46.37.050, 46.37.060 and 46.37.070, the following vehicles shall be equipped as herein stated under the conditions stated in RCW 46.37.080, and in addition, the reflectors elsewhere enumerated for such vehicles shall conform to the requirements of RCW 46.37.120(1).

(1) Buses and trucks eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear.

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(2) Trailers and semitrailers eighty inches or more in overall width:

(a) On the front, two clearance lamps, one at each side.

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear.

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(3) Truck tractors:

On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(4) Trailers, semitrailers and pole trailers thirty feet or more in over-all length:

On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle.

(5) Pole trailers:

(a) On each side, one amber side marker lamp at or near the front of the load.

(b) One amber reflector at or near the front of the load.

(c) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(6) Whenever required or permitted by this chapter, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than twelve inches apart, and mounted on the permanent structure of the vehicle as close as practicable to the vertical centerline: *Provided, however,* That where the cab of a vehicle is not more than forty-two inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps.

Proviso.

SEC. 8. Section 46.37.120, chapter 12, Laws of 1961 and RCW 46.37.120 are each amended to read as follows:

RCW 46.37.120 amended.

Vehicle lighting, equipment. Visibility of reflectors, clearance lamps, identification lamps and side marker lamps.

(1) Every reflector upon any vehicle referred to in RCW 46.37.090 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the front and rear, respectively, of the vehicle.

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the side of the vehicle on which mounted.

RCW 46.37.140 amended.

SEC. 9. Section 46.37.140, chapter 12, Laws of 1961 and RCW 46.37.140 are each amended to read as follows:

Lamps, reflectors or flags on projecting load.

Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in RCW 46.37.020, two red lamps, visible from a distance of at least five hundred feet to the rear, two red reflectors meeting the requirements of RCW 46.37.120(1), visible from the rear and located so as to indicate maximum width, and on each side one red lamp, visible from a distance of at least five hundred feet to the side, located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet

beyond its rear, red flags, not less than twelve inches square, marking the extremities of such loads, at each point where a lamp would otherwise be required by this section, under RCW 46.37.020.

SEC. 10. Section 46.37.150, chapter 12, Laws of 1961 and RCW 46.37.150 are each amended to read as follows:

RCW 46.37.150
amended.

(1) Every vehicle shall be equipped with one or more lamps, which, when lighted, shall display a white or amber light visible from a distance of one thousand feet to the front of the vehicle, and a red light visible from a distance of one thousand feet to the rear of the vehicle. The location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

Lamps on
parked vehicle
—Display,
when.

(2) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(3) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, outside an incorporated city or town, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (1) of this section.

(4) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

RCW 46.37.160 amended.

SEC. 11. Section 46.37.160, chapter 12, Laws of 1961 and RCW 46.37.160 are each amended to read as follows:

Vehicle lighting, equipment, lamps, reflectors, on farm tractors, farm equipment and implements of husbandry.

(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with two single-beam or multiple-beam head lamps meeting the requirements of RCW 46.37-.220 or 46.37.250, respectively, or, as an alternative, RCW 47.36.260, and at least two red lamps visible when lighted from a distance of not less than one thousand feet to the rear; and at least two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(2) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with lamps as follows:

(a) The farm tractor element of every such combination shall be equipped as required in subsection (1) of this section.

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(c) Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than one thousand feet to the front. This lamp shall be so positioned to indicate, as nearly as practicable,

the extreme left projection of the combination carrying it.

(3) The two red lamps and the two red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme left projection of the combination carrying them.

SEC. 12. Section 46.37.170, chapter 12, Laws of 1961 and RCW 46.37.170 are each amended to read as follows:

RCW 46.37.170
amended.

Every vehicle, including animal-drawn vehicles and vehicles referred to in RCW 46.37.010(3), not specifically required by the provisions of RCW 46.37.020 through 46.37.330 to be equipped with lamps, or other lighting devices, shall at all times specified in RCW 46.37.020 be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred to one hundred feet to the rear when illuminated by the upper beams of head lamps.

Lamps, reflectors, on other vehicles and equipment.

SEC. 13. Section 46.37.180, chapter 12, Laws of 1961 and RCW 46.37.180 are each amended to read as follows:

RCW 46.37.180
amended.

(1) Spot lamps. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high intensity portion of the

Spot, fog, auxiliary lamps.

Vehicle lighting, equipment.
Fog, auxiliary passing, driving, lamps.

beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

(2) Fog lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in RCW 46.37.220.

(3) Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combination of head lamps and auxiliary passing lamps.

(4) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combination of head lamps and auxiliary driving lamps.

RCW 46.37.190 amended.

SEC. 14. Section 46.37.190, chapter 12, Laws of 1961 and RCW 46.37.190 are each amended to read as follows:

Red lights—Emergency vehicles—School buses—Police vehicles.

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light

visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with alternately flashing red lights specified herein.

(4) The alternately flashing lighting described in subsections (2) and (3) of this section shall not be used on any vehicle other than a school bus or an authorized emergency vehicle.

(5) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.60.210 and 46.48.140.

Sec. 15. Section 46.37.200, chapter 12, Laws of 1961 and RCW 46.37.200 are each amended to read as follows:

RCW 46.37.200 amended.

(1) Any vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet to the rear in normal sunlight, and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one or more other rear lamps.

Signal lamps.

(2) Any vehicle may be equipped and when

Vehicle lighting, equipment. Signal lamps.

required under RCW 46.37.070(2) shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light, or any shade of color between white and amber. The lamp showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps on vehicles eighty inches or more in over-all width shall be visible from a distance of not less than five hundred feet in normal sunlight. Turn signal lamps on vehicles less than eighty inches wide shall be visible at a distance of not less than three hundred feet in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle.

RCW 46.37.210 amended.

SEC. 16. Section 46.37.210, chapter 12, Laws of 1961 and RCW 46.37.210 are each amended to read as follows:

Additional lighting equipment.

- (1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.
- (2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.
- (3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this chapter. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than fifteen hundred feet under normal atmospheric conditions at night.

(5) Any vehicle eighty inches or more in over-all width, if not otherwise required by RCW 46.37.090, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in RCW 46.37.090 (6).

SEC. 17. Section 46.37.230, chapter 12, Laws of 1961 and RCW 46.37.230 are each amended to read as follows:

RCW 46.37.230
amended.

(1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in RCW 46.37.020, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in

Use of multiple-beam
road-lighting
equipment.

Vehicle lighting equipment. Use of multiple-beam road-lighting equipment.

advance of the vehicle, subject to the following requirements and limitations:

(2) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in RCW 46.37.220(2) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(3) Whenever the driver of a vehicle approaches another vehicle from the rear within three hundred feet such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in RCW 46.37.220(1).

RCW 46.37.240 amended.

SEC. 18. Section 46.37.240, chapter 12, Laws of 1961 and RCW 46.37.240 are each amended to read as follows:

Single-beam road-lighting equipment.

Head lamp systems which provide only a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to one year after March 18, 1955 in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

SEC. 19. Section 46.37.280, chapter 12, Laws of 1961 and RCW 46.37.280 are each amended to read as follows:

RCW 46.37.280 amended.

(1) During the times specified in RCW 46.37.020, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, warning lamps authorized by the state commission on equipment and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

Special restrictions on lamps.

(2) Except as required in RCW 46.37.190 no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.

(3) Flashing lights are prohibited except as required in RCW 46.37.190, 46.37.200, 46.37.210, and 46.37.300, and warning lamps authorized by the state commission on equipment.

SEC. 20. Section 46.37.300, chapter 12, Laws of 1961 and RCW 46.37.300 are each amended to read as follows:

RCW 46.37.300 amended.

(1) The state commission on equipment shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The

Standards for lights on snow-removal or highway maintenance equipment.

standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

(2) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

RCW 46.37.340
amended.

SEC. 21. Section 46.37.340, chapter 12, Laws of 1961 and RCW 46.37.340 are each amended to read as follows:

Vehicle
lighting,
equipment.
Brake
equipment
required.

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 section 30 of this amendatory act of 1963, shall be equipped with service brakes complying with the performance requirements of section 22 of this amendatory act 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, except motorcycles and motor-driven cycles, 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 section 22 of this amendatory act.

(b) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of section 22 of this amendatory act.

(c) 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 steer-

Vehicle
lighting,
equipment.
Brake
equipment
required.

able axle need not have brakes. However, such trucks and truck-tractors must be capable of complying with the performance requirements of section 22 of this amendatory act.

(d) Special mobile equipment as defined in section 30 of this amendatory act of 1963.

(e) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of section 22 of this amendatory act.

(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, semi-trailer and pole trailer, and every combination of such vehicles, except motorcycles and motor-driven

Vehicle
lighting,
equipment.
Brake
equipment
required.

cycles, 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 com-

pressed 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 drive-away 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. 22. There is added to chapter 46.37 RCW a New section. new section to read as follows:

Every motor vehicle and combination of vehicles,

Vehicle lighting, equipment. Performance ability of brakes.

at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(1) Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification,

(2) Decelerating to a stop from not more than twenty miles per hour at not less than the feet per second per second tabulated herein for its classification, and

(3) Stopping from a speed of twenty miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

<i>Classification of Vehicles</i>	<i>Braking force as a percentage of gross vehicle or combination weight</i>	<i>Deceleration in feet per second per second</i>	<i>Brake system application and braking distance in feet from an initial speed of 20 m.p.h.</i>
A Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating	52.8%	17	25
B-1 All motorcycles and motor-driven cycles	43.5%	14	30
B-2 Single unit vehicles with a manufacturer's gross vehicle weight rating of			

Classification of Vehicles	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Brake system application and braking distance in feet from an initial speed of 20 m.p.h.
10,000 pounds or less	43.5%	14	30
C-1 Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds.	43.5%	14	40
C-2 Combinations of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less	43.5%	14	40
C-3 Buses, regardless of the number of axles, not having a manufacturer's gross weight rating	43.5%	14	40
C-4 All combinations of vehicles in drive-away-towaway operations	43.5%	14	40
D All other vehicles and combinations of vehicles	43.5%	14	50

SEC. 23. Section 46.37.370, chapter 12, Laws of 1961 and RCW 46.37.370 are each amended to read as follows:

RCW 46.37.370 amended.

(1) The state commission on equipment is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove

Braking system on motor-driven cycles.

Vehicle lighting, equipment. Braking system on motor-driven cycles.

any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in section 22 of this amendatory act, or which in its opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(2) The director of licenses may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when he 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.

New section.

SEC. 24. There is added to chapter 46.37 RCW a new section to read as follows:

Hydraulic brake fluid— Defined— Standards for use and sale of.

(1) The term "hydraulic brake fluid" as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(3) The state commission on equipment shall, in compliance with the provisions of chapter 34.04 RCW, the administrative procedure act, which govern the adoption of rules, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the society of automotive engineers applicable to such fluid.

(4) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section and

the standard specifications adopted by the state commission on equipment. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section and the standards and specifications adopted by the state commission on equipment.

SEC. 25. Section 46.37.400, chapter 12, Laws of 1961 and RCW 46.37.400 are each amended to read as follows: RCW 46.37.400 amended.

Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. Mirrors.

SEC. 26. Section 46.04.130, chapter 12, Laws of 1961 and RCW 46.04.130 are each amended to read as follows: RCW 46.04.130 amended.

“Combination of vehicles” means every combination of motor vehicle and motor vehicle, motor vehicle and trailer or motor vehicle and semitrailer. “Combination of vehicles” defined.

SEC. 27. There is added to chapter 46.04 RCW a new section to read as follows: New section.

“Driveaway-towaway operation” means any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported when one set or more wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power. “Driveaway-towaway operation” defined.

SEC. 28. There is added to chapter 46.04 RCW a new section to read as follows: New section.

“Motor-driven cycle” means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft), and every bicycle with motor attached. “Motor-driven cycle” defined.

New section.

SEC. 29. There is added to chapter 46.04 RCW a new section to read as follows:

"Passenger car" defined.

"Passenger car" means every motor vehicle except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons.

New section.

SEC. 30. There is added to chapter 46.04 RCW a new section to read as follows:

"Special mobile equipment" defined.

"Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than trucktractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and drag lines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Repeal.

SEC. 31. Sections 46.37.192 and 46.37.350, chapter 12, Laws of 1961 and RCW 46.37.192 and 46.37.350 are each repealed.

Effective date.

SEC. 32. This act shall take effect on January 1, 1964.

Passed the Senate February 28, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 155.

[S. B. 448.]

CITIES, THIRD CLASS—POWERS RELATING TO
PROPERTY.

AN ACT relating to third class cities and amending section 15, chapter 184, Laws of 1915 and RCW 35.24.300.

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

SECTION 1. Section 15, chapter 184, Laws of 1915 and RCW 35.24.300 are each amended to read as follows:

RCW 35.24.300 amended.

The city council of such city shall have power to purchase, lease, or otherwise acquire real estate and personal property necessary or proper for municipal purposes and to control, lease, sublease, convey or otherwise dispose of the same; to acquire and plat land for cemeteries and parks and provide for the regulation thereof, including but not limited to the right to lease any waterfront and other lands adjacent thereto owned by it for manufacturing, commercial or other business purposes; including but not limited to the right to lease for wharf, dock and other purposes of navigation and commerce such portions of its streets which bound upon or terminate in its waterfront or the navigable waters of such city, subject, however, to the written consent of the lessees of a majority of the square feet frontage of the harbor area abutting on any street proposed to be so leased. No lease of streets or waterfront shall be for longer than ten years and the rental therefor shall be fixed by the city council. Every such lease shall contain a clause that at intervals of every five years during the term thereof the rental to be paid by the lessee shall be readjusted between the lessee and the city by mutual agreement, or in default of such mutual agreement that the rental shall be fixed by arbitrators to be appointed one by the city

Third class cities—Powers relating to acquisition, use, of municipal property.

council, one by the lessee and the third by the two thus appointed. No such lease shall be made until the city council has first caused notice thereof to be published in the official newspaper of such city at least fifteen days and in one issue thereof each week prior to the making of such lease, which notice shall describe the portion of the street proposed to be leased, to whom, for what purpose, and the rental to be charged therefor. The city may improve part of such waterfront or street extensions by building inclines, wharves, gridirons and other accommodations for shipping, commerce and navigation and may charge and collect for service and use thereof reasonable rates and tolls.

Passed the Senate March 2, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 156.

[S. B. 4.]

HORIZONTAL PROPERTY REGIMES

(Also known as Condominiums).

AN ACT relating to real property; providing for the creation of horizontal property regimes (also known as condominiums) and the regulation thereof; and adding a new section to chapter 33, Laws of 1929 and to chapter 64.04 RCW.

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

SECTION 1. As used in this chapter unless the context otherwise requires:

(1) "Apartment" means a part of the property intended for any type of independent use, including one or more rooms or enclosed spaces located on one or more floors (or part or parts thereof) in a building, regardless of whether it is destined for a residence, an office, the operation of any industry or business,

Horizontal property regimes. Definitions.

or for any other use not prohibited by law, and which has a direct exit to a public street or highway, or to a common area leading to such street or highway. The boundaries of an apartment are the interior surfaces of the perimeter walls, floors, ceilings, windows and doors thereof, and the apartment includes both the portions of the building so described and the air space so encompassed. In interpreting declarations, deeds, and plans, the existing physical boundaries of the apartment as originally constructed or as reconstructed in substantial accordance with the original plans thereof shall be conclusively presumed to be its boundaries rather than the metes and bounds expressed or depicted in the declaration, deed or plan, regardless of settling or lateral movement of the building and regardless of minor variance between boundaries shown in the declaration, deed, or plan and those of apartments in the building.

(2) "Apartment owner" means the person or persons owning an apartment, as herein defined, in fee simple absolute or qualified, by way of leasehold or by way of a periodic estate, or in any other manner in which real property may be owned, leased or possessed in this state, together with an undivided interest in a like estate of the common areas and facilities in the percentage specified and established in the declaration as duly recorded or as it may be lawfully amended.

(3) "Apartment number" means the number, letter, or combination thereof, designating the apartment in the declaration as duly recorded or as it may be lawfully amended.

(4) "Association of apartment owners" means all of the apartment owners acting as a group in accordance with the bylaws and with the declaration as it is duly recorded or as they may be lawfully amended.

(5) "Building" means a building, containing two

Horizontal
property
regimes.
Definitions.

or more apartments, or two or more buildings each containing two or more apartments, and comprising a part of the property.

(6) "Common areas and facilities", unless otherwise provided in the declaration as duly recorded or as it may be lawfully amended, includes: (a) The land on which the building is located;

(b) The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, and entrances and exits of the building;

(c) The basements, yards, gardens, parking areas and storage spaces;

(d) The premises for the lodging of janitors or persons in charge of the property;

(e) The installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;

(f) The elevators, tanks, pumps, motors, fans, compressors, ducts and in general all apparatus and installations existing for common use;

(g) Such community and commercial facilities as may be provided for in the declaration as duly recorded or as it may be lawfully amended;

(h) All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.

(7) "Common expenses" include: (a) All sums lawfully assessed against the apartment owners by the association of apartment owners;

(b) Expenses of administration, maintenance, repair, or replacement of the common areas and facilities;

(c) Expenses agreed upon as common expenses by the association of apartment owners;

(d) Expenses declared common expenses by the provisions of this chapter, or by the declaration as

it is duly recorded, or by the bylaws, or as they may be lawfully amended.

(8) "Common profits" means the balance of all income, rents, profits and revenues from the common areas and facilities remaining after the deduction of the common expenses.

(9) "Declaration" means the instrument by which the property is submitted to provisions of this chapter, as hereinafter provided, and as it may be, from time to time, lawfully amended.

(10) "Land" means the material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock, or other substance, and includes free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the use of airspace imposed, and rights in the use of the airspace granted, by the laws of this state or of the United States.

(11) "Limited common areas and facilities" includes those common areas and facilities designated in the declaration, as it is duly recorded or as it may be lawfully amended, as reserved for use of certain apartment or apartments to the exclusion of the other apartments.

(12) "Majority" or "majority of apartment owners" means the apartment owners with fifty-one percent or more of the votes in accordance with the percentages assigned in the declaration, as duly recorded or as it may be lawfully amended, to the apartments for voting purposes.

(13) "Person" includes any individual, corporation, partnership, association, trustee, or other legal entity.

(14) "Property" means the land, the building, all improvements and structures thereon, all owned in fee simple absolute or qualified, by way of leasehold or by way of a periodic estate, or in any other manner in which real property may be owned, leased

or possessed in this state, and all easements, rights and appurtenances belonging thereto, none at which shall be considered as a security or security interest, and all articles of personalty intended for use in connection therewith, which have been or are intended to be submitted to the provisions of this chapter.

Horizontal property regimes. Applicability.

SEC. 2. This chapter shall be applicable only to property, the sole owner or all of the owners, lessees or possessors of which submit the same to the provisions hereof by duly executing and recording a declaration as hereinafter provided.

Classification as real property.

SEC. 3. Each apartment, together with its undivided interest in the common areas and facilities shall not be considered as an intangible or a security or any interest therein but shall for all purposes constitute and be classified as real property.

Ownership and possession, scope.

SEC. 4. Each apartment owner shall be entitled to the exclusive ownership and possession of his apartment but any apartment may be jointly or commonly owned by more than one person. Each apartment owner shall have the common right to a share, with other apartment owners, in the common areas and facilities.

Common areas and facilities, generally.

SEC. 5. (1) Each apartment owner shall be entitled to an undivided interest in the common areas and facilities in the percentage expressed in the declaration. Such percentage shall be computed by taking as a basis the value of the apartment in relation to the value of the property.

(2) The percentage of the undivided interest of each apartment owner in the common areas and facilities as expressed in the declaration shall not be altered except in accordance with procedures set forth in the bylaws and by amending the declaration. Such bylaws shall provide for a periodic re-

appraisal of the apartments and the common areas and facilities together with a recomputation, if required, of the percentage of the undivided interest of each apartment owner in such common areas and facilities. The percentage of the undivided interest in the common areas and facilities shall not be separated from the apartment to which it appertains even though such interest is not expressly mentioned or described in the conveyance or other instrument. Nothing in this section or this chapter shall be construed to detract from or limit the powers and duties of any assessing or taxing unit or official which is otherwise granted or imposed by law, rule, or regulation.

(3) The common areas and facilities shall remain undivided and no apartment owner or any other person shall bring any action for partition or division of any part thereof, unless the property has been removed from the provisions of this chapter as provided in sections 16 and 24. Any covenant to the contrary shall be void. Nothing in this chapter shall be construed as a limitation on the right of partition by joint owners or owners in common of one or more apartments as to the ownership of such apartment or apartments.

(4) Each apartment owner shall have a non-exclusive easement for, and may use the common areas and facilities in accordance with the purpose for which they were intended without hindering or encroaching upon the lawful right of the other apartment owners.

(5) The necessary work of maintenance, repair and replacement of the common areas and facilities and the making of any addition or improvement thereto shall be carried out only as provided in this chapter and in the bylaws.

(6) The association of apartment owners shall have the irrevocable right, to be exercised by the

manager or board of directors, to have access to each apartment from time to time during reasonable hours as may be necessary for the maintenance, repair, or replacement of any of the common areas and facilities therein or accessible therefrom, or for making emergency repairs therein necessary to prevent damage to the common areas and facilities or to another apartment or apartments.

Horizontal
property
regimes.
Owner's
compliance
mandatory—
Enforcement.

SEC. 6. Each apartment owner shall comply strictly with the bylaws and with the administrative rules and regulations adopted pursuant thereto, as either may be lawfully amended from time to time, and with the covenants, conditions and restrictions set forth in the declaration or in the deed to his apartment. Failure to comply with any of the foregoing shall be ground for an action to recover sums due, for damages or injunctive relief, or both, maintainable by the manager or board of directors on behalf of the association of apartment owners or by a particularly aggrieved apartment owner.

Liens or en-
cumbrances—
Enforcement—
Satisfaction.

SEC. 7. (1) Subsequent to recording the declaration as provided in this chapter, and while the property remains subject to this chapter, no lien shall thereafter arise or be effective against the property. During such period, liens or encumbrances shall arise or be created only against each apartment and the percentage of undivided interest in the common areas and facilities and appurtenant to such apartment in the same manner and under the same conditions in every respect as liens or encumbrances may arise or be created upon or against any other separate parcel of real property subject to individual ownership: *Provided*, That no labor performed or materials furnished with the consent of or at the request of the owner of any apartment, or such owner's agent, contractor, or subcontractor, shall be the basis for the filing of a lien against any other apart-

Proviso.

ment or any other property of any other apartment owner not expressly consenting to or requesting the same, except that such express consent shall be deemed to be given by any apartment owner in the case of emergency repairs. Labor performed or materials furnished for the common areas and facilities, if authorized by the association of apartment owners, the manager or board of directors shall be deemed to be performed or furnished with the express consent of each apartment owner and shall be the basis for the filing of a lien against each of the apartments and shall be subject to the provisions of subsection (2) of this section.

(2) In the event a lien against two or more apartments becomes effective, the apartment owners of the separate apartments may remove their apartment and the percentage of undivided interest in the common areas and facilities appurtenant to such apartment from the lien by payment of the fractional or proportional amounts attributable to each of the apartments affected. Such individual payments shall be computed by reference to the percentages appearing on the declaration. Subsequent to any such payment, discharge, or satisfaction, the apartment and the percentage of undivided interest in the common areas and facilities appurtenant thereto shall thereafter be free and clear of the liens so paid, satisfied, or discharged. Such partial payment, satisfaction, or discharge shall not prevent the lienor from proceeding to enforce his rights against any apartment and the percentage of undivided interest in the common areas and facilities appurtenant thereto not so paid, satisfied, or discharged.

SEC. 8. The common profits of the property shall be distributed among, and the common expenses shall be charged to, the apartment owners according to the percentage of the undivided interest in the common areas and facilities.

Common profits, expenses—
Distribution.

SEC. 9. The declaration shall contain the following: (1) A description of the land on which the building and improvement are or are to be located;

(2) A description of the building, stating the number of stories and basements, the number of apartments and the principal materials of which it is or is to be constructed;

(3) The apartment number of each apartment, and a statement of its location, approximate area, number of rooms, and immediate common area to which it has access, and any other data necessary for its proper identification;

(4) A description of the common areas and facilities;

(5) A description of the limited common areas and facilities, if any, stating to which apartments their use is reserved;

(6) The value of the property and of each apartment, and the percentage of undivided interest in the common areas and facilities appertaining to each apartment and its owner for all purposes, including voting;

(7) A statement of the purposes for which the the building and each of the apartments are intended and restricted as to use;

(8) The name of a person to receive service of process in the cases provided for in this chapter, together with a residence or place of business of such person which shall be within the county in which the building is located;

(9) A provision as to the percentage of votes by the apartment owners which shall be determinative of whether to rebuild, repair, restore, or sell the property in event of damage or destruction of all or part of the property;

(10) A provision authorizing and establishing procedures for the subdividing and/or combining of any apartment or apartments, common areas and

facilities or limited common areas and facilities, which procedures may provide for the accomplishment thereof through means of a metes and bounds description;

(11) A provision requiring the adoption of by-laws for the administration of the property or for other purposes not inconsistent with this chapter, which may include whether administration of the property shall be by a board of directors elected from among the apartment owners, by a manager, or managing agent, or otherwise, and the procedures for the adoption thereof and amendments thereto;

(12) Any further details in connection with the property which the person executing the declaration may deem desirable to set forth consistent with this chapter; and

(13) The method by which the declaration may be amended, consistent with this chapter: *Provided*, That not less than sixty percent of the apartment owners shall consent to any amendment except that any amendment altering the value of the property and of each apartment and the percentage of undivided interest in the common areas and facilities shall require the unanimous consent of the apartment owners.

SEC. 10. Simultaneously with the recording of the declaration there shall be filed in the office of the county auditor of the county in which the property is located a survey map of the surface of the land submitted to the provisions of this chapter showing the location of the building or buildings thereon, a set of the floor plans of the building or buildings showing the layout, apartment numbers and dimensions of the apartments in sufficient detail to identify and locate each apartment with certainty, stating the name of the building or that it has no name, and bearing the verified statement of a registered architect or registered professional en-

Survey, map,
floor plans,
copies filed—
Contents.

Horizontal
property
regimes.
Survey map,
floor plans,
copies filed—
Contents.

gineer certifying that it is an accurate copy of portions of the plans of the building as filed with and approved by the governmental entity having jurisdiction over the approval and/or issuance of permits for the construction of such building, or a statement that no such approval or permit is required. If such plans do not include a verified statement by a registered architect or registered professional engineer that such plans fully and accurately depict the layout, apartment numbers and dimensions of the apartments as built, there shall be recorded prior to the first conveyance of any apartment an amendment to the declaration to which shall be attached a verified statement of a registered architect or registered professional engineer certifying that the plans theretofore filed or being filed simultaneously with such amendment, fully and accurately depict the layout, apartment number and dimensions of the apartments as built. Such plans shall each contain a reference to the date of recording of the declaration and the volume, page and county auditor's receiving number of the recorded declaration. Correspondingly, the record of the declaration shall contain a reference to the file number of the floor plans of the building affected thereby. All plans filed shall be in such style, size, form and quality as shall be prescribed by the county auditor of the county where filed, and a copy shall be delivered to the county assessor. The survey map and floor plans shall be subject to all the provisions of state and local laws relating to plats, planning and plans, subdivisions, and zoning, if such laws are not inconsistent with the purposes of this chapter and if the building is or is to be located on land which is not owned in common.

Local ordinances, etc.,
construction.

SEC. 11. Local ordinances, resolutions, or laws relating to zoning shall be construed to treat like structures, lots, or parcels in like manner regardless of whether the ownership thereof is divided by sale

of apartments under this chapter rather than by lease of apartments.

SEC. 12. Deeds of apartments shall include the following: (1) A description of the land as provided in section 10 of this chapter, or the post office address of the property, including in either case the date of recording of the declaration and the volume, page and county auditor's receiving number of the recorded declaration;

Deeds of
apartments—
Contents.

(2) The apartment number of the apartment in the declaration and any other data necessary for its proper identification;

(3) A statement of the use for which the apartment is intended and restrictions on its use;

(4) The percentage of undivided interest appertaining to the apartment, the common areas and facilities and limited common areas and facilities appertaining thereto, if any;

(5) Any further details which the grantor and grantee may deem desirable to set forth consistent with the declaration and with this chapter.

SEC. 13. At the time of the first conveyance of each apartment, every mortgage, lien, or other encumbrance affecting such apartment, including the percentage of undivided interest of the apartment in the common areas and facilities, shall be paid and satisfied of record, or the apartment being conveyed and its percentage of undivided interest in the common areas and facilities shall be released therefrom by partial release duly recorded.

Instruments
affecting
apartment on
first convey-
ance—
Satisfaction.

SEC. 14. The declaration, any amendment thereto, any instrument by which the property may be removed from this chapter and every instrument affecting the property or any apartment shall be entitled to be recorded in the office of the auditor of the county in which the property is located. Neither

Instruments
recorded—
Effect.

the declaration nor any amendment thereof shall be valid unless duly recorded.

Horizontal property regimes. Removal of property from provisions of chapter.

SEC. 15. (1) All of the apartment owners may remove a property from the provisions of this chapter by an instrument to that effect duly recorded: *Provided*, That the mortgagees and holders of all liens affecting any of the apartments consent thereto or agree, in either case by instrument duly recorded, that their mortgages and liens be transferred to the percentage of the undivided interest of the apartment owner in the property as hereinafter provided;

(2) Upon removal of the property from the provisions of this chapter, the property shall be deemed to be owned in common by the apartment owners. The undivided interest in the property owned in common which shall appertain to each apartment owner shall be the percentage of the undivided interest previously owned by such owners in the common areas and facilities.

—Not bar to subsequent resubmission.

SEC. 16. The removal provided for in section 16 shall in no way bar the subsequent resubmission of the property to the provisions of this chapter.

Books and records—Administration of —Examination, when—Audits.

SEC. 17. The manager or board of directors, as the case may be, shall keep detailed, accurate records in chronological order, of the receipts and expenditures affecting the common areas and facilities, specifying and itemizing the maintenance and repair expenses of the common areas and facilities and any other expenses incurred. Such records and the vouchers authorizing payments shall be available for examination by the apartment owners at convenient hours of week days. All books and records shall be kept in accordance with good accounting procedures and be audited at least once a year by an auditor outside of the organization.

No exemption from common expenses.

SEC. 18. No apartment owner may exempt himself from liability for his contribution towards the

common expenses by waiver of the use or enjoyment of any of the common areas and facilities or by abandonment of his apartment.

SEC. 19. Each apartment and its undivided interest in the common areas and facilities shall be deemed to be a parcel and shall be subject to separate assessments and taxation by each assessing unit for all types of taxes authorized by law including but not limited to special ad valorem levies and special assessments. Neither the building, nor the property, nor any of the common areas and facilities shall be deemed to be a security or a parcel for any purpose.

Separate
assessments
and taxation.

SEC. 20. (1) The declaration may provide for the collection of all sums assessed by the association of apartment owners for the share of the common expenses chargeable to any apartment and the collection may be enforced in any manner provided in the declaration including but not limited to (a) ten days notice shall be given the delinquent apartment owner to the effect that unless such assessment is paid within ten days any or all utility services will be forthwith severed and shall remain severed until such assessment is paid, or (b) collection of such assessment may be made by such lawful method of enforcement, judicial or extra-judicial, as may be provided in the declaration and/or bylaws.

Assessments
for common
expenses—
Enforcement
—Liens.

(2) All sums assessed by the association of apartment owners but unpaid for the share of the common expenses chargeable to any apartment shall constitute a lien on such apartment prior to all other liens except only (a) tax liens on the apartment in favor of any assessing unit and/or special district, and (b) all sums unpaid on all mortgages of record. Such lien may be foreclosed by suit by the manager or board of directors, acting on behalf of the apartment owners, in like manner as a mortgage of real

Horizontal property regimes. Assessments for common expenses—Enforcement—Liens—Liability of mortgagee or purchaser.

property. In any such foreclosure the apartment owner shall be required to pay a reasonable rental for the apartment, if so provided in the bylaws, and the plaintiff in such foreclosures shall be entitled to the appointment of a receiver to collect the same. The manager or board of directors, acting on behalf of the apartment owners, shall have power, unless prohibited by the declaration, to bid in the apartment at foreclosure sale, and to acquire and hold, lease, mortgage and convey the same. Suit to recover any judgment for any unpaid common expenses shall be maintainable without foreclosing or waiving the liens securing the same.

(3) Where the mortgagee of a mortgage of record or other purchaser of an apartment obtains possession of the apartment as a result of foreclosure of the mortgage, such possessor, his successors and assigns shall be liable for the share of the common expenses or assessments by the association of apartment owners chargeable to such apartment which became due prior to such possession. Such unpaid share of common expenses or assessments shall be deemed to be common expenses collectible from all of the apartment owners including such possessor, his successors and assigns.

Voluntary conveyance—Liability of grantor, grantee, for unpaid common expenses.

SEC. 21. In a voluntary conveyance the grantee of an apartment shall be jointly and severally liable with the grantor for all unpaid assessments against the latter for his share of the common expenses up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Any such grantee shall be entitled to a statement from the manager or board of directors, as the case may be, setting forth the amount of the unpaid assessments against the grantor and such grantee shall not be liable for, nor shall the apartment conveyed be subject to a lien for, any unpaid assess-

ments against the grantor in excess of the amount therein set forth.

SEC. 22. The manager or board of directors, if required by the declaration, bylaws, or by a majority of the apartment owners, or at the request of a mortgagee having a mortgage of record covering an apartment, shall obtain insurance for the property against loss or damage by fire and such other hazards under such terms and for such amounts as shall be required or requested. Such insurance coverage shall be written on the property in the name of the manager or of the board of directors of the association of apartment owners, as trustee for each of the apartment owners in the percentages established in the declaration. Premiums shall be common expenses. Provision for such insurance shall be without prejudice to the right of each apartment owner to insure his own apartment and/or the personal contents thereof for his benefit.

SEC. 23. If, within ninety days of the date of damage or destruction to all or a substantial part of the property it is not determined by a majority of all apartment owners to repair, reconstruct, or rebuild in accordance with the original plan, or by a unanimous vote of all apartment owners to do otherwise, then and in that event:

(1) The property shall be owned in common by the apartment owners;

(2) The undivided interest in the property owned in common which appertains to each apartment owner shall be the percentage of undivided interest previously owned by such owner in the common areas and facilities;

(3) Any mortgages or liens affecting any of the apartments shall be deemed transferred in accordance with the existing priorities to the percentage of the undivided interest of the apartment owner in the property as provided herein; and

Insurance.

Destruction or damage to property—
Decision not to rebuild—
Effect, action for partition.

(4) The property shall be subject to an action for partition at the suit of any apartment owner, in which event the net proceeds of sale, together with the net proceeds of the insurance of the property, if any, shall be considered as one fund; such fund shall be divided into separate shares one for each apartment owner in a percentage equal to the percentage of undivided interest owned by each such owner in the property; then, after first paying out of the respective share of each apartment owner, to the extent sufficient for the purpose, all mortgages and liens on the undivided interest in the property owned by such apartment owner, the balance remaining in each share shall then be distributed to each apartment owner respectively.

Horizontal
property
regimes.
Actions.

SEC. 24. Without limiting the rights of any apartment owner, actions may be brought as provided by law and by the rules of court by the manager or board of directors, in either case in the discretion of the board of directors, on behalf of two or more of the apartment owners, as their respective interests may appear, with respect to any cause of action relating to the common areas and facilities or more than one apartment. Service of process on two or more apartment owners in any action relating to the common areas and facilities or more than one apartment may be made on the person designated in the declaration to receive service of process. Actions relating to the common areas and facilities for damages arising out of tortious conduct shall be maintained only against the association of apartment owners and any judgment lien or other charge resulting therefrom shall be deemed a common expense, which judgment lien or other charge shall be removed from any apartment and its percentage of undivided interest in the common areas and facilities upon payment by the respective owner of his proportionate share thereof based on the percentage

of undivided interest owned by such apartment owner.

SEC. 25. (1) All apartment owners, tenants of such owners, employees of such owners and tenants, and any other person that may in any manner use the property or any part thereof submitted to the provisions of this chapter, shall be subject to this chapter and to the declaration and bylaws of the association of apartment owners adopted pursuant to the provisions of this chapter.

Application of chapter, declaration and bylaws.

(2) All agreements, decisions and determinations made by the association of apartment owners under the provisions of this chapter, the declaration, or the bylaws and in accordance with the voting percentages established in this chapter, the declaration, or the bylaws, shall be deemed to be binding on all apartment owners.

SEC. 26. Section 1 through 29 of this act shall be known as the horizontal property regimes act.

Short title.

SEC. 27. The term "this chapter" means sections 1 through 29 of this act, and as they may hereafter be amended or supplemented by subsequent legislation.

"This chapter" defined.

SEC. 28. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provisions to other persons or circumstances is not affected.

Severability.

SEC. 29. There is added to chapter 33, Laws of 1929 and to chapter 64.04 RCW a new section to read as follows:

New section.

All deeds for the conveyance of apartments as provided for in sections 1 through 29 of this 1963 act shall be substantially in the form required by law for the conveyance of any other land or real

Conveyances of apartments — Requisites of deed.

property and shall in addition thereto contain the contents described in section 13 of this act.

Passed the Senate March 12, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 157.

[S. B. 482.]

STATE CAPITOL—EAST CAPITOL SITE—DISPOSITION OF PROCEEDS.

AN ACT relating to disposition of moneys received from the management of the east capitol site by the department of general administration; and amending section 8, chapter 167, Laws of 1961 and RCW 79.24.570.

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

RCW 79.24.570 amended.

SECTION 1. Section 8, chapter 167, Laws of 1961 and RCW 79.24.570 are each amended to read as follows:

East capitol site—Use of proceeds from.

All moneys received by the department of general administration from the management of the east capitol site excepting (1) funds otherwise dedicated, (2) parking and rental charges and fines which are required to be deposited in other accounts, and (3) reimbursements of service and other utility charges made to the department of general administration shall be deposited in the capitol purchase and development account of the state general fund.

Passed the Senate March 3, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 158.

[S. B. 483.]

STATE CAPITOL—TRAFFIC REGULATION—VEHICLE PARKING.

AN Act relating to the disposition of funds derived from parking rentals and the enforcement of traffic regulations at the state capitol; establishing the "state capitol vehicle parking account" in the general fund; providing for control of traffic on the state capitol grounds and jurisdiction of certain justice courts; prescribing a penalty; adding a new section to chapter 12, Laws of 1961 and to chapter 46.08 RCW; and amending section 46.08.170, chapter 12, Laws of 1961 and RCW 46.08.170.

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

SECTION 1. There is added to chapter 12, Laws of 1961 and to chapter 46.08 RCW a new section to read as follows: New section.

There is hereby established an account within the general fund of the state treasury to be known as the "state capitol vehicle parking account". All unpledged parking rental income and fines collected by the department of general administration from rental of parking space and the enforcement of traffic regulations on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account". State capitol vehicle parking account. Created—Purpose.

The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities at the state capitol.

SEC. 2. Section 46.08.170, chapter 12, Laws of 1961 and RCW 46.08.170 are each amended to read as follows: RCW 46.08.170 amended.

Any violation of a rule or regulation prescribed under RCW 46.08.150 shall be punishable as a misdemeanor, and the courts of justices of the peace in Violations on capitol grounds—Jurisdiction.

Thurston county shall have jurisdiction over such offenses.

Passed the Senate March 3, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 159.

[S. B. 205.]

CLAIMS AND ACTIONS AGAINST THE STATE.

AN ACT relating to claims against the state and claims against the state arising out of tortious conduct; creating a tort claims account in the general fund; providing for expenditures therefrom and reimbursement thereof; amending section 1, chapter 95, Laws of 1895, as amended by section 1, chapter 216, Laws of 1927, and RCW 4.92.010; amending section 1, chapter 136, Laws of 1961, and RCW 4.92.090; amending section 4, chapter 95, Laws of 1895, and RCW 4.92.040; and adding nine new sections to chapter 4.92 RCW.

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

RCW 4.92.010
amended.

SECTION 1. Section 1, chapter 95, Laws of 1895, as amended by section 1, chapter 216, Laws of 1927, and RCW 4.92.010 are each amended to read as follows:

Actions
against state.
Where brought
—Cost bond.

Any person or corporation having any claim against the state of Washington shall have a right of action against the state in the superior court of Thurston county. The plaintiff in such action shall, at the time of filing his complaint, file a surety bond executed by the plaintiff and a surety company authorized to do business in the state of Washington to the effect that such plaintiff will indemnify the state against all costs that may accrue in such action, and will pay to the clerk of said court all costs in case the plaintiff shall fail to prosecute his action or to obtain a judgment against the state: *Provided,*

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That actions for the enforcement or foreclosure of any lien upon, or to determine or quiet title to, any real property in which the state of Washington is a necessary or proper party defendant may be commenced and prosecuted to judgment against the state in the superior court of the county in which real property is situated, and that no surety bond as above provided for shall be required in any such action:

Provided further, That actions on a claim arising out of tortious conduct may be commenced against the state in the superior court of Thurston county, the county in which the claim arises, or the county in which the plaintiff resides. Such action shall be subject to a change of venue as provided by law.

Proviso.

SEC. 2. Section 1, chapter 136, Laws of 1961, and RCW 4.92.090 are each amended to read as follows:

RCW 4.92.090 amended.

The state of Washington, whether acting in its governmental or proprietary capacity, shall be liable for damages arising out of its tortious conduct to the same extent as if it were a private person or corporation.

—Tort claims.

SEC. 3. There is added to chapter 4.92 RCW a new section to read as follows:

New section.

All claims against the state for damages arising out of tortious conduct shall be presented to and filed with the state auditor within one hundred twenty days from the date that the claim arose. 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

—Tort claims—Filing time—Contents—Verification.

arose. If the claimant is incapacitated from verifying, presenting, and filing his claim in the time prescribed or if the claimant is a minor, or is a nonresident of the state absent therefrom during the time within which his claim is required to be filed, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing him.

New section.

SEC. 4. There is added to chapter 4.92 RCW a new section to read as follows:

Tort claims against state. Claim as requisite to action.

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 state auditor. 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.

New section.

SEC. 5. There is added to chapter 4.92 RCW a new section to read as follows:

—Assignment.

Claims against the state arising out of tortious conduct may be assigned voluntarily, involuntarily, and by operation of law to the same extent as like claims against private persons may be so assigned.

RCW 4.92.040 amended.

SEC. 6. Section 4, chapter 95, Laws of 1895, and RCW 4.92.040 are each amended to read as follows:

Claims against state—Judgment, how satisfied.

No execution shall issue against the state on any judgment. 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 budget director a duly certified copy of said judgment. Whenever a final judgment against the state shall have been obtained in any other action, the clerk shall make and furnish to the auditor of state a duly certified copy of such judgment; the auditor of state shall thereupon audit

the amount of damages and costs therein awarded, and the same shall be paid out of the state treasury.

SEC. 7. There is added to chapter 4.92 RCW a new section to read as follows:

A tort claims account in the state general fund is hereby created to be used solely and exclusively for the payment of claims against the state arising out of tortious conduct. No money shall be paid from the tort claims account unless:

(1) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(2) The claim has been approved for payment in accordance with section 8 of this 1963 amendatory act.

SEC. 8. There is added to chapter 4.92 RCW a new section to read as follows:

The head or governing body of any agency or department of state government, with the approval of the attorney general, may consider, ascertain, adjust, determine, compromise and settle any claim arising out of tortious conduct for which the state of Washington would be liable in law for money damages of five hundred dollars or less. The acceptance by the claimant of any such award, compromise or settlement shall be final and conclusive on the claimant; and upon the state of Washington, unless procured by fraud, and shall constitute a complete release of any claim against the state of Washington. A request for administrative settlement shall not preclude a claimant from filing a court action pending administrative determination, limit the amount recoverable in such a suit or constitute an admission against interest of either the claimant or the state.

SEC. 9. There is added to chapter 4.92 RCW a new section to read as follows:

After commencement of an action in superior court upon a claim against the state arising out of

tortious conduct, the attorney general, with the approval of the court, following such testimony as the court may require, may compromise and settle the same and stipulate for judgment against the state.

New section.

SEC. 10. There is added to chapter 4.92 RCW a new section to read as follows:

Tort claims
against state—
Payment,
procedure.

Payment of claims and judgments arising out of tortious conduct shall not be made by any agency or department of state government with the exception of the budget director, and he shall authorize and direct the payment of moneys only from the tort claims account 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 section 8 of this 1963 amendatory act; 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. 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.

New section.

SEC. 11. There is added to chapter 4.92 RCW a new section to read as follows:

—Liability of
state agency—
Reimburse-
ment—Legisla-
tive report.

Liability for and payment of claims arising out of tortious conduct 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 shall determine the comparative responsibility of each agency or department for the liability.

State agencies over which the budget director has authority to revise allotments under chapter 43.88 RCW shall make reimbursement to the tort claims account for any payment made from it for the benefit of such agencies. The budget director is authorized and directed to transfer or order the transfer to the account, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them: *Provided*,
Proviso. 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 may relieve the agency of all or a portion of the obligation to make reimbursement.

The budget director shall report to the legislature, for any biennial period, on the status of the tort claims account, 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 shall adopt rules and regulations governing the procedures to be followed in making payment from the tort claims account, in reimbursing the account and in relieving an agency of its obligation to reimburse.

SEC. 12. If any provision of this act, or its application to any persons or circumstances is held invalid, the remainder of the act, or the application
Severability.

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

Passed the Senate March 5, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 160.

[S. B. 241.]

TELETYPEWRITER COMMUNICATIONS NETWORK—
COMMUNICATIONS ADVISORY COMMITTEE.

AN ACT relating to state government; establishing a state teletypewriter communications network; authorizing department and agencies of state government and the political subdivisions thereof to participate therein; and creating a state communications advisory board.

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

Teletypewriter
communications
network.
Authorized—
General
provisions.

SECTION 1. The director of budget is hereby authorized to establish a teletypewriter communications network which will inter-connect the law enforcement agencies of the state and its political subdivisions into a unified written communications system. The director of budget is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The director of budget shall fix the monthly

operational charge to be paid by any department or agency of state government, or any city, county, city and county, or other public agency participating in the communications network: *Provided*, That in computing charges to be made against a city, county, or city and county the state shall bear at least fifty percent of the costs of such service as its share in providing a modern unified communications network to the law enforcement agencies of the state.

(4) The director of budget is authorized to arrange for the connection of the communications network with the law enforcement communications system of any adjacent state, or the Province of British Columbia, Canada.

SEC. 2. There is hereby created the state communications advisory committee which shall advise the director of budget on matters relating to the operation of the teletypewriter communications system established hereunder.

Communica-
tions advisory
committee.
Created—
Membership—
Duties—Terms.

(1) The committee shall serve without pay and shall meet at such times as the chairman or director of budget so determine. Attendance at meetings of the committee shall be deemed performance by a member of the duties of his state or political subdivision's employment.

(2) The committee shall consist of seven members appointed by the governor and shall include:

- (a) An incumbent county sheriff;
- (b) An incumbent chief of police;
- (c) An incumbent county commissioner;
- (d) An incumbent city chief executive officer;
- (e) A member of the Washington state patrol;
- (f) The director of state institutions or his duly authorized representative;
- (g) The state director of civil defense.

(3) The term of each member of the committee shall be two years, except that the term of three of the original members, to be determined by the gov-

error, shall expire on July 1, 1964. The governor shall designate one of the members to serve as chairman.

(4) The committee shall advise the director of budget on the initial formation and installation of a teletypewriter communications network and approve the initial or subsequent connection of any city, county, city and county or local subdivision to the network.

(5) The committee shall adopt such rules, regulations, procedures, and methods of operation as it deems necessary to effectuate the most efficient and economical use of the communications network.

Teletype-
writer commu-
nications net-
work. Public
agencies may
participate in.

SEC. 3. Any city, county, city and county, or other public agency may connect with and participate in the teletypewriter communications network subject to the rules, regulations, procedures and methods of operation adopted by the state communications advisory committee: *Provided*, That such city, county, city and county, or other public agency shall first agree to pay such installation charges as may be necessary for such connection and such monthly operational charges as may be established by the director of budget.

Proviso.

Passed the Senate March 2, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 161.

[S. B. 313.]

DEPARTMENT OF COMMERCE AND ECONOMIC
DEVELOPMENT—LOCAL AREA PLANNING
AND DEVELOPMENT.

AN Act relating to the state department of commerce and economic development; amending chapter 215, Laws of 1957 and chapter 43.31 RCW by adding four new sections thereto; and repealing sections 1 and 2, chapter 157, Laws of 1957, and RCW 43.21.181 and 43.21.183.

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

SECTION 1. There is added to chapter 215, Laws of 1957 and to chapter 43.31 RCW a new section to read as follows:

The department of commerce and economic development, through its appropriate division, shall have the responsibility for studying the following matters and for submitting its findings and recommendations to the governor and legislature:

(1) Legal changes necessary for the establishment of adequate metropolitan and local levels of government;

(2) The various methods of adopting forms of government for metropolitan areas;

(3) Voting procedures to be employed if local determination is used as the method of adoption;

(4) The need for adjustments in area, organization, functions and finance of reorganized governments;

(5) Interstate areas that include a part of the territory of this state;

(6) State advisory and technical services and administrative supervision to governments in local areas;

(7) The effects upon local areas of present and proposed national, state and local government programs, including but not limited to grants-in-aid;

(8) The means of facilitating greater coordination of existing and contemplated policies of the national, state and local governments and of private associations and individuals that affect local areas;

(9) The legal changes that are necessary for the establishment of metropolitan target zone authorities adequate for civil defense purposes, and the measure required for the organization and operation of such authorities.

New section.

SEC. 2. There is added to chapter 215, Laws of 1957 and to chapter 43.31 RCW a new section to read as follows:

Department of commerce and economic development—
Planning services.

The department of commerce and economic development, through the appropriate division, in order to facilitate municipal, urban, metropolitan and regional planning, and to encourage such areas to maintain a continuing and adequate program for planning shall serve generally as a consultative, coordinating and advisory agency for aiding such planning bodies, directly, or in securing planning assistance, consultative services and technical aid which may include surveys, land use, demographic and economic studies, comprehensive plans, urban renewal plans and other plans. The department through the division, shall serve generally as a consultative, coordinating and advisory agency for state departments or agencies for planning and shall be responsible for the preparation of a state comprehensive plan. The director shall employ competent, qualified, technical personnel and such other personnel as may be required to administer this amendatory act.

New section.

SEC. 3. There is added to chapter 215, Laws of 1957 and to chapter 43.31 RCW a new section to read as follows:

—Grants, etc.—Rules, regulations.

The director, through the appropriate division, may accept contributions, grants, or other financial assistance from the government of the United States

for, or in aid of, any planning program. The director shall promulgate such rules and regulations, in accordance with the procedures set forth in chapter 34.04 RCW, enter into such agreements, prescribe such conditions, perform such other lawful act as may be necessary to secure the financial aid and cooperation of the government of the United States and local planning bodies to implement any planning program.

SEC. 4. There is added to chapter 215, Laws of 1957 and to chapter 43.31 RCW a new section to read as follows: New section.

The powers conferred by sections 2 and 3 of this amendatory act are in addition and supplemental to the powers conferred by any other state or local law, and nothing herein contained shall be construed as limiting or restricting any other powers of the department, the state, or any political subdivision thereof. Powers herein, supplemental.

SEC. 5. Sections 1 and 2, chapter 157, Laws of 1957, and RCW 43.21.181 and 43.21.183 are each repealed. Repeal.

Passed the Senate February 27, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 162.

[Sub. S. B. 564.]

INDUSTRIAL DEVELOPMENT CORPORATIONS.

AN ACT providing for organization of industrial development corporations; providing definitions; providing the purpose of such corporation; providing that such corporations may be organized under the general laws of Washington, subject to certain limitations; providing that such corporations may borrow money from members and issue securities and evidences of indebtedness and secure the same; providing said corporations may make loans, may acquire the good will, business and assets of persons, firms, and corporations and may acquire real estate and use the same for the purposes of the corporation; providing that corporations organized under the laws of Washington or transacting business in Washington are authorized to purchase, hold, and dispose of the securities of industrial development corporations; providing that financial institutions are authorized to become members and make loans to such corporations, subject to certain limitations; providing that financial institutions are authorized to acquire the securities and stock of such corporations; providing such corporations shall set aside a portion of earned surplus from year to year as a reserve fund; providing for selecting depositories for funds of such corporations; providing such corporations shall be subject to examination of the state supervisor of banking and shall make reports to the state supervisor of banking; providing for the management of such corporations by a board of directors, a president and other officers; providing for the dissolution of such corporations; providing that such corporations shall be state development companies as defined in the small business act of 1958; and declaring an emergency.

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

Industrial development corporations. Definitions.

SECTION 1. As used in this act, the following words and phrases, unless differently defined or described, shall have the meanings and references as follows:

(1) Corporation means a Washington industrial development corporation created under this act.

(2) Financial institution means any banking corporation or trust company, national banking as-

sociation, savings and loan association, insurance company or related corporation, partnership, foundation, or other institution engaged primarily in lending or investing funds.

(3) Member means any financial institution authorized to do business within this state which shall undertake to lend money to a corporation created under this act, upon its call, and in accordance with the provisions of this act.

(4) Board of directors means the board of directors of the corporation created under this act.

(5) Loan limit means for any member, the maximum amount permitted to be outstanding at one time on loans made by such member to the corporation, as determined under the provisions of this act.

SEC. 2. Fifteen or more persons, a majority of whom shall be residents of this state, who may desire to create an industrial development corporation under the provisions of this act, for the purpose of promoting, developing and advancing the prosperity and economic welfare of the state and, to that end, to exercise the powers and privileges hereinafter provided, may be incorporated by filing in the office of the secretary of state, as hereinafter provided, articles of incorporation. The articles of incorporation shall contain:

Articles of
incorporation.
Contents—
Approval.

(1) The name of the corporation, which shall include the words "Industrial Development Corporation of Washington."

(2) The location of the principal office of the corporation, but such corporation may have offices in such other places within the state as may be fixed by the board of directors.

(3) The purposes for which the corporation is founded, which shall be to promote, stimulate, develop and advance the business prosperity and economic welfare of Washington and its citizens;

to encourage and assist through loans, investments or other business transactions in the location of new business and industry in this state and to rehabilitate and assist existing business and industry; to stimulate and assist in the expansion of all kinds of business activity which will tend to promote the business development and maintain the economic stability of this state, provide maximum opportunities for employment, encourage thrift, and improve the standard of living of the citizens of this state; similarly, to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of industrial, commercial, agricultural and recreational developments in this state; and to provide financing for the promotion, development, and conduct of all kinds of business activity in this state.

(4) The names and post office addresses of the members of the first board of directors, who, unless otherwise provided by the articles of incorporation or the bylaws, shall hold office for the first year of existence of the corporation or until their successors are elected and have qualified.

(5) Any provision which the incorporators may choose to insert for the regulation of the business and for the conduct of the affairs of the corporation and any provision creating, dividing, limiting and regulating the powers of the corporation, the directors, stockholders or any class of the stockholders, including, but not limited to a list of the officers, and provisions governing the issuance of stock certificates to replace lost or destroyed certificates.

(6) The amount of authorized capital stock and the number of shares into which it is divided, the par value of each share and the amount of capital with which it will commence business and, if there is more than one class of stock, a description of the different classes; the names and post office addresses

of the subscribers of stock and the number of shares subscribed by each. The aggregate of the subscription shall be the minimum amount of capital with which the corporation shall commence business which shall not be less than fifty thousand dollars. The articles of incorporation may also contain any provision consistent with the laws of this state for the regulation of the affairs of the corporation.

(7) The articles of incorporation shall be in writing, subscribed by not less than five natural persons competent to contract and acknowledged by each of the subscribers before an officer authorized to take acknowledgments and filed in the office of the secretary of state for approval. A duplicate copy so subscribed and acknowledged may also be filed.

(8) The articles of incorporation shall recite that the corporation is organized under the provisions of this act.

The secretary of state shall not approve articles of incorporation for a corporation organized under this act until a total of at least ten national banks, state banks, savings banks, industrial savings banks, federal savings and loan associations, domestic building and loan associations, or insurance companies authorized to do business within this state, or any combination thereof, have agreed in writing to become members of said corporation; and said written agreement shall be filed with the secretary of state with the articles of incorporation and the filing of same shall be a condition precedent to the approval of the articles of incorporation by the secretary of state. Whenever the articles of incorporation shall have been filed in the office of the secretary of state and approved by him and all taxes, fees and charges, have been paid, as required by law, the subscribers, their successors and assigns shall constitute a corporation, and said corporation

shall then be authorized to commence business, and stock thereof to the extent herein or hereafter duly authorized may from time to time be issued.

Industrial development corporations. Corporate powers.

SEC. 3. In furtherance of its purposes and in addition to the powers now or hereafter conferred on business corporations by the provisions of chapter 23.01 RCW, the corporation shall, subject to the restrictions and limitations herein contained, have the following powers:

Proviso.

(1) To elect, appoint and employ officers, agents and employees; to make contracts and incur liabilities for any of the purposes of the corporation: *Provided*, That the corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any person, firm, corporation, joint stock company, association or trust, or in any other manner.

Proviso.

(2) To borrow money from its members and the small business administration and any other similar federal agency, for any of the purposes of the corporation; to issue therefor its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, and to secure the same by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature or any part thereof or interest therein, without securing stockholder or member approval: *Provided*, That no loan to the corporation shall be secured in any manner unless all outstanding loans to the corporation shall be secured equally and ratably in proportion to the unpaid balance of such loans and in the same manner.

Proviso.

(3) To make loans to any person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to any such loans and the charges for interest and service connected therewith: *Provided*, That the corporation shall not approve any

application for a loan unless and until the person applying for said loan shall show that he has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution.

(4) To purchase, receive, hold, lease, or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including, but not restricted to, any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

(5) To acquire the good will, business, rights, real and personal property, and other assets, or any part thereof, or interest therein, of any persons, firms, corporations, joint-stock companies, associations or trusts, and to assume, undertake, or pay the obligations, debts and liabilities of any such person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments thereon or for the purpose of disposing of such real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease, or otherwise dispose of industrial plants or business establishments.

(6) To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in, or indebtedness of, any person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights,

Industrial development corporations. Corporate powers.

powers and privileges of ownership, including the right to vote thereon.

(7) To mortgage, pledge, or otherwise encumber any property, right or things of value, acquired pursuant to the powers contained in subsections (4), (5), or (6) of this section, as security for the payment of any part of the purchase price thereof.

(8) To cooperate with and avail itself of the facilities of the United States department of commerce, the department of commerce and economic development, and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the state in the promotion, assistance and development of the business prosperity and economic welfare of such communities or of this state or of any part thereof.

(9) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.

Organizational privileges—Membership—Rights coincident with membership—Limitation on stock ownership.

SEC. 4. Notwithstanding any rule at common law or any provision of any general or special law or any provision in their respective charters, agreements of association, articles of organization or trust indentures:

(1) Any person including all domestic corporations organized for the purpose of carrying on business within this state and further including without implied limitation public utility companies and insurance companies, and foreign corporations licensed to do business within this state, and all financial institutions as defined herein, and all trustees, are hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock to exercise all the rights, powers and privi-

leges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state except as otherwise provided in this act: *Provided*, That a financial institution which does not become a member of the corporation shall not be permitted to acquire any shares of the capital stock of the corporation; Proviso.

(2) All financial institutions are hereby authorized to become members of the corporation and to make loans to the corporation as provided herein; and

(3) Each financial institution which becomes a member of the corporation is hereby authorized to acquire, purchase, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of, any bonds, securities or other evidences of indebtedness created by, or the shares of the capital stock of, the corporation, and while owners of said stock, to exercise all the rights, powers and privileges of ownership, including the right to vote thereon, all without the approval of any regulatory authority of the state: *Provided*, That the amount of the capital stock of the corporation which may be acquired by any member pursuant to the authority granted herein shall not exceed ten percent of the loan limit of such member. Proviso.

The amount of capital stock of the corporation which any member is authorized to acquire pursuant to the authority granted herein is in addition to the amount of capital stock in corporations which such member may otherwise be authorized to acquire.

SEC. 5. Any financial institution may request membership in the corporation by making application to the board of directors on such form and in such manner as said board of directors may require, and membership shall become effective upon acceptance of such application by said board. Application for membership.

Industrial
development
corporations.
Loans to cor-
porations by
members—
Limitations—
Interest.

Each member of the corporation shall make loans to the corporation as and when called upon by it to do so on such terms and other conditions as shall be approved from time to time by the board of directors, subject to the following conditions:

(1) All loan limits shall be established at the thousand dollar amount nearest to the amount computed in accordance with the provisions of this section.

(2) No loan to the corporation shall be made if immediately thereafter the total amount of the obligations of the corporation would exceed ten times the amount then paid in on the outstanding capital stock of the corporation.

(3) The total amount outstanding on loans to the corporation made by any member at any time, when added to the amount of the investment in the capital stock of the corporation then held by such member, shall not exceed:

(a) Twenty percent of the total amount then outstanding on loans to the corporation by all members, including in said total amount outstanding, amounts validly called for loan but not yet loaned.

(b) The following limit, to be determined as of the time such member becomes a member on the basis of the audited balance sheet of such member at the close of its fiscal year immediately preceding its application for membership, or in the case of an insurance company, its last annual statement to the state insurance commissioner; two and one-half percent of the capital and surplus of commercial banks and trust companies; one-half of one percent of the total outstanding loans made by savings and loan associations, and building and loan associations; two and one-half percent of the capital and unassigned surplus of stock insurance companies, except fire insurance companies; two and one-half percent of the unassigned surplus of mutual insurance com-

panies, except fire insurance companies; one-tenth of one percent of the assets of fire insurance companies; and such limits as may be approved by the board of directors of the corporation for other financial institutions.

(4) Subject to subsection (3) (a) of this section, each call made by the corporation shall be prorated among the members of the corporation in substantially the same proportion that the adjusted loan limit of each member bears to the aggregate of the adjusted loan limits of all members. The adjusted loan limit of a member shall be the amount of such member's loan limit, reduced by the balance of outstanding loans made by such member to the corporation and the investment in capital stock of the corporation held by such member at the time of such call.

(5) All loans to the corporation by members shall be evidenced by bonds, debentures, notes, or other evidences of indebtedness of the corporation, which shall be freely transferable at all times, and which shall bear interest at a rate of not less than one-quarter of one percent in excess of the rate of interest determined by the board of directors to be the prime rate prevailing at the date of issuance thereof on unsecured commercial loans.

SEC. 6. Membership in the corporation shall be for the duration of the corporation: *Provided*, That upon written notice given to the corporation five years in advance, a member may withdraw from membership in the corporation at the expiration date of such notice.

**Membership—
Duration—
Withdrawal.**

A member shall not be obligated to make any loans to the corporation pursuant to calls made subsequent to notice of the intended withdrawal of said member.

Industrial
development
corporations.
Powers of
stockholders
and members
—Voting rights
—Proxy vot-
ing.

SEC. 7. The stockholders and the members of the corporation shall have the following powers of the corporation:

- (1) To determine the number of and elect directors as provided in section 9 of this act;
- (2) To make, amend and repeal bylaws;
- (3) To amend this charter as provided in section 8 of this act;
- (4) To dissolve the corporation as provided in section 15 of this act;
- (5) To do all things necessary or desirable to secure aid, assistance, loans and other financing from any financial institutions, and from any agency established under the small business investment act of 1958, public law 85-699, 85th congress, or other similar federal laws now or hereafter enacted.
- (6) To exercise such other of the powers of the corporation consistent with this act as may be conferred on the stockholders and the members by the bylaws.

As to all matters requiring action by the stockholders and the members of the corporation, said stockholders and said members shall vote separately thereon by classes, and, except as otherwise herein provided, such matters shall require the affirmative vote of a majority of the votes to which the stockholders present or represented at the meeting shall be entitled and the affirmative vote of a majority of the votes to which the members present or represented at the meeting shall be entitled.

Each stockholder shall have one vote, in person or by proxy, for each share of capital stock held by him, and each member shall have one vote, in person or by proxy, except that any member having a loan limit of more than one thousand dollars shall have one additional vote, in person or by proxy, for each additional one thousand dollars which such member is authorized to have outstanding on loans

to the corporation at any one time as determined under subsection (3)(b) of section 5 of this act.

SEC. 8. The articles of incorporation may be amended by the votes of the stockholders and the members of the corporation, voting separately by classes, and such amendments shall require approval by the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled and two-thirds of the votes to which the members shall be entitled: *Provided*, That no amendment of the articles of incorporation which is inconsistent with the general purposes expressed herein or which authorizes any additional class of capital stock to be issued, or which eliminates or curtails the right of the state supervisor of banking to examine the corporation or the obligation of the corporation to make reports as provided in section 12 of this act, shall be made: *Provided, further*, That no amendment of the articles of incorporation which increases the obligation of a member to make loans to the corporation, or makes any change in the principal amount, interest rate, maturity date, or in the security or credit position of an outstanding loan of a member to the corporation, or affects a member's right to withdraw from membership as provided herein, or affects a member's voting rights as provided herein, shall be made without the consent of each member affected by such amendment.

Articles of
incorporation
—Amendment
—Articles of
amendment
filed.

Proviso.

Proviso.

Within thirty days after any meeting at which an amendment of the articles of incorporation has been adopted, articles of amendment signed and sworn to by the president, treasurer, and a majority of the directors, setting forth such amendment and due adoption thereof, shall be submitted to the secretary of state, who shall examine them and if he finds that they conform to the requirements of this act, shall so certify and endorse his approval thereon. Thereupon, the articles of amendment shall

be filed in the office of the secretary of state and no such amendment shall take effect until such articles of amendment shall have been filed as aforesaid.

Industrial
development
corporations.
Board of
directors.

SEC. 9. The business and affairs of the corporation shall be managed and conducted by a board of directors, a president, a vice president, a secretary, a treasurer, and such other officers and such agents as the corporation by its bylaws shall authorize. The board of directors shall consist of such number, not less than eleven nor more than twenty-one, as shall be determined in the first instance by the incorporators and thereafter annually by the members and the stockholders of the corporation. The board of directors may exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the stockholders or members and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director which shall be filled as hereinafter provided. The board of directors shall be elected in the first instance by the incorporators and thereafter at the annual meeting, which annual meeting shall be held during the month of January, or, if no annual meeting shall be held in the year of incorporation, then within ninety days after the approval of the articles of incorporation at a special meeting as hereinafter provided. At each annual meeting, or at each special meeting held as provided in this section, the members of the corporation shall elect two-thirds of the board of directors and the stockholders shall elect the remaining directors. The directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified unless sooner removed in accordance with the provisions of the bylaws. Any vacancy in the

office of a director elected by the members shall be filled by the directors elected by the members, and any vacancy in the office of a director elected by the stockholders shall be filled by the directors elected by the stockholders.

Directors and officers shall not be responsible for losses unless the same shall have been occasioned by the wilful misconduct of such directors and officers.

SEC. 10. Each year the corporation shall set apart as earned surplus not less than ten percent of its net earnings for the preceding fiscal year until such surplus shall be equal in value to one-half of the amount paid in on the capital stock then outstanding. Whenever the amount of surplus established herein shall become impaired, it shall be built up again to the required amount in the manner provided for its original accumulation. Net earnings and surplus shall be determined by the board of directors, after providing for such reserves as said directors deem desirable, and the determination of the directors made in good faith shall be conclusive on all persons.

Earnings and
surplus—
Reserves.

SEC. 11. The corporation shall not deposit any of its funds in any banking institution unless such institution has been designated as a depository by a vote of a majority of the directors present at an authorized meeting of the board of directors, exclusive of any director who is an officer or director of the depository so designated. The corporation shall not receive money on deposit.

Depositories
for money.

SEC. 12. The corporation shall be examined at least once annually by the state supervisor of banking and shall make reports of its condition not less than annually to said state supervisor of banking and more frequently upon call of the state supervisor of banking, who in turn shall make copies of such reports available to the state insurance commis-

Corporation
examiners—
Reports—
Authority of
supervisor of
banking.

sioner and the governor; and the corporation shall also furnish such other information as may from time to time be required by the state supervisor of banking and secretary of state. The corporation shall pay the actual cost of said examinations. The state supervisor of banking shall exercise the same power and authority over corporations organized under this act as is now exercised over banks and trust companies by the provisions of the Title 30 RCW, where the provisions of Title 30 RCW are not in conflict with this act.

Industrial
development
corporations.
Initial meeting
—Notice—
Purpose.

SEC. 13. The first meeting of the corporation shall be called by a notice signed by three or more of the incorporators, stating the time, place and purpose of the meeting, a copy of which notice shall be mailed, or delivered, to each incorporator at least five days before the day appointed for the meeting. Said first meeting may be held without such notice upon agreement in writing to that effect signed by all the incorporators. There shall be recorded in the minutes of the meeting a copy of said notice or of such unanimous agreement of the incorporators.

At such first meeting, the incorporators shall organize by the choice, by ballot, of a temporary clerk; by the adoption of bylaws, by the election by ballot of directors; and by action upon such other matters within the powers of the corporation as the incorporators may see fit. The temporary clerk shall be sworn and shall make and attest a record of the proceedings. Ten of the incorporators shall be a quorum for the transaction of business.

Duration of
corporation.

SEC. 14. Unless otherwise provided in the articles of incorporation, the period of duration of the corporation shall be perpetual, subject, however, to the right of the stockholders and the members to dissolve the corporation prior to the expiration of said period as provided in section 15 of this act.

SEC. 15. The corporation may upon the affirmative vote of two-thirds of the votes to which the stockholders shall be entitled and two-thirds of the votes to which the member shall be entitled dissolve said corporation as provided by chapter 23.01 RCW, insofar as said chapter 23.01 RCW is not in conflict with the provisions of this act. Upon any dissolution of the corporation, none of the corporation's assets shall be distributed to the stockholders until all sums due the members of the corporation as creditors thereof have been paid in full.

Dissolution—
Method—
Distribution
of assets.

SEC. 16. Under no circumstances shall the credit of the state of Washington be pledged to any corporation organized under the provisions of this act.

Credit of state
not pledged.

SEC. 17. Any corporation organized under the provisions of this act shall be a state development company, as defined in the small business investment act of 1958, public law 85-699, 85th congress, or any other similar federal legislation, and shall be authorized to operate on a statewide basis.

Corporation
as state
development
company.

SEC. 18. Corporations organized under this act shall adopt the calendar year as their fiscal year.

Calendar year
as fiscal year.

SEC. 19. The provisions of this act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Severability.

SEC. 20. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions, and shall take effect immediately.

Emergency.

Passed the Senate March 9, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 163.

[S. B. 271.]

FIREARMS.

AN ACT relating to firearms; and amending section 11, chapter 172, Laws of 1935, as amended by section 8, chapter 124, Laws of 1961, and RCW 9.41.110.

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

RCW 9.41.110 amended.

SECTION 1. Section 11, chapter 172, Laws of 1935, as amended by section 8, chapter 124, Laws of 1961, and RCW 9.41.110 are each amended to read as follows:

Firearms, dangerous weapons. Dealer's licenses, by whom granted, conditions—Wholesale sales excepted.

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 licenses 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 licenses 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 licenses; 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) 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.

Passed the Senate March 13, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 164.

[S. B. 6.]

COUNTY OFFICERS—SALARIES.

AN ACT relating to county officers' salaries; amending section 36.17.020, chapter [4], Laws of 1963 and RCW 36.17.020; and amending section 36.16.032, chapter [4], Laws of 1963 and RCW 36.16.032.

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

RCW 36.17.020 amended.

SECTION 1. Section 36.17.020, chapter [4], Laws of 1963, and RCW 36.17.020 are each amended to read as follows:

County officers —Schedule of salaries.

The salaries of county officers of Class A counties and counties of the first, second, third, fourth, fifth, sixth, seventh, eighth and ninth classes, as determined by the last preceding federal census, or as may be determined under the provisions of RCW 36.13.020 to 36.13.075, inclusive, shall be per annum respectively as follows:

Class A counties: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroner, eleven thousand five hundred dollars; prosecuting attorney, thirteen thousand five hundred dollars;

Counties of the first class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, ten thousand four hundred dollars; prosecuting attorney, twelve thousand three hundred dollars; coroner, five thousand two hundred dollars;

Counties of the second class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, eight thousand eight hundred dollars; prosecuting attorney, nine thousand three hundred dollars; coroner, three thousand dollars;

Counties of the third class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, members of board of county commissioners, prosecuting attorney, seven thousand nine hundred dollars; coroner, two thousand dollars;

Counties of the fourth class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, seven thousand dollars; members of the board of county commissioners and prosecuting attorney, six thousand four hundred dollars;

Counties of the fifth class: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, six thousand four hundred dollars; members of the board of county commissioners and prosecuting attorney, five thousand five hundred dollars;

Counties of the sixth class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, five thousand eight hundred dollars; prosecuting attorney, three thousand five hundred dollars; members of the board of county commissioners, one thousand nine hundred dollars and fifteen dollars per diem for expenses;

Counties of the seventh class: Auditor, clerk, treasurer, assessor, sheriff, superintendent of schools, five thousand seven hundred dollars; prosecuting attorney, three thousand five hundred dollars; members of the board of county commissioners, one thousand nine hundred dollars and fifteen dollars per diem for expenses;

Counties of the eighth class: Auditor, treasurer, assessor, sheriff, five thousand dollars; clerk, three thousand five hundred dollars; superintendent of schools, three thousand three hundred dollars; prosecuting attorney, three thousand dollars; members of board of county commissioners, one thousand five hundred dollars and twelve dollars per diem for expenses;

County officers
—Schedule of
salaries.

Counties of the ninth class: Auditor-clerk, sheriff, treasurer-assessor, four thousand seven hundred dollars; superintendent of schools, two thousand eight hundred dollars; prosecuting attorney, two thousand two hundred dollars; members of the board of county commissioners, fifteen dollars per diem.

The salaries of county officers in counties with a population over five hundred thousand shall be per annum respectively as follows: Auditor, clerk, treasurer, sheriff, assessor, superintendent of schools, members of board of county commissioners, coroners, fifteen thousand dollars; prosecuting attorney, sixteen thousand nine hundred dollars.

Note: See section 36.17.020, chapter 4, Laws of 1963.

RCW 36.16.032
amended.

SEC. 2. Section 36.16.032, chapter [4], Laws of 1963, and RCW 36.16.032 are each amended to read as follows:

Eighth class
county audi-
tor-clerk—
Salary.

The office of county auditor may be combined with the office of county clerk in counties of the eighth class by unanimous resolution of the board of county commissioners passed thirty days or more prior to the first day of filing for the primary election for county offices. The salary of such office of county clerk combined with the office of county auditor shall be five thousand seven hundred dollars.

Note: See section 36.16.032, chapter 4, Laws of 1963.

Payroll
deductions
authorized.

SEC. 3. Employees of the counties shall have the right to voluntarily authorize the monthly deduction of their pledges to the United Good Neighbor or its successor, monthly payment to a credit unit, and monthly dues to a labor union, from their salaries or wages. When such written authorization is received by the county auditor, he shall make such monthly deduction.

Passed the Senate March 13, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 165.

[S. B. 32.]

CORRECTIONAL INSTITUTION FOR JUVENILES.

AN ACT relating to the establishment and construction of a correctional institution for juveniles committed to the department of institutions; designating the site therefor; amending section 1, chapter 183, Laws of 1961 and RCW 72.19.010; amending section 2, chapter 183, Laws of 1961 (uncodified); and adding new sections to chapter 72.19 RCW.

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

SECTION 1. Section 1, chapter 183, Laws of 1961 and RCW 72.19.010 are each amended to read as follows:

RCW 72.19.010 amended.

There is hereby established under the supervision and control of the director of institutions a correctional institution for the confinement and rehabilitation of juveniles committed by the juvenile courts to the department of institutions. 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 for the establishment and construction of the correctional institution authorized and provided for in this act. 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.

Correctional institution in King county. Established—Location—Preliminary plans.

1961 c 183 § 3 amended.

Correctional institution in King county. Call for bids—Contract.

SEC. 2. Section 3, chapter 183, Laws of 1961 (uncodified) is hereby amended to read as follows:

When the land selected by the director, the description of which is more particularly set forth in section 1 of this amendatory act, has been acquired by the department of institutions by virtue of the lease referred to in said section 1, the director shall, upon the completion of plans and specifications for such institution, publish a call for bids, as provided by law, and enter into a contract for the construction of such institution.

New section.

SEC. 3. There is added to chapter 183, Laws of 1961 and to chapter 72.19 RCW a new section to read as follows:

—Superintendent—Qualifications.

The superintendent of the correctional institution established by this chapter shall be appointed by the director. 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.

New section.

SEC. 4. There is added to chapter 183, Laws of 1961 and to chapter 72.19 RCW a new section to read as follows:

—Associate superintendents—Duties.

The superintendent, subject to the approval of the director, 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.

New section.

SEC. 5. There is added to chapter 183, Laws of 1961 and to chapter 72.19 RCW a new section to read as follows:

The superintendent shall have the following powers, duties and responsibilities: —Superintendent—
Powers and duties.

(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.

SEC. 6. The juvenile correctional institution established by this chapter shall replace the facilities of the Luther Burbank school for boys and the Martha Washington school for girls, both of which are presently being leased from the Seattle public school system by the department of institutions, and upon the expiration of the leases of both properties or other termination thereof, the children located at such schools shall be transferred to the correctional institution established hereunder. In the event the correctional institution has not been completely constructed at the expiration or termination of said leases, the director is authorized to transfer such children to other facilities deemed adequate or otherwise enter into agreements to retain the children in the leased facilities until such completion. —Institution as facility replacement—
Transfer of children to.

SEC. 7. There is added to chapter 183, Laws of 1961 and to chapter 72.19 RCW a new section to read as follows: New section.

Correctional institution in King county. Residential separation only such requirement.

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 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.

Passed the Senate March 8, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 166.

[S. B. 88.]

EMPLOYEE PENSION PLANS—TAXATION OF PREMIUMS.

AN ACT relating to employee pension plans and taxation of premiums therefor; adding a new section to chapter 79, Laws of 1947 and to chapter 48.14 RCW.

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

New section.

SECTION 1. There is added to chapter 79, Laws of 1947 and to chapter 48.14 RCW a new section to read as follows:

Employee pension plans—
Tax on premiums received.

As to premiums received from policies or contracts issued in connection with a pension, annuity or profit-sharing plan exempt or qualified under sections 401, 404, or 501 (a) of the United States internal revenue code, the rate of tax specified in RCW 48.14.020 shall be reduced twelve and one-half percent with respect to the tax payable in 1964, twenty-five percent with respect to the tax payable in 1965, thirty-seven and one-half percent with respect to the tax payable in 1966, fifty percent with

respect to the tax payable in 1967, sixty-two and one-half percent with respect to the tax payable in 1968, seventy-five percent with respect to the tax payable in 1969, eighty-seven and one-half percent with respect to the tax payable in 1970, and one hundred percent with respect to the tax payable in 1971 and annually thereafter.

Passed the Senate March 10, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 167.

[S. B. 167.]

INSTITUTIONS OF HIGHER LEARNING—CONSTRUCTION AND USE OF BUILDINGS.

AN ACT relating to state institutions of higher learning; amending section 2, chapter 229, Laws of 1961, and RCW 28.76.180; amending section 3, chapter 229, Laws of 1961, and RCW 28.76.190; and declaring an emergency.

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

SECTION 1. Section 2, chapter 229, Laws of 1961, and RCW 28.76.180 are each amended to read as follows:

RCW 28.76.180 amended.

The boards of regents of the University of Washington and Washington State University and the board of trustees of the state colleges are hereby severally authorized to:

Institutions of higher learning—Acquisition, construction, installation of lands, buildings, facilities.

(1) Enter into contracts with persons, firms, or corporations for the construction and installation of dormitory, hospital, infirmary, dining, student activities, vehicular parking, and student, faculty, and employee housing and boarding buildings or facilities;

(2) Purchase or lease lands and other appurtenances necessary for the construction and installa-

Institutions
of higher
learning—
Acquisition,
construction,
installation of
lands, build-
ings, facilities.

tion of such buildings and facilities and to purchase or lease lands with buildings and facilities constructed or installed thereon suitable for the purposes aforesaid;

(3) Lease to any persons, firms, or corporations such portions of the campus of their respective institutions as may be necessary for the construction and installation of buildings and facilities for the purposes aforesaid and the reasonable use thereof;

(4) Borrow money to pay the cost of the acquisition, construction and installation of such lands, buildings, and facilities, including interest during construction and other incidental costs and to issue revenue bonds or other evidence of indebtedness therefor and to refinance the same before or at maturity and to provide for the amortization of such indebtedness from special student fees or from the rentals, fees, charges, and other income derived through the ownership, operation and use of such lands, buildings, and facilities and any other dormitory, hospital, infirmary, dining, housing, boarding, vehicular parking, or student activity building or facility at the institution;

(5) Contract to pay as rental or otherwise the cost of acquisition, construction, and installation of such lands, buildings, and facilities on the amortization plan; the contract not to run over forty years;

(6) Expend on the amortization plan special student fees and/or any part or all of the fees, charges, rentals, and other income derived from any or all revenue-producing lands, buildings, and facilities of their respective institutions, heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land or the appurtenances thereon, and to pledge such special student fees and/or the net in-

come derived through the ownership, operation and use of any lands, buildings or facilities of the nature described in subsection (1) hereof for the payment of part or all of the rental, acquisition, construction, and installation or other contract charges, bonds or other evidence of indebtedness agreed to be paid on account of the acquisition, construction, installation or rental of lands, buildings, and facilities of the nature authorized by this section.

SEC. 2. Section 3, chapter 229, Laws of 1961 and RCW 28.76.190 are each amended to read as follows:

RCW 28.76.190 amended.

The lands, buildings, and facilities acquired for those purposes shall be used primarily for dormitory, hospital, infirmary, housing, boarding, dining, vehicular parking, or student activities in the respective institutions.

—Use of lands, buildings and facilities.

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

Emergency.

Passed the Senate February 19, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 168.

[S. B. 211.]

BUSINESS AND OCCUPATION TAX—INSURANCE
GENERAL AGENTS.

AN ACT relating to the busines and occupation tax; and amending section 82.04.280, chapter 15, Laws of 1961 and RCW 82.04.280.

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

SECTION 1. Section 82.04.280, chapter 15, Laws of 1961 and RCW 82.04.280 are each amended to read as follows:

RCW 82.04.280 amended.

B & O tax. On
printers, pub-
lishers, high-
way contrac-
tors, etc.

Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any publicly owned street, place, road, highway, bridge or trestle which is used, or to be used, primarily for foot or vehicular traffic including any readjustment, reconstruction or relocation of the facilities of any public, private or co-operatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, bridge or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; (5) representing and performing services for fire or casualty insurance companies as an independent resident managing general agent licensed under the provisions of RCW 48.05.310; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of one-quarter of one percent.

Passed the Senate March 2, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 169.

[Sub. S. B. 244.]

MOTOR VEHICLES—OPERATORS AND OWNERS—
FINANCIAL RESPONSIBILITY.

AN ACT relating to financial responsibility of motor vehicle operators and owners; amending sections 27 and 28, chapter 21, Laws of 1961 extraordinary session and RCW 46.52.130 and 46.52.140; repealing sections 46.24.010 through 46.24.910, chapter 12, Laws of 1961 and RCW 46.24.010 through 46.24.910; and repealing sections 46.28.010 through 46.28.200, chapter 12, Laws of 1961 and RCW 46.28.010 through 46.28.200; and providing penalties.

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

SECTION 1. It is the purpose of this act to adopt in substance the provisions of the uniform vehicle code relating to financial responsibility in order to achieve greater uniformity with the laws of other states and thereby reduce the conflicts in laws confronting motorists as they travel between states.

Financial responsibility act. Purpose.

SEC. 2. (1) The term "owner" as used in this act shall mean registered owner as defined in RCW 46.04.460.

Definitions.

(2) The term "registration" as used in this act shall mean the certificate of license registration issued under the laws of this state.

SEC. 3. (1) The director shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration.

Administration—Rules—Forms.

(2) The director shall prescribe and provide suitable forms requisite or deemed necessary for the purposes of this chapter.

SEC. 4. Any order of the director under the provisions of this chapter shall be subject to review, at the instance of any party in interest, by appeal to the superior court of Thurston county, or at his option to the superior court of the county of his residence.

Court review of orders.

The scope of such review shall be limited to that prescribed by RCW 7.16.120 governing review by certiorari. Notice of appeal must be filed within ten days after receipt of the notice of such order. The court shall determine whether the filing of the appeal shall operate as a stay of any such order of the director. Upon the filing the notice of appeal the court shall issue an order to the director to show cause why the order should not be reversed or modified. The order to show cause shall be returnable not less than ten nor more than thirty days after the date of service thereof upon the director. The court after hearing the matter may modify, affirm or reverse the order of the director in whole or in part.

Financial responsibility act. Operating record, evidence of ability to respond in damages, furnished—Fee, disposition of.

SEC. 5. (1) The department shall upon request furnish any person a certified abstract of the operating record of any person subject to the provisions of this act, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved and reference to any convictions of said person for violation of the motor vehicle laws as reported to the department, and a record of any vehicles registered in the name of such person. The department shall collect for each abstract the sum of two dollars which shall be deposited in the motor vehicle operators' revolving fund.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any operator or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of two dollars which shall be deposited in the motor vehicle operators' revolving fund.

SEC. 6. The provisions of this act, requiring deposit of security and suspensions for failure to deposit

security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury or death of any person or damage to the property of any one person in excess of one hundred dollars.

Application of sections requiring deposit of security.

SEC. 7. (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 act from the requirements as to security and suspension.

Department to determine amount of security required—Notices.

(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 act 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 after the sending of such notice unless within said time security be deposited as required by said notice.

Financial
responsibility
act. Exceptions
as to require-
ment of
security.

SEC. 8. The requirements as to security and suspension in this act shall not apply:

(1) To the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle involved in the accident, except that a driver shall not be exempt under this subsection if at the time of the accident the vehicle was being operated without the owner's permission, express or implied;

(2) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his driving of vehicles not owned by him;

(3) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident, an automobile liability policy or bond as to which there is a bona fide dispute concerning coverage of such driver as evidenced by the pendency of litigation seeking a declaration of said driver's coverage under such policy or bond.

(4) To a driver or owner whose liability for damages resulting from the accident is, in the judgment of the department, covered by any other form of liability insurance policy or bond;

(5) To any person qualifying as a self-insurer under section 66 of this act or to any person operating a vehicle for such self-insurer;

(6) To the driver or the owner of a vehicle involved in an accident wherein no injury or dam-

age was caused to the person or property of anyone other than such driver or owner;

(7) To the driver or owner of a vehicle which at the time of the accident was parked, unless such vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

(8) To the owner of a vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission;

(9) To the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, this state or any political subdivision of this state or a municipality thereof, or to the driver of such vehicle if operating such vehicle with permission; or

(10) To the driver or the owner of a vehicle in the event at the time of the accident the vehicle was being operated by or under the direction of a police officer who, in the performance of his duties, shall have assumed custody of such vehicle.

SEC. 9. (1) No policy or bond shall be effective under section 8 of this act 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 ten 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 twenty 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

Requirements
as to policy
or bond.

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

(2) No policy or bond shall be effective under section 8 of this act with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it shall execute a power of attorney authorizing the director of licenses to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

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

Financial re-
sponsibility
act. Form and
amount of
security.

SEC. 10. (1) The security required under this act shall be in such form and in such amount as the department may require, but in no case in excess of the limits specified in section 9 of this act in reference to the acceptable limits of a policy or bond.

(2) Every depositor of security shall designate in writing every person in whose name such deposit is made and may at any time change such designation, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident.

Failure to
deposit
security—
Suspensions.

SEC. 11. In the event that any person required to deposit security under this act fails to deposit such security within ten days after the department has sent the notice as hereinbefore provided, the department shall thereupon suspend:

(1) The operator's license of each driver in any manner involved in the accident;

(2) The operator's license of the owner of each vehicle of a type subject to registration under the laws of this state involved in such accident;

(3) If the driver or owner is a nonresident, the privilege of operating within this state a vehicle of a type subject to registration under the laws of this state;

Such suspensions shall be made in respect to persons required by the department to deposit security who fail to deposit such security except as otherwise provided under succeeding sections of this act.

SEC. 12. (1) A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident in the event he is released from liability by such other person.

Release from liability.

(2) In the event the department has evaluated the injuries or damage to any minor in an amount not more than five hundred dollars the department may accept, for the purposes of this act only, evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of such minor without the approval of any court or judge.

SEC. 13. A person shall be relieved from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event such person has been finally adjudicated not to be liable in respect to such claim.

—Adjudication of nonliability as release.

SEC. 14. (1) Any two or more of the persons involved in or affected by an accident as described in section 6 of this act may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of any of such persons because of bodily injury to or death or property damage arising from such accident, which agreement

—Agreements for payment of damages as release.

Financial responsibility act. Release from liability. Agreements for payment of damages as release.

may provide for payment in installments, and may file a signed copy thereof with the department.

(2) The department, to the extent provided by any such written agreement filed with it, shall not require the deposit of security and shall terminate any prior order of suspension, or, if security has previously been deposited, the department shall immediately return such security to the depositor or his personal representative.

(3) In the event of a default in any payment under such agreement and upon notice of such default the department shall take action suspending the license of such person in default as would be appropriate in the event of failure of such person to deposit security when required under this act.

(4) Such suspension shall remain in effect and such license shall not be restored unless and until:

(a) Security is deposited as required under this chapter in such amount as the department may then determine,

(b) When, following any such default and suspension, the person in default has paid the balance of the agreed amount, or

(c) One year has elapsed following the effective date of such suspension and evidence satisfactory to the department has been filed with it that during such period no action at law upon such agreement has been instituted and is pending.

—Payment of judgment as release.

SEC. 15. The payment of a judgment arising out of an accident or the payment upon such judgment of an amount equal to the maximum amount which could be required for deposit under this act shall, for the purposes of this act, release the judgment debtor from the liability evidenced by such judgment.

Termination of security requirement.

SEC. 16. The department, if satisfied as to the existence of any fact which under sections 12, 13, 14 or 15 of this act would entitle a person to be

relieved from the security requirements of this act, shall not require the deposit of security by the person so relieved from such requirement, or if security has previously been deposited by such person, the department shall immediately return such deposit to such person or to his personal representative.

SEC. 17. Unless a suspension is terminated under other provisions of this act, any order of suspension by the department under this act shall remain in effect and no license shall be renewed for or issued to any person whose license is so suspended until

Duration of suspension.

(1) Such person shall deposit or there shall be deposited on his behalf the security required under this chapter, or

(2) One year shall have elapsed following the date of such suspension and evidence satisfactory to the department has been filed with it that during such period no action for damages arising out of the accident resulting in such suspension has been instituted.

An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or, if filed, that it is not still pending shall be prima facie evidence of that fact. The department may take whatever steps are necessary to verify the statement set forth in any said affidavit.

SEC. 18. (1) In case the driver or the owner of a vehicle of a type subject to registration under the laws of this state involved in an accident within this state has no operator's license in this state, then such driver shall not be allowed an operator's license until he has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he had held a license or been the owner of a vehicle registered in this state.

Application to unlicensed drivers.

Financial responsibility act. Application to nonresidents, accidents in other states.

(2) When a nonresident's operating privilege is suspended pursuant to section 11 of this act, the department shall transmit a certified copy of the record or abstract of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provided for action in relation thereto similar to that provided for in subsection (3) of this section.

(3) Upon receipt of such certification that the operating privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the department to suspend a nonresident's operating privilege had the accident occurred in this state, the department shall suspend the license of such resident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security.

Reduction in security authorized.

SEC. 19. The department may reduce the amount of security ordered in any case within six months after the date of the accident if in its judgment the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith.

Corrective action authorized, when.

SEC. 20. Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information or by reason of having received no information, then upon receiving correct information within one year after the date of an accident the

department shall take appropriate action to carry out the purposes and effect of this act. The foregoing shall not, however, be deemed to require the department to reevaluate the amount of any deposit required under this act.

SEC. 21. The department shall place any security deposited with it under this act in the custody of the state treasurer. Custody of security.

SEC. 22. (1) Such security shall be applicable and available only Security, permissible payments from.

(a) For the payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit, or

(b) For the payment of a judgment or judgments, rendered against the person required to make the deposit, for damages arising out of the accident in an action at law begun not later than one year after the deposit of such security, or within one year after the date of deposit of any security following failure to make payments under an agreement to pay.

(2) Every distribution of funds from the security deposits shall be subject to the limits of the department's evaluation on behalf of a claimant.

SEC. 23. Upon the expiration of one year from the date of any deposit of security any security remaining on deposit shall be returned to the person who made such deposit or to his personal representative if an affidavit or other evidence satisfactory to the department has been filed with it: Return of deposit.

(1) That no action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made, and

(2) That there does not exist any unpaid judg-

ment rendered against any such person in such an action.

The foregoing provisions of this section shall not be construed to limit the return of any deposit of security under any other provision of this chapter authorizing such return.

Financial responsibility act. Matters not to be evidence in civil suits.

SEC. 24. The report required following an accident, the action taken by the department pursuant to this act, the findings, if any, of the department upon which such action is based, and the security filed as provided in this act, shall not be referred to in any way, and shall not be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages.

Financial responsibility for future, applicability of sections.

SEC. 25. The provisions of this act requiring the deposit of proof of financial responsibility for the future, subject to certain exemptions, shall apply with respect to persons who have been convicted of or forfeited bail for certain offenses under motor vehicle laws, or who have failed to pay judgments upon causes of action arising out of ownership, maintenance or use of vehicles of a type subject to registration under the laws of this state, or who having driven or owned a vehicle involved in an accident are required to deposit security under the provisions of section 7 of this act.

"Proof of financial responsibility for the future" defined.

SEC. 26. The term "proof of financial responsibility for the future" as used in this chapter shall mean: Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of this state, in the amount of ten thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of twenty thousand dollars because of bodily

injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident. Wherever used in this chapter the terms "proof of financial responsibility" or "proof" shall be synonymous with the term "proof of financial responsibility for the future."

Sec. 27. The following words and phrases when used in this chapter shall, for the purpose of this act, have the meanings respectively ascribed to them in this section.

"Judgment",
"state"
defined.

(1) The term "judgment" shall mean: Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any vehicle of a type subject to registration under the laws of this state, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(2) The term "state" shall mean: Any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

SEC. 28. Whenever, under any law of this state, the license of any person is suspended or revoked by reason of a conviction or a forfeiture of bail, the suspension or revocation hereinbefore required shall remain in effect and the department shall not issue to such person any new or renewal of license until permitted under the motor vehicle laws of this state,

Suspension
continues
until proof
furnished.

and not then unless and until such person shall give and thereafter maintain proof of financial responsibility for the future.

Financial responsibility act—Proof for future. Action in respect to unlicensed person.

SEC. 29. If a person has no license, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, or for driving a motor vehicle upon the highways without being licensed to do so, or for driving an unregistered vehicle upon the highways, no license shall be thereafter issued to such person unless he shall give and thereafter maintain proof of financial responsibility for the future.

Action in respect to nonresidents.

SEC. 30. Whenever the department suspends or revokes a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future.

Nonpayment of judgments, courts to report.

SEC. 31. Whenever any person fails within thirty days to satisfy any judgment, then it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state to forward to the department immediately a certified copy or abstract of such judgment together with a certificate of facts relative to such judgment.

Judgment against nonresident transmitted.

SEC. 32. If the defendant named in any certified copy or abstract of a judgment reported to the department is a nonresident, the department shall transmit a certified copy of the judgment to the official in charge of the issuance of licenses and registrations of the state of which the defendant is a resident.

SEC. 33. The department upon receipt of a certified copy of a judgment and a certificate of facts relative to such judgment, on a form provided by the department, shall forthwith suspend the license and any nonresident's operating privilege of any person against whom such judgment was rendered, except as hereinafter otherwise provided in this act.

Suspension upon receipt of court certificates.

SEC. 34. The provisions of section 33 of this act shall not apply with respect to any such judgment arising out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this state or any political subdivision of this state or a municipality thereof.

—Exception if governmental vehicle.

SEC. 35. If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed a license or nonresident's operating privilege, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in section 40 of this act, provided the judgment debtor furnishes proof of financial responsibility.

—Exception when consent by judgment creditor.

SEC. 36. No license or nonresident's operating privilege of any person shall be suspended under the provisions of this act if the department shall find that an insurer was obligated to pay the judgment upon which suspension is based, at least to the extent and for the amounts required in this act, but has not paid such judgment for any reason. A finding by the department that an insurer is obligated to pay a judgment shall not be binding upon such insurer and shall have no legal effect whatever except for the purpose of administering this section. If the department finds that no insurer is obligated to pay

—Exception when insurer liable.

Financial responsibility act—Proof for future. Suspension upon receipt of court certificates. Exception when insurer liable.

such a judgment, the judgment debtor may file with the department a written notice of his intention to contest such finding by an action in the superior court. In such a case the license or the nonresident's operating privilege of such judgment debtor shall not be suspended by the department under the provisions of this act for thirty days from the receipt of such notice nor during the pendency of any judicial proceedings brought in good faith to determine the liability of an insurer so long as the proceedings are being diligently prosecuted to final judgment by such judgment debtor. Whenever in any judicial proceedings it shall be determined by any final judgment, decree or order that an insurer is not obligated to pay any such judgment, the department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the license and any nonresident's operating privilege of any person against whom such judgment was rendered, as provided in section 33 of this act.

—Duration of suspension.

SEC. 37. Such license and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in sections 35, 36 and 40 of this act.

Discharge in bankruptcy no relief.

SEC. 38. A discharge in bankruptcy following the rendering of any such judgment or a judgment of dismissal of a civil action based upon a discharge in bankruptcy shall not relieve the judgment debtor from any of the requirements of this act.

Satisfaction of judgments, how.

SEC. 39. (1) Judgments herein referred to shall, for the purpose of this act only, be deemed satisfied:

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

(b) When, subject to such limit of ten thousand dollars because of bodily injury to or death of one person, the sum of twenty 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. Proviso.

SEC. 40. (1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments. Installment
payment of
judgments.

(2) The department shall not suspend a license or nonresident's operating privilege, and shall restore any license or nonresident's operating privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtains such an order permitting the payment of such judgment in installments, and while the payment of any said installments is not in default.

Financial responsibility act—Proof for future. Installment of judgments—Default.

SEC. 41. In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license or nonresident's operating privilege of the judgment debtor until such judgment is satisfied, as provided in this act.

Proof required in addition to deposit of security after accident.

SEC. 42. Any person required to deposit security under section 7 of this act, for the benefit or protection of another person injured or damaged in an accident, shall in addition be required to give proof of financial responsibility for the future. The department shall give written notice of such additional requirement to every such person at the time and in the manner provided in section 7 of this act for giving notice of the requirement for security.

—Suspension for failure to give proof.

SEC. 43. In the event that any person required to give proof of financial responsibility under section 42 of this act fails to give such proof within ten days after the department has sent notice as hereinbefore provided, the department shall suspend, or continue in effect any existing suspension or revocation of, the license or any nonresident's operating privilege of such person.

—Suspension, duration.

SEC. 44. Such license or nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until such person shall give and thereafter maintain proof of financial responsibility for the future.

Alternate methods of giving proof.

SEC. 45. Proof of financial responsibility when required under this act, with respect to such a vehicle or with respect to a person who is not the owner of such a vehicle, may be given by filing:

(1) A certificate of insurance as provided in section 46 or section 47 of this act;

- (2) A bond as provided in section 52 of this act;
- (3) A certificate of deposit of money or securities as provided in section 55 of this act; or
- (4) A certificate of self-insurance, as provided in section 63 of this act, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same amounts that an insurer would have been obliged to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer.

SEC. 46. Proof of financial responsibility for the future may be furnished by filing with the department the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

Certificate of insurance as proof.

SEC. 47. A nonresident may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the vehicle, or vehicles, owned by such nonresident is registered, or in the state in which such nonresident resides, if he does not own a vehicle, provided such certificate otherwise conforms with the provisions of this act, and the department shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

Certificate furnished by nonresident as proof.

(1) Said insurance carrier shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

(2) Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws of this state relating to the terms of motor vehicle liability policies issued therein.

Financial responsibility act—Proof for future. Default by nonresident insurer, effect.

SEC. 48. If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues.

“Motor vehicle liability policy” defined.

SEC. 49. (1) Certification. A “motor vehicle liability policy” as said term is used in this act shall mean an “owner’s policy” or an “operator’s policy” of liability insurance, certified as provided in section 46 or section 47 of this act as proof of financial responsibility for the future, and issued, except as otherwise provided in section 47 of this act, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

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

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

(b) Shall insure the person named therein and any other person, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such vehicle or ve-

hicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle, as follows: Ten thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and five thousand dollars because of injury to or destruction of property of others in any one accident.

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

(4) Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this act.

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

Financial
responsibility
act—Proof for
future.
"Motor vehicle
liability pol-
icy" defined.

ity for damage to property owned by, rented to, in charge of or transported by the insured.

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

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

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

(c) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision (b) of subsection (2) of this section.

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

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

policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

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

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

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

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

SEC. 50. When an insurance carrier has certified a motor vehicle liability policy under section 46 or section 47 of this act the insurance so certified shall not be canceled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the department, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any vehicle designated in both certificates.

Notice of cancellation, termination, of certified policy.

SEC. 51. (1) This act shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to con-

Act not to affect other policies.

form with the requirements of this act, may be certified as proof of financial responsibility under this act.

(2) This act shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of vehicles not owned by the insured.

Financial
responsibility
act—Proof for
future. Bond
as proof.

SEC. 52. Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge of the superior court, which said bond shall be conditioned for payment of the amounts specified in section 26 of this act. Such bond shall be filed with the department and shall not be cancellable except after ten days written notice to the department.

Bond as lien,
when.

SEC. 53. Before a bond with individual sureties is accepted by the department it shall be recorded as other instruments affecting real property in the county or counties wherein any real estate scheduled in such bond is located. Such bond shall constitute a lien from the date of such recording in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such bond was filed.

SEC. 54. If a judgment, rendered against the principal on any bond described in section 52 of this act, shall not be satisfied within thirty days after it has become final, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond. Such an action to foreclose a lien shall be prosecuted in the same manner as an action to foreclose a mortgage on real estate.

Action on
bond.

SEC. 55. Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him twenty-five thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of twenty-five thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides.

Money or
securities as
proof.

SEC. 56. Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this act, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such deposit was made. Money or securities so deposited shall not be subject

Deposit,
permissible
application of.

to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid. Any interest or other income accruing to such money or securities, so deposited, shall be paid by the state treasurer to the depositor, or his order, as received.

Financial responsibility act—Proof for future. Owner may give proof for others.

SEC. 57. The owner of a motor vehicle may give proof of financial responsibility on behalf of his employee or a member of his immediate family or household in lieu of the furnishing of proof by any said person. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The department shall endorse appropriate restrictions on the license held by such person, or may issue a new license containing such restrictions.

Substitution of proof.

SEC. 58. The department shall consent to the cancellation of any bond or certificate of insurance or the department shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this act.

Other proof may be required.

SEC. 59. Whenever any proof of financial responsibility filed under the provisions of this act no longer fulfills the purposes for which required, the department shall, for the purpose of this act, require other proof as required by this act and shall suspend the license and registration pending the filing of such other proof.

Duration of proof—When proof may be cancelled or returned.

SEC. 60. (1) The department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this act as proof of financial

responsibility, or the department shall waive the requirement of filing proof, in any of the following events:

(a) At any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license of the person by or for whom such proof was furnished; or

(b) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(c) In the event the person who has given proof surrenders his license to the department;

(2) Provided, however, that the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one year immediately preceding such request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the non-existence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(3) Whenever any person whose proof has been canceled or returned under subdivision (1) (c) of this section applies for a license within a period of three years from the date proof was originally re-

quired, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period.

Financial
responsibility
act. Surrender
of license
required—
Penalty upon
failure.

SEC. 61. (1) Any person whose license shall have been suspended under any provision of this act, or whose policy of insurance or bond, when required under this act, shall have been canceled or terminated, shall immediately return his license to the department. If any person shall fail to return to the department the license as provided herein, the department shall forthwith direct any peace officer to secure possession thereof and to return the same to the department.

(2) Any person wilfully failing to return license as required in paragraph (1) of this section shall be guilty of a misdemeanor.

Forging proof
—Penalty.

SEC. 62. Any person who shall forge, or, without authority, sign any evidence of proof of financial responsibility for the future, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be guilty of a gross misdemeanor.

Self-insurers.

SEC. 63. (1) Any person in whose name more than twenty-five vehicles are registered in this state may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section.

(2) The department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgment obtained against such person. Such certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both.

(3) Upon not less than five days' notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance.

SEC. 64. Nothing in this act shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law.

Act not to prevent other process.

SEC. 65. Section 27, chapter 21, Laws of 1961 first extraordinary session and RCW 46.52.130 are each amended to read as follows:

RCW 46.52.130 amended.

The director shall upon request furnish any insurance company or its agent, having or considering the issuance of a policy of insurance a certified abstract of the operating record of any person, covering a period of not less than five years past, whenever possible, which abstract shall include an enumeration of motor vehicle accidents in which such person has been involved and any reported convictions or forfeitures of bail of such person upon a charge of violating any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation served upon such person by an arresting officer. In addition thereto the director shall furnish such record to the person whose driving record is involved, upon such person's request.

Abstract of operating record to be furnished insurance company, operator—Fee—Record confidential—Penalty.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the motor vehicle operators' records revolving fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge

any of the information therein contained to a third party.

Any violation of this section shall be a misdemeanor, punishable by a fine of one hundred dollars.

RCW 46.52.140 amended.

SEC. 66. Section 28, chapter 21, Laws of 1961 extraordinary session and RCW 46.52.140 are each amended to read as follows:

Motor vehicle operators' revolving fund—Use.

There is hereby created a special fund to be designated "motor vehicle operators' revolving fund" in the custody of the treasurer and to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be for the use of the department of licenses to pay the cost of furnishing abstracts of operating records of motor vehicle operators, for maintaining such case records and for administering the financial responsibility laws of this state. Disbursements from said fund shall be paid by the treasurer upon vouchers duly and regularly issued therefor and approved by the director of licenses.

Financial responsibility act, Divisions—Construction.

SEC. 67. Sections 1 through 64 of this act shall be codified as a single chapter of the revised code of Washington. Sections 1 through 5 of this act shall be captioned "ADMINISTRATION." Sections 6 through 24 of this act shall be captioned "SECURITY FOLLOWING ACCIDENT." Sections 25 through 60 of this act shall be captioned "PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE." Sections 61 through 62 of this act shall be captioned "VIOLATIONS OF THIS CHAPTER." Sections 63 through 64 of this act shall be captioned "MISCELLANEOUS PROVISIONS RELATING TO FINANCIAL RESPONSIBILITY." Such captions and subsection headings, as used in this act, do not constitute any part of the law.

Severability.

SEC. 68. 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.

SEC. 69. Sections 46.24.010 through 46.24.910 and sections 46.28.010 through 46.28.200, chapter 12, Laws of 1961 and RCW 46.24.010 through 46.24.910 and RCW 46.28.010 through 46.28.200 are each repealed.

Repeal—
Savings.

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.

Passed the Senate February 26, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 170.

[S. B. 295.]

CITIES AND TOWNS—LEASES—PURCHASE OPTIONS.

AN ACT relating to cities and towns; and authorizing cities and towns to lease property with or without options to purchase under certain conditions.

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

SECTION 1. Any city or town may execute leases for a period of years with or without an option to purchase with the state or any of its political subdivisions, with the government of the United States, or with any private party for the lease of any real or personal property, or property rights, if the annual rental specified in such lease does not result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town computed in accordance with RCW 39.36.030: *Pro-*

Cities and
towns—
Leases, with or
without op-
tions to
purchase.

Provido. *vided*, That if the annual rental payment specified in such proposed lease would result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town, a proposition in regard to whether or not such a lease may be executed shall be submitted to the voters for their approval or rejection in the same manner that bond issues for capital purposes are submitted: *Provided further*, That any city or town may execute leases authorized by this act jointly with the state or any of its political subdivisions.

Cities and towns—
Leases, with or without options. When city may exercise option without vote.

SEC. 2. If at the time an option to purchase is exercised the remaining amount to be paid in order to purchase the real or personal property leased after crediting the rental payments toward the total purchase price therefor does not result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town computed in accordance with RCW 39.36.030, such a city or town may exercise its option to purchase such property. If such remaining amount to be paid to purchase such leased property will result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town, a proposition in regard to whether or not to purchase the property shall be submitted to the voters for approval or rejection in the same manner that bond issues for capital purposes are submitted to the voters.

Rental as budget item.

Provido. SEC. 3. The annual budget of a city shall provide for the payment of rental that falls due in the year for which the budget is applicable: *Provided*, That if the cost of the real or personal property to be leased exceeds the amounts specified in RCW 35.23-.352 prior to the execution of a lease with option to purchase therefor, the city or town shall call for bids in accordance with RCW 35.23.352: *Provided*, That if at the expiration of a lease with option to purchase

a city or town exercises such an option, the fact that the rental payments theretofore made equal the amount of the purchase price of the real or personal property involved in such lease shall not preclude the agreement from being a lease with option to purchase up to the date of the exercising of the option.

Passed the Senate March 2, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 171.

[S. B. 338.]

FOOD FISH AND SHELLFISH—COLUMBIA RIVER, LICENSES, RECIPROCITY—PACIFIC MARINE FISHERIES COMMISSION.

AN ACT relating to food fish and shellfish; amending section 75.28.020, chapter 12, Laws of 1955 and RCW 75.28.020; and amending section 75.40.040, chapter 12, Laws of 1955 and RCW 75.40.040.

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

SECTION 1. Section 75.28.020, chapter 12, Laws of 1955 and RCW 75.28.020 are each amended to read as follows:

No license provided for in this title shall be issued to any person who is not a citizen of the United States, or who is not a bona fide resident of the United States, or who is not of the age of sixteen years or over; nor shall any license be issued to any corporation unless it is authorized to do business in this state: *Provided*, That each license issued by the state of Oregon which is comparable and similar to a license provided for in this title shall be recognized as valid by this state in the concurrent waters of the Columbia river only if such license is valid within

RCW 75.28.020 amended.

Fish and shellfish licenses—Qualifications—Oregon licenses recognized.

Proviso.

the jurisdiction of the issuing state, and if the state of Oregon recognizes as valid a comparable and similar license issued by this state.

RCW 75.40.040 amended.

SEC. 2. Section 75.40.040, chapter 12, Laws of 1955 and RCW 75.40.040 are each amended to read as follows:

Pacific Marine Fisheries Commission—State representation on.

In the event the compact set forth in RCW 75.40-.030 becomes effective, the director of fisheries, ex officio, and two appointees of the governor representing the fishing industry or an industry allied therewith, shall act as the representatives of this state on the Pacific Marine Fisheries Commission, in accordance with the provisions of, and with the powers and duties provided in the compact. The appointees of the governor shall be subject to confirmation by the state senate.

Passed the Senate March 14, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 172.

[S. B. 555.]

ON-THE-JOB TRAINING AGREEMENTS.

AN ACT relating to on-the-job training agreements and projects; and adding new sections to chapter 231, Laws of 1941, and to chapter 49.04 RCW, and declaring an emergency.

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

New section.

SECTION 1. There is added to chapter 231, Laws of 1941, and to chapter 49.04 RCW a new section to read as follows:

On-the-job training projects. Authorized.

Under the supervision of the director of labor and industries and with the advice and guidance of the apprenticeship council, the supervisor of apprenticeship shall encourage and promote the making

of such other types of on-the-job training agreements and projects, in addition to apprenticeship agreements, as he in his discretion shall find meritorious.

SEC. 2. There is added to chapter 231, Laws of 1941, and to chapter 49.04 RCW a new section to read as follows: New section.

The director of labor and industries shall have authority to enter into and perform, through the supervisor of apprenticeship, agreements with appropriate Federal departments or agencies for the development, administration and servicing of on-the-job training projects. Further, the director of labor and industries, through the supervisor of apprenticeship, shall have power to receive and administer funds provided by the Federal government for such purposes. —Cooperation with federal government authorized.

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

Passed the Senate March 7, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 173.

[S. B. 576.]

STATE HIGHWAYS—FUNCTIONAL CLASSIFICATION— PLANS AND PROGRAMS.

AN ACT relating to highways; and repealing section 47.01.150, chapter 13, Laws of 1961 and RCW 47.01.150.

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

SECTION 1. The legislature finds that anticipated revenues available for state highways for the period ending in 1975 will fall substantially short of the con- State highways—Development priority. Purpose.

struction needs for the same period. It is the purpose of this act to establish a policy of priority programming for highway development having as its basis the rational selection of projects according to factual need, systematically scheduled to carry out defined objectives within limits of money and manpower, and fixed in advance with reasonable flexibility to meet changed conditions.

State highways
—Development
priority.
Study and
classifications
to be made.

SEC. 2. The state highway commission is hereby directed to conduct an engineering and traffic analysis of the entire state highway system and based thereon to subdivide all state highways other than the national system of interstate and defense highways into four functional classes according to the following criteria:

(1) "Principal state highway system" shall include those highways having as a principal purpose the connecting as directly as feasible all cities or unincorporated urban centers of twenty thousand or more population. The principal state highway system shall comprise not to exceed twenty percent of the total state highway mileage other than the interstate system.

(2) "Major state highway system" shall include those highways, having as a principal purpose the connecting of all remaining cities and towns or urban centers of one thousand or more population, or serving as major tourist, commercial or industrial routes. The major state highway system shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system.

(3) "Collector state highway system" shall include those highways having as a principal purpose the servicing of remaining populated areas within reasonably spaced distances. The collector state highway system shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system.

(4) "Other state highway system" shall include all state highways not classified as a part of any of the systems described hereinabove.

SEC. 3. The state highway commission shall adopt a long range plan for highway improvements, specifying highway planning objectives to be accomplished by 1975, within the framework of revenue estimates for such period. The plan initially shall be based upon the construction needs for state highways as reported in "A Report on Needs of the State Highway System" by the Washington state highway commission dated July 1, 1960. The long range objectives for the period ending in 1975 shall be as follows:

Objectives
plan to be
adopted—
Enumerated
objectives.

(1) One hundred percent completion of the presently established national system of interstate and defense highways;

(2) One hundred percent completion of the construction needs of those highways classified as a part of the principal state highway system;

(3) Declining percentages of completion of construction needs of those highways classified respectively as the major state highway system, the collector state highway system and the other state highway system.

SEC. 4. Prior to July 1, 1965, the state highway commission shall adopt and thereafter shall periodically revise a comprehensive highway construction program for the ensuing six years, which shall allocate to each of the four functional classes of state highways that percentage of the estimated available construction funds (not including funds expended on the national system of interstate and defense highways) as will be necessary to accomplish the commission's long range plan for highway improvements.

Construction
program to be
adopted.

State highways
—Development
priority.
Standards for
construction
program—
Program
revision.

SEC. 5. The six year comprehensive highway construction program shall contain a priority construction program for each functional class of highways, including the national system of interstate and defense highways, within the budget limits established for each class. Selection of specific improvement projects for the six year program shall be based on the rating of each highway section proposed to be improved in relation to other highway sections within the same functional class, taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;
- (3) Its adequacy of alignment and related geometrics; and
- (4) Its accident experience.
- (5) Its fatal accident experience.

The six year construction program shall remain flexible and subject to continual revision by the commission as conditions change. The program shall be extended for an additional year, to six years in the future, on July 1st of each year.

Biennial
construction
report to
governor,
legislature.

SEC. 6. The state highway commission shall prepare and present to the governor and to the legislature at the time of its convening, a summary of its proposed construction program by functional class of highways including the national system of interstate and defense highways for the ensuing six years. The portion of the proposed construction program scheduled for completion during the ensuing biennium shall be shown in detail.

Biennial bud-
get report to
governor,
legislature.

SEC. 7. The state highway commission shall prepare and present to the governor and to the legislature at the time of its convening, a recommended budget for the ensuing biennium. The biennial

budget shall summarize construction expenditures by designated highways and by functional classes of highways.

SEC. 8. The state highway commission shall annually on July 1st submit a report to the joint fact-finding committee on highways, streets and bridges showing both its long range objectives and the estimated and planned percentage of the long range objectives to be met by its current six year construction program for each functional class of highways. The commission shall include in its report a summary of its methods and procedures for the selection of projects within the budgetary limits of each functional class of highways to comprise the current six year construction program.

Annual report to joint fact-finding committee.

SEC. 9. Section 47.01.150, chapter 13, Laws of 1961 and RCW 47.01.150 are each repealed.

Repeal.

Passed the Senate March 5, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 174.

[S. B. 309.]

STATE EMPLOYEES' RETIREMENT SYSTEM.

AN ACT relating to the state employees' retirement system; amending section 1, chapter 274, Laws of 1947, as last amended by section 1, chapter 291, Laws of 1961, and RCW 41.40.010; amending section 3, chapter 274, Laws of 1947, as amended by section 2, chapter 291, Laws of 1961, and RCW 41.40.030; amending section 4, chapter 274, Laws of 1947, as amended by section 3, chapter 291, Laws of 1961, and RCW 41.40.040; amending section 6, chapter 274, Laws of 1947, as amended by section 3, chapter 240, Laws of 1949, and RCW 41.40.060; amending section 8, chapter 274, Laws of 1947, as last amended by section 9, chapter 281, Laws of 1961, and RCW 41.40.070; amending section 9, chapter 274, Laws of 1947, as last amended by section 2, chapter 220, Laws of 1955, and

RCW 41.40.080; amending section 11, chapter 274, Laws of 1947, as last amended by section 4, chapter 200, Laws of 1953, and RCW 41.40.100; amending section 16, chapter 274, Laws of 1947, as last amended by section 3, chapter 277, Laws of 1955, and RCW 41.40.150; amending section 17, chapter 274, Laws of 1947, as last amended by section 8, chapter 200, Laws of 1953, and RCW 41.40.160; amending section 18, chapter 274, Laws of 1947, as last amended by section 9, chapter 200, Laws of 1953, and RCW 41.40.170; amending section 19, chapter 274, Laws of 1947, as last amended by section 4, chapter 277, Laws of 1955, and RCW 41.40.180; amending section 27, chapter 274, Laws of 1947, as amended by section 18, chapter 240, Laws of 1949, and RCW 41.40.260; amending section 28, chapter 274, Laws of 1947, as last amended by section 9, chapter 291, Laws of 1961, and RCW 41.40.270; amending section 32, chapter 274, Laws of 1947, as last amended by section 7, chapter 277, Laws of 1955, and RCW 41.40.310; amending section 4, chapter 231, Laws of 1957, as amended by section 11, chapter 291, Laws of 1961, and RCW 41.40.361; amending section 43, chapter 274, Laws of 1947, as last amended by section 13, chapter 291, Laws of 1961, and RCW 41.40.410; amending section 22, chapter 200, Laws of 1953, and RCW 41.40.412; amending section 14, chapter 50, Laws of 1951, as amended by section 20, chapter 200, Laws of 1953, and RCW 41.40.420; and declaring an emergency.

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

RCW 41.40.010 amended.

SECTION 1. Section 1, chapter 274, Laws of 1947, as last amended by section 1, chapter 291, Laws of 1961, and RCW 41.40.010 are each amended to read as follows:

State employees' retirement. Terms defined.

As used in this chapter, unless a different meaning is plainly required by the context:

- (1) "Retirement system" means the state employees' retirement system provided for in this chapter.
- (2) "Retirement board" means the board provided for in this chapter to administer said retirement system.
- (3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means every branch, department, agency, commission, board, and office of the state and any political subdivision of the state admitted into the retirement system.

(5) "Member" means any employee included in the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, Proviso. such person has been in the regular employ of the employer for at least six months of the twelve month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190 (4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have

State
employees'
retirement.
Terms
defined.

been withdrawn by him as provided by RCW 41.40-.150 and who on the effective date of his retirement has rendered eight or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190 (4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer.

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: *Provided*, That service to any other public agency shall not be considered service as a state employee

Proviso.

if such service has been used to establish benefits in any other public retirement system.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) In the case of any person who first becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, all service rendered after October 1, 1947, except as qualified by RCW 41.40.120;

(b) In the case of all other members, all service as a member.

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(13) "Regular interest" means such rate as the retirement board may determine, such rate not to be lower than one percent per annum nor more than four percent per annum compounded annually.

(14) "Accumulated contributions" means the sum of all contributions for the purchase of annuities standing to the credit of a member in his individual account together with the regular interest thereon.

(15) "Average final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive five year period of service for which service credit is allowed; or if he has less than five years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived

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employees'
retirement.
Terms
defined.

from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Annuity reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any annuity or benefits in lieu of any annuity granted to a member under the provisions of this chapter.

(21) "Pension reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any pension, or benefits in lieu of any pension, granted to a member under the provisions of this chapter.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(23) "Contributions for the purchase of annuities" means amounts deducted from the compensation of a member, under the provisions of RCW 41.40.330, other than contributions to the retirement system expense fund.

(24) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

(25) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(26) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for

which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(27) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (26).

(28) "Leave of absence" means the period of time a member is authorized by the employer to be absent from service without being separated from membership.

Note: See also section 1, chapter 225, Laws of 1963.

SEC. 2. Section 3, chapter 274, Laws of 1947, as amended by section 2, chapter 291, Laws of 1961, and RCW 41.40.030 are each amended to read as follows:

RCW 41.40.030 amended.

The retirement board shall consist of seven members, as follows: The insurance commissioner, the attorney general, the state treasurer, the state auditor, and three employee representatives who shall have been members of the retirement system for at least five years, and each of whom shall be elected by members in their classification of employment for a term of three years: *Provided*, That the term of office of any employee representative serving as a member of the retirement board by appointment prior to March 21, 1961 shall continue until the expiration of the period of time for which such employee representative was appointed. The members of the system shall be divided into three classifications of employment for purposes of board representation as follows: Classification A shall consist of all employees of the state government; classification B shall consist of all employees of counties; and classification C shall consist of all members not included in classification A or B. Each member shall have the right to vote only for an employee representative from his respective classification.

Retirement board—Election, terms.

Proviso.

State
employees'
retirement
Retirement
board—Elec-
tion, terms.

The first election will be held to elect a representative from classification C whose term shall begin July 1, 1961; the second election will be held to elect a representative from classification B whose term shall begin July 1, 1962; the third election will be held to elect a representative from classification A whose term shall begin July 1, 1963.

Any employee desiring to become a candidate to represent employees in his classification may during the first two weeks of May of the year in which the vacancy in the classification occurs, file with the director of the system a typewritten statement that he desires to be a candidate for the board. The letter supporting his candidacy must be signed by at least twenty active members of the retirement system in his classification. The election shall be conducted under the supervision of the state employees' retirement board pursuant to such rules as the board shall prescribe, but shall be so conducted that the voting shall be secret and the ballots may be returned by mail. Ballots in order to be counted shall be received by the director not later than the second Monday in June. The board shall thereupon proceed to count the ballots and shall certify to the secretary of state the candidate receiving the highest number of votes.

The terms of all employee representatives shall commence on the first day of July following their election.

RCW 41.40.040
amended.

SEC. 3. Section 4, chapter 274, Laws of 1947, as amended by section 3, chapter 291, Laws of 1961, and RCW 41.40.040 are each amended to read as follows:

Vacancies—
Effect of non-
attendance.

(1) Any vacancy occurring by reason of resignation, death or disability ninety days or more before the expiration of the term of any employee representative of the retirement board shall be filled by appointment by the other members of the retirement board. The person appointed shall be a mem-

ber of the same classification as was the employee representative to whose position he is appointed. The employee representative thus appointed shall serve until the vacancy is filled by the election of a member of the same classification.

(2) Any employee representative of the retirement board who fails to attend the scheduled meetings of the retirement board for three consecutive months or longer, without valid excuse, shall be considered as having resigned from board membership and the retirement board shall declare his office vacated as of the adoption of a proper resolution, and proceed to fill the vacancy as herein provided.

SEC. 4. Section 6, chapter 274, Laws of 1947, as amended by section 3, chapter 240, Laws of 1949, and RCW 41.40.060 are each amended to read as follows:

RCW 41.40.060
amended.

The retirement board shall elect from its membership a chairman and a vice chairman, and shall appoint a director and assistant director of the retirement system, and may employ or engage such other actuarial, medical, clerical, technical, and administrative employees or consultants as may be necessary for the proper operation of the retirement system. The compensation of all persons so appointed, employed and engaged shall be fixed in accordance with compensation schedules adopted by the board.

Board officers,
employees.

SEC. 5. Section 8, chapter 274, Laws of 1947, as last amended by section 9, chapter 281, Laws of 1961, and RCW 41.40.070 are each amended to read as follows:

RCW 41.40.070
amended.

(1) The members of the retirement board shall be the trustees of the several funds created by this chapter and the retirement board shall have full power to invest or to authorize the finance committee to invest same in bonds or other obligations

Investment of
funds.

State employees' retirement. Investment of funds—Deposit for current use.

issued directly by or insured by or guaranteed by the federal government or any agency or public corporation thereof, of the state of Washington or of any county, city, village or school district of the state, or of any other legally constituted taxing subdivision within the state, or in revenue bonds issued by the state of Washington or any of its political subdivisions or instrumentalities, or in general obligation and revenue bonds issued by any state of the United States, or any duly constituted authority or agency of such state, or in the general obligation or revenue bonds of any political subdivision of any state of the United States, or in motor vehicle fund warrants issued to pay the costs of acquisition of real property or property rights therein necessary for the improvement of the state highway system when authorized by agreement between the state finance committee and the state highway commission requiring repayment of the invested funds from any moneys in the motor vehicle fund available for state highway construction, or, to the extent of twenty percent of the total investment portfolio, in corporate bonds and debentures issued by any corporation duly organized and operating in any state of the United States but only if such corporate securities are rated not less than "AA" by two nationally recognized rating agencies. All such bonds, or other obligations, shall be purchased at current market price and all such purchases shall be authorized by a resolution adopted by the retirement board. The retirement board may purchase out of the several funds hereinbefore created, appropriate contracts of life insurance or annuity from insurers duly authorized to do business in the state of Washington, if and when such purchase or purchases shall in the judgment of said retirement board be appropriate or necessary to carry out the purposes of this chapter.

(2) For the purpose of meeting disbursements

for annuities and other payments in excess of the receipts, there shall be kept available by the retirement board an amount, not exceeding ten percent of the total amount in the funds provided for by this chapter, on deposit in the state treasury.

SEC. 6. Section 9, chapter 274, Laws of 1947, as last amended by section 2, chapter 220, Laws of 1955, and RCW 41.40.080 are each amended to read as follows:

RCW 41.40.080
amended.

(1) All bonds or other obligations purchased according to RCW 41.40.070 shall be forthwith placed in the hands of the state treasurer who is hereby designated as custodian thereof, and it shall be his duty to collect the principal thereof and the interest thereon as the same becomes due and payable, and place the same when so collected into the retirement system's funds herein provided for bonds or other obligations. The retirement board may authorize the finance committee to sell any of the said bonds, or other obligations upon like resolution, and the proceeds thereof shall be paid by the purchaser to the state treasurer upon delivery to him of such bonds or other obligations by the state treasurer.

Custody of
securities and
funds—Duty of
treasurer.

(2) The state treasurer shall be the custodian of all other funds of the retirement system and all disbursements therefrom shall be paid by the state treasurer upon vouchers duly authorized by the retirement board and bearing the signature of the duly authorized officer of the retirement board.

(3) The state treasurer is hereby authorized and directed to deposit any portion of the funds of the retirement system not needed for immediate use in the same manner and subject to all the provisions of law with respect to the deposit of state funds by such treasurer, and all interest earned by such portion of the retirement system's funds as may be deposited by the state treasurer in pursuance of authority herewith given shall be collected by him

State employees' retirement. Custody of securities and funds—Duty of treasurer.

and placed to the credit of the retirement fund or the retirement system expense fund.

(4) There is hereby established in the state treasury two separate funds, namely:

(a) The retirement system fund, into which shall be paid all moneys received by the retirement board and from which shall be paid all refunds, adjustments, retirement allowances and other benefits provided for herein. All contributions by members to the retirement system expense fund as provided in RCW 41.40.330 and contributions by employers for the expense of operating the retirement system as provided for herein shall be transferred by the state treasurer from the retirement system fund to the retirement system expense fund upon authorization of the retirement board;

(b) The retirement system expense fund, from which shall be paid the expenses of the administration of the retirement system.

(5) In order to reimburse the retirement system expense fund on an equitable basis the retirement board shall, after crediting the estimated amount to be collected as employees' contributions, ascertain and report to each employer the sum necessary to defray its proportional share of the entire expense of the administration of this chapter during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the said administration as the ratio of the number of the employer's members bears to the total number of members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(6) The retirement board shall compute and bill each employer at the end of each month for the amount due for that month to the retirement sys-

tem expense fund and the same shall be paid as are its other obligations. Such computation as to each such employer shall be made on a basis directly proportional to the ratio the number of the said employer's members bears to the total number of members in the system: *Provided*, That the retirement board 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. Proviso.

(7) For the purpose of providing amounts to be used to defray the cost of such administration, the retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation from the retirement system expense fund sufficient to cover estimated expenses for the said biennium.

SEC. 7. Section 11, chapter 274, Laws of 1947, as last amended by section 4, chapter 200, Laws of 1953, and RCW 41.40.100 are each amended to read as follows: RCW 41.40.100 amended.

For the purpose of the internal accounting record of the retirement board and not the segregation of moneys on deposit with the state treasurer there are hereby created the employees' savings fund, the benefit account fund, the income fund and such other funds as may from time to time be required. System funds created.

(1) The employees' savings fund shall be the fund in which shall be accumulated the contributions from the compensation of members for the purchase of annuities. The retirement board shall provide for the maintenance of an individual account with each member of the retirement system showing the amount of the member's contributions together with interest accumulations thereon. The contributions of a member returned to him upon his withdrawal from service, or paid in event of his death, as provided in this chapter, shall be paid from the em-

State
employees'
retirement.
System funds
created.

employees' savings fund. Any accumulated contributions forfeited by failure of a member, or his estate, to claim the same as provided for in this chapter shall be transferred from the employees' savings fund to the income fund. The accumulated contributions of a member, upon the commencement of his annuity payments, shall be transferred from the employees' savings fund to the benefit account fund.

(2) The benefit account fund shall be the fund in which shall be accumulated the reserves for the payment of all pensions and in which shall be held the reserves for annuity payments and death benefits, if any, in respect of any beneficiary receiving annuity payments. The amounts contributed by the employer to provide pension benefits shall be credited to the benefit account fund. The benefit account fund shall be the fund from which shall be paid all pensions, and all annuities, or benefits in lieu thereof because of which reserves have been transferred from the employees' savings fund to the benefit account fund. At the time a recipient of a retirement allowance again becomes a member there shall be transferred from the benefit account fund to the employees' savings fund and credited to the individual account of such a member a sum that shall be equal to the then present value of the annuity portion of his retirement allowance, computed upon the interest and mortality basis then in use by the retirement system for the computation of annuities.

(3) An income fund is hereby created for the purpose of crediting regular interest on the amounts in the various other funds with the exception of the retirement system expense fund, and to provide a contingent fund out of which special requirements of any of the other funds may be covered. Transfers for such special requirements shall be made only when the amount in the income fund exceeds the ordinary requirements of such fund as evidenced

by a resolution of the retirement board recorded in its minutes. The retirement board shall annually allow regular interest for the preceding year to each of the funds enumerated in subdivisions (1) and (2) of this section, and the amount so allowed shall be due and payable to said funds and shall be annually credited thereto by the retirement board and paid from the income fund: *Provided*, That interest on contributions from members within any one calendar year shall begin on the first day of the calendar year next following and shall be computed at the end of the calendar year: *Provided, however*, That when a member retires as provided in RCW 41.40.190, RCW 41.40.210, RCW 41.40.220(2), RCW 41.40.240, RCW 41.40.250 or RCW 41.40.290, he shall have pro rata interest credited on the accumulated contributions standing to his credit on the first day of the calendar year of his retirement. All accumulated contributions standing to the account of a terminated member and unclaimed after the expiration of fifteen years from the date of such termination except as provided in RCW 41.40.150 (3) and 41.40.170, shall thereafter become an integral part of the income fund. All income, interest, and dividends derived from the deposits and investments authorized by this chapter shall be paid into the income fund with the exception of interest derived from sums deposited in the retirement system expense fund. The retirement board is hereby authorized to accept gifts and bequests. Any funds that may come into the possession of the retirement system in such manner, or any funds which may be transferred from the employees' savings fund by reason of lack of claimant, or because of a surplus in any fund created by this chapter, or any other moneys the disposition of which is not otherwise provided for herein, shall be credited to the income fund.

RCW 41.40.150
amended.

SEC. 8. Section 16, chapter 274, Laws of 1947, as last amended by section 3, chapter 277, Laws of 1955, and RCW 41.40.150 are each amended to read as follows:

State
employees' re-
irement. Ter-
mination of
membership.

Should any member die, or should he separate or be separated from service without leave of absence before attaining age sixty years, or should he become a beneficiary, except a beneficiary of an optional retirement allowance as provided by RCW 41.40.290, he shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee who reenters or has reentered service within ten years from the date of his separation, shall upon completion of six months of continuous service and upon the restoration of all withdrawn contributions, which restoration must be completed within a total period of three years of membership service following his first resumption of employment, be returned to the status, either as an original member or new member which he held at time of separation.

(3) A member who separates after having completed at least fifteen years of service, or at least ten years of service and is age fifty or older or who separates after having completed at least ten years of service as an elective official shall remain a member during the period of his absence from service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five, however, such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty-five: *Provided*, That if such member should withdraw all or part of his accumulated con-

Proviso.

tributions, he shall thereupon cease to be a member and this section shall not apply.

(4) (a) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy and who shall be employed in an eligible position shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his eligible employment and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: *Provided*, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available;

Proviso.

(b) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy, following his election to office or appointment to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120 (3) shall be considered to have terminated his retirement status and he shall become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended from the date of his return to membership until the date when he again retires and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: *Provided*, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of

Proviso.

State employees' retirement. Termination of membership. Proviso.

retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available: *And provided further*, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120 (3), or should he have reached the age of seventy and be ineligible to apply as provided in RCW 41.40.125, he shall be considered to remain in a retirement status and his retirement benefits shall continue without interruption.

(5) Subject to the provisions of RCW 41.04.070, 41.04.080 and 41.04.100, any member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the state employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue his membership therein until attaining age sixty, shall remain a member for the exclusive purpose only of receiving a retirement allowance without the limitation found in RCW 41.40.190 (5) to begin on attainment of age sixty-five, however, such a member may upon thirty days written notice to the retirement board elect to receive a reduced retirement allowance on or after age sixty which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits commencing at age sixty-five: *Provided*, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this section shall not apply.

Proviso.

RCW 41.40.160 amended.

SEC. 9. Section 17, chapter 274, Laws of 1947, as last amended by section 8, chapter 200, Laws of 1953, and RCW 41.40.160 are each amended to read as follows:

(1) Subject to the provisions of RCW 41.40.150, at retirement the total service credited to a member shall consist of all his membership service and, if he is an original member, all of his certified prior service. Creditable service.

(2) Employees of a public utility or other private enterprise heretofore or hereafter acquired by a public agency as a matter of public convenience and necessity, where it is in the public interest to retain the trained personnel of such enterprise, all service to that enterprise shall, upon the acquiring public agency becoming an employer as defined in RCW 41.40.010 (4) be credited on the same basis as if rendered to the said employer: *Provided*, That this shall apply only to those employees who are in the service of the enterprise at the time of acquisition by the public agency and who remain in the service of the acquiring agency until they attain membership in the state employees' retirement system; and to those employees who were in the service of the enterprise at the time of acquisition by the public agency and subsequently attain membership through employment with any participating agency: *Provided further*, In the event that the acquiring agency is an employer at the time of the acquisition, employer's contributions in connection with members achieving service credit hereunder shall be made on the same basis as set forth in RCW 41.40.361 for an employer admitted after April 1, 1949. Proviso.

SEC. 10. Section 18, chapter 274, Laws of 1947, as last amended by section 9, chapter 200, Laws of 1953, and RCW 41.40.170 are each amended to read as follows: RCW 41.40.170 amended.

A member of the retirement system who has served or shall serve on active federal service in the military or naval forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on military leave of Credit for military service.

State employees' retirement. Credit for military service.

absence if he has resumed or shall resume employment as an employee within one year from termination thereof, or if he has applied or shall apply for reinstatement of employment and is refused employment for reasons beyond his control within one year from termination of the military service shall upon resumption of service within ten years from termination of military service have his service in such armed forces credited to him as a member of the retirement system: *Provided*, That no such military service in excess of five years shall be credited: *And provided further*, That he restore all withdrawn accumulated contributions, which restoration must be completed within three years of membership service following his first resumption of employment.

Proviso.

Proviso.

RCW 41.40.180 amended.

SEC. 11. Section 19, chapter 274, Laws of 1947, as last amended by section 4, chapter 277, Laws of 1955, and RCW 41.40.180 are each amended to read as follows:

Retirement—Optional—Compulsory—Length of service.

(1) On and after April 1, 1949, any member who has attained age sixty or over may retire upon his written application to the retirement board, setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired: *Provided*, That in the national interest, during time of war engaged in by the United States, the retirement board may extend beyond age sixty, subject to the provisions of subsection (2) of this section, the age at which any member may be eligible to retire.

Proviso.

(2) On and after April 1, 1949, any member who has attained age seventy shall be retired forthwith on the first day of the calendar month next succeeding that in which the said member shall have attained the age of seventy: *Provided*, That a member who has attained the age of seventy is possessed of special skill in the performance of particular duties,

Proviso.

the retirement board shall continue such member in service for such period or periods as may be applied for by the governing body of the political subdivision where the member is employed or the head of the department, agency, commission, board and offices of the state.

(3) On and after April 1, 1953, any member who has completed thirty years of service may retire on his written application to the retirement board setting forth at what time, not less than thirty days, nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, subject to war measures.

(4) The retirement board is authorized to waive advance notice of retirement upon good cause shown.

SEC. 12. Section 27, chapter 274, Laws of 1947, as amended by section 18, chapter 240, Laws of 1949, and RCW 41.40.260 are each amended to read as follows:

RCW 41.40.260 amended.

Subject to the provisions of RCW 41.40.280, should a member cease to be an employee, he may request upon a form provided by the retirement board a refund of all or part of the funds standing to his credit in the employees' savings fund and this amount shall be paid to him: *Provided*, That withdrawal of all or part of the funds by a member who is eligible for a service retirement allowance in RCW 41.40.180 or a disability retirement allowance in RCW 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.240 or 41.40.250 shall constitute a waiver of any service or disability retirement allowance.

Withdrawal from system—
Refund of funds.

Proviso.

SEC. 13. Section 28, chapter 274, Laws of 1947, as last amended by section 9, chapter 291, Laws of 1961, and RCW 41.40.270 are each amended to read as follows:

RCW 41.40.270 amended.

Should a member die before the date of his retirement the amount of the accumulated contributions

Death before retirement—
Disposition of contributions.

State employees' retirement. Death before retirement—Disposition of contributions.

standing to his credit in the employees' savings fund, at the time of his death, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board:

Proviso.

Provided, That if there be no such designated person or persons still living at the time of the member's death, his accumulated contributions standing to his credit in the employees' savings fund shall be paid to his surviving spouse as if in fact such spouse had been nominated by written designation as aforesaid, or if there be no such surviving spouse, then to his legal representatives: *Provided, however*,

Proviso.

That this section, unless elected, shall not apply to any member who shall have heretofore died or who shall hereafter die while still in service at an attained age of seventy years or more, or at an attained age of sixty years but less than seventy years having fifteen or more years of total service or ten or more years of membership service, or at any age having thirty or more years total service, all as provided for in RCW 41.40.290 when said member has elected option II or has a surviving spouse: *Provided further*,

Proviso.

That this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180 and thereafter dies between the date of his separation from service and his effective retirement date, where the member has selected either option II or option III in RCW 41.40.290. The beneficiary named in the member's final application for service retirement may elect to receive either a cash refund or monthly payments according to the option selected by the member.

RCW 41.40.310 amended.

SEC. 14. Section 32, chapter 274, Laws of 1947, as last amended by section 7, chapter 277, Laws of 1955, and RCW 41.40.310 are each amended to read as follows:

Once each year during the first five years follow-

ing the retirement of a member on a disability pension or retirement allowance, and at least once in every three year period thereafter the retirement board may, and upon the member's application shall, require any disability beneficiary, who has not attained age sixty years, to undergo a medical examination; such examination to be made by or under the direction of the medical adviser at the place of residence of said beneficiary, or other place mutually agreed upon. Should any disability beneficiary, who has not attained age sixty years, refuse to submit to such medical examination in any such period, his disability pension or retirement allowance may be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights in and to his disability pension, or retirement allowance, may be revoked by the retirement board. If upon such medical examination of a disability beneficiary, the medical adviser reports and his report is concurred in by the retirement board, that the disability beneficiary is physically able and capable of resuming employment, or is no longer totally incapacitated for duty as the result of the injury for which the disability was granted, his disability pension or retirement allowance shall cease.

Periodical
examination of
disability
beneficiaries.

SEC. 15. Section 4, chapter 231, Laws of 1957, as amended by section 11, chapter 291, Laws of 1961, and RCW 41.40.361 are each amended to read as follows:

RCW 41.40.361
amended.

(1) For the purpose of this section, the "fundable employer liability" at any date shall be the present value of

Employer's
contribution.

(a) all future pension benefits payable in respect of all members in the retirement system at that date, and

(b) all future benefits in respect of beneficiaries then receiving retirement allowances or pensions.

State
employees'
retirement.
Employer's
contribution.

(2) The contributions by the employer for benefits under the retirement system shall consist of the sum of a percentage of the compensation of members to be known as the "normal contribution", a percentage of such compensation to be known as the "unfunded liability contribution" and in the case of employers admitted to the retirement system after April 1, 1949, a percentage of such compensation to be known as the "additional contribution". The rates of such contributions shall be determined by the retirement board on the basis of assets and liabilities as shown by actuarial valuation: *Provided*, That as to state employers the total combined contributions of the normal contribution and unfunded liability contribution shall not exceed a total combined percentage rate of six percent for each employer unless authorized by the legislature.

Proviso.

(3) After the completion of each actuarial valuation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the normal contribution rate and such contribution rate shall become effective in the ensuing biennium. Until the unfunded liability contribution shall have been discontinued, such normal contribution rate shall be computed to be sufficient, when applied to the present value of the future compensation of the average new member entering the system, to provide for the payment of all prospective pension benefits in respect of such member. After the unfunded liability contributions have been discontinued, such normal contribution rate shall be determined as the uniform and constant percentage of the prospective compensation of all members of the retirement system at the date of such valuation which is equivalent to the excess of the fundable employer liability over the amount of funds currently standing to the credit of the benefit account fund.

(4) After the completion of each actuarial valu-

ation subsequent to the first actuarial valuation of June 30, 1953, the retirement board shall determine the unfunded liability contribution, and such rate shall become effective in the ensuing biennium. The unfunded liability contribution rate shall not be less than that percentage of annual compensation of all members in the retirement system at the date of such subsequent valuation which is equivalent to four percent of the unfunded liability of the system. The unfunded liability shall be determined at such date as the excess of the fundable employer liability over the sum of the present value of the future normal contributions payable in respect of all members in the retirement system at that date, and the amount of all funds currently standing to the credit of the benefit account fund. The unfunded liability contributions shall continue until there remains no unfunded liability.

(5) Any employer admitted to the retirement system after April 1, 1949, shall make an additional contribution until such time as the sum of such additional contributions equals the amount of contributions which such employer would have been required to contribute between April 1, 1949, and the date of such employer's admission to the retirement system: *Provided*, All additional contributions hereunder and under the provisions of RCW 41.40.160 (2) must be completed within fifteen years from the date of the employer's admission.

Proviso.

SEC. 16. Section 43, chapter 274, Laws of 1947, as last amended by section 13, chapter 291, Laws of 1961, and RCW 41.40.410 are each amended to read as follows:

RCW 41.40.410 amended.

The employees and appointive and elective officials of any political subdivision of the state may become members of the retirement system by the approval of the local legislative authority. Each such political subdivision becoming an employer under

Optional entry of system by political subdivisions.

State employees' retirement. Optional entry of system by political subdivisions.

the meaning of this chapter shall make contributions to the funds of the retirement system as provided in RCW 41.40.080, 41.40.361 and 41.40.370 and its employees shall contribute to the employees' savings fund at the rate established under the provisions of RCW 41.40.330. For the purpose of administering and interpreting this chapter the board may substitute the names of political subdivisions of the state for the "state" and employees of the subdivisions for "state employees" wherever such terms appear in this chapter. The board may also alter any dates mentioned in this chapter for the purpose of making the provisions of the chapter applicable to the entry of any political subdivisions into the system. Any member transferring employment to another employer which is covered by the retirement system may continue as a member without loss of previously earned pension and annuity benefits. The board shall keep such accounts as are necessary to show the contributions of each political subdivision to the benefit account fund and shall have the power to debit and credit the various accounts in accordance with the transfer of the members from one employer to another.

RCW 41.40.412 amended.

SEC. 17. Section 22, chapter 200, Laws of 1953, and RCW 41.40.412 are each amended to read as follows:

Hearing prior to appeal—
Required—
Notice.

Any person aggrieved by any final decision of the retirement board must before he appeals to the courts, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts

upon which such person relies in support thereof. Such persons shall be deemed to have waived all objection or irregularities concerning the matter on which such appeal is taken, other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system.

SEC. 18. Section 14, chapter 50, Laws of 1951, as amended by section 20, chapter 200, Laws of 1953, and RCW 41.40.420 are each amended to read as follows:

RCW 41.40.420
amended.

Within thirty days after any final decision and order by the retirement board has been communicated to the claimant, such claimant may appeal to the superior court of Thurston county 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 raised before the board. The proceedings in 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 director of the retirement system by personal service or by mailing a copy thereof to the said director and by filing the notice of appeal together with proof of service thereof with the clerk of the court. The service and the filing together with proof of service of a notice of appeal, all within thirty days, shall be jurisdictional. The director shall within thirty days after receipt of such notice of appeal serve and file on behalf of the retirement board notice of appearance upon the appellant or his attorney of record and such appeal shall thereupon be deemed at issue. The director shall promptly serve upon the appellant and file with the clerk of the court, a certified copy of the complete record of the hearing before the retirement board which shall, upon being so filed, become the record in such case.

Appeal from
board.

Appeal shall lie from the judgment of the superior court to the supreme court as in other cases.

Severability.

SEC. 19. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Emergency.

SEC. 20. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of the state government, and shall take effect immediately.

Passed the Senate February 21, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 175.

[H. B. 281.]

WASHINGTON STATE PATROL RETIREMENT SYSTEM.

AN ACT relating to the Washington state patrol retirement system; amending section 14, chapter 250, Laws of 1947, as last amended by section 3, chapter 162, Laws of 1957 and RCW 43.43.250; amending section 15, chapter 250, Laws of 1947, as last amended by section 4, chapter 162, Laws of 1957 and RCW 43.43.260; amending section 16, chapter 250, Laws of 1947, as last amended by section 2, chapter 93, Laws of 1961 and RCW 43.43.270; and amending section 9, chapter 250, Laws of 1947, as last amended by section 4, chapter 93, Laws of 1961 and RCW 43.43.300.

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

RCW 43.43.250 amended.

SECTION 1. Section 14, chapter 250, Laws of 1947, as last amended by section 3, chapter 162, Laws of 1957 and RCW 43.43.250 are each amended to read as follows:

(1) Any member who has attained the age of sixty years shall be retired on the first day of the

calendar month next succeeding that in which said member shall have attained the age of sixty.

State patrol
retirement
system.
Retirement of
members.

(2) Any member who has completed twenty-five years of credited service or has attained the age of fifty-five may retire as provided in RCW 43.43.260, on his retirement application to the retirement board, setting forth at what time, not less than thirty days subsequent to the execution and filing thereof, he desires to be retired.

(3) No member shall contribute to the retirement fund or receive service credit after he has completed twenty-five years of service: *Provided*, That any member who was a member prior to the effective date of this act may contribute to the retirement fund and receive service credit until he attains the percentage of average final salary provided by any previous act under which he has served.

SEC. 2. Section 15, chapter 250, Laws of 1947, as last amended by section 4, chapter 162, Laws of 1957 and RCW 43.43.260 are each amended to read as follows:

RCW 43.43.260
amended.

Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

Benefits.

(1) A prior service annuity which shall be equal to one and one-half percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.

(2) A current service annuity which shall be equal to two percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system.

SEC. 3. Section 16, chapter 250, Laws of 1947, as last amended by section 2, chapter 93, Laws of 1961 and RCW 43.43.270 are each amended to read as follows:

RCW 43.43.270
amended.

(1) The normal form of retirement allowance

Annuities.

State patrol
retirement
system.
Annuities.

shall be an annuity which shall continue as long as the member lives.

(2) If a member should die, either while in service or after retirement, his lawful spouse shall be paid an annuity which shall be equal to twenty-five percent of the average final salary of the member. If the member should die after retirement the average final salary will be the average final salary used in computing his retirement allowance at the time of his retirement. The annuity paid to the lawful spouse shall continue as long as she lives or until she remarries. To be eligible for an annuity the lawful surviving spouse of a retired member shall have been married to the member prior to his retirement and continuously thereafter until the date of his death or shall have been married to the retired member at least two years prior to his death.

(3) If a member should die, either while in service or after retirement, his surviving children under the age of eighteen years shall be provided for in the following manner:

(a) If the member is survived by one child under the age of eighteen years the child shall be paid an annuity of seventy-five dollars per month until such time as the child shall attain the age of eighteen years or shall marry or die.

(b) If the member is survived by two or more children under the age of eighteen years the children shall be paid an annuity which shall total one hundred and fifty dollars per month until such time as the children shall attain the age of eighteen years or shall marry or die. When the number of children under the age of eighteen years and unmarried has been reduced to one, the annuity shall be reduced to seventy-five dollars per month.

(4) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member

of the Washington state patrol retirement system at the time of such disability retirement and if all contributions paid to the retirement fund have been left in the retirement fund. In the event that contributions have been refunded to a member on disability retirement, he may regain eligibility for survivor's benefits by repaying to the retirement fund the total amount refunded to him plus two and one-half percent interest, compounded annually, covering the period during which the refund was held by him.

SEC. 4. Section 9, chapter 250, Laws of 1947, as last amended by section 4, chapter 93, Laws of 1961 and RCW 43.43.300 are each amended to read as follows:

RCW 43.43.300 amended.

Beginning on July 1, 1963, every Washington state patrol employee who is a member of the retirement fund shall contribute seven percent of his monthly salary, which shall be deducted from the compensation of each member on each and every payroll.

Contributions by members—State contributions remain in fund if member leaves patrol.

In event a member severs his connection with the Washington state patrol or is dismissed, the amount paid by the state of Washington shall remain in the retirement fund.

Passed the House February 23, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.

CHAPTER 176.

[S. B. 15.]

MUTUAL SAVINGS BANKS.

AN ACT relating to mutual savings banks; amending section 8, chapter 80, Laws of 1957, and RCW 32.08.061; amending section 32.08.140, chapter 13, Laws of 1955 as amended by section 2, chapter 80, Laws of 1957, and RCW 32.08.140; amending section 32.12.020, chapter 13, Laws of 1955 as last amended by section 2, chapter 80, Laws of 1961, and RCW 32.12.020; amending section 32.12.030, chapter 13, Laws of 1955 as amended by section 7, chapter 280, Laws of 1961, and RCW 32.12.030; amending section 32.20.040, chapter 13, Laws of 1955, and RCW 32.20.040; amending section 32.20.230, chapter 13, Laws of 1955, and RCW 32.20.230; amending section 32.20.250, chapter 13, Laws of 1955 as last amended by section 4, chapter 80, Laws of 1961, and RCW 32.20.250; amending section 32.20.260, chapter 13, Laws of 1955 as amended by section 5, chapter 80, Laws of 1961, and RCW 32.20.260; amending section 32.20.270, chapter 13, Laws of 1955 as last amended by section 6, chapter 80, Laws of 1961, and RCW 32.20.270; adding one new section to chapter 13, Laws of 1955 and to chapter 32.04 RCW; adding three new sections to chapter 13, Laws of 1955 and to chapter 32.12 RCW; and adding six new sections to chapter 13, Laws of 1955 and to chapter 32.20 RCW.

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

SECTION 1. Section 8, chapter 80, Laws of 1957, and RCW 32.08.061 are each amended to read as follows:

A mutual savings bank may amend its incorporation certificate to extend the period of its corporate existence for a further definite time or perpetually by a resolution adopted by a majority vote of its board of trustees. Triplicate copies of the resolution subscribed and acknowledged by the president and secretary of such bank, shall be filed in the office of the supervisor within thirty days after its adoption. If the supervisor finds that the resolution conforms to law he shall, within sixty days after the

RCW 32.08.061 amended without change.

Mutual savings banks. Extension of period of existence—Procedure.

date of the filing thereof, endorse upon each of the triplicates thereof, over his official signature, his approval and forthwith give notice thereof to the bank and shall file one of the triplicate certificates in his own office, shall transmit another triplicate to the county auditor of the county in which the main office of such bank is located and shall transmit the third triplicate to the secretary of state. Upon receipt from the mutual savings bank of the same fees as are required of general corporations for filling corresponding instruments, the county auditor and the secretary of state shall file the resolution in their respective offices, and the secretary of state shall record the same. Upon the filing of said resolution in triplicate, approved as aforesaid in the offices of the supervisor, the secretary of state and county auditor, the corporate existence of said bank shall continue for the period set forth in said resolution unless sooner terminated pursuant to law.

SEC. 2. Section 32.08.140, chapter 13, Laws of 1955 as amended by section 2, chapter 80, Laws of 1957, and RCW 32.08.140 are each amended to read as follows:

RCW 32.08.140
amended.

Every mutual savings bank incorporated under this title shall have, subject to the restrictions and limitations contained in this title the following powers:

Powers of
bank.

(1) To receive deposits of money, to invest the same in the property and securities prescribed in this title, to declare dividends in the manner prescribed in this title, and to exercise by its board of trustees or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of a savings bank.

(2) To issue transferable certificates showing the amounts contributed by any incorporator or trustee to the guaranty fund of such bank, or for the purpose of paying its expenses. Every such certificate

Mutual savings
banks. Powers.

shall show that it does not constitute a liability of the savings bank, except as otherwise provided in this title.

(3) To purchase, hold and convey real property as prescribed in RCW 32.20.280.

(4) To pay depositors as hereinafter provided, and when requested, pay them by drafts upon deposits to the credit of the savings bank in any city in the United States, and to charge current rates of exchange for such drafts.

(5) To borrow money in pursuance of a resolution adopted by a vote of a majority of its board of trustees duly entered upon its minutes whereon shall be recorded by ayes and noes the vote of each trustee, for the purpose of repaying depositors, and to pledge or hypothecate securities as collateral for loans so obtained. Immediate written notice shall be given to the supervisor of all amounts so borrowed, and of all assets so pledged or hypothecated.

(6) Subject to such regulations and restrictions as the supervisor finds to be necessary and proper, to borrow money in pursuance of a resolution adopted by a vote of a majority of its board of trustees duly entered upon its minutes whereon shall be recorded by ayes and noes the vote of each trustee, for purposes other than that of repaying depositors and to pledge or hypothecate its assets as collateral for any such loans, provided that no amount shall at any time be borrowed by a savings bank pursuant to this subsection (6), if such amount, together with the amount then remaining unpaid upon prior borrowings by such savings bank pursuant to this subsection (6), exceeds ten percent of the assets of the savings bank. When it shall appear to the supervisor that any bank is habitually borrowing for the purpose of reloaning, he may require the bank to pay off such borrowed money.

(7) To collect or protest promissory notes or bills

of exchange owned by such bank or held by it as collateral, and remit the proceeds of the collections by drafts upon deposits to the credit of the savings bank in any city in the United States, and to charge the usual rates or fees for such collection and remittance for such protest.

(8) To sell gold or silver received in payment of interest or principal of obligations owned by the savings bank or from depositors in the ordinary course of business.

(9) To act as insurance agent for the purpose of writing fire insurance on property in which the bank has an insurable interest, the property to be located in the city in which the bank is situated and in the immediate contiguous suburbs, notwithstanding anything in any other statute to the contrary.

(10) To let vaults, safes, boxes or other receptacles for the safekeeping or storage of personal property, subject to laws and regulations applicable to, and with the powers possessed by, safe deposit companies.

(11) To elect or appoint in such manner as it may determine all necessary or proper officers, agents, boards, and committees, to fix their compensation, subject to the provisions of this title, and to define their powers and duties, and to remove them at will.

(12) To make and amend bylaws consistent with law for the management of its property and the conduct of its business.

(13) To wind up and liquidate its business in accordance with this title.

(14) To adopt and use a common seal and to alter the same at pleasure.

(15) To do all other acts authorized by this title.

SEC. 3. Section 32.12.020, chapter 13, Laws of 1955 as last amended by section 2, chapter 80, Laws of

RCW 32.12.020
amended.

1961, and RCW 32.12.020 are each amended to read as follows:

Mutual savings
banks. Repay-
ment of
deposits and
dividends.

The sums deposited with any savings bank, together with any dividends or interest credited thereto, shall be repaid to the depositors thereof respectively, or to their legal representatives, after demand in such manner, and at such times, and under such regulations, as the board of trustees shall prescribe, subject to the provisions of this section and RCW 32.12.030. Such regulations shall be posted in a conspicuous place in the room where the business of such savings bank shall be transacted, and shall be available to depositors upon request. All such rules and regulations, and all amendments thereto, from time to time in effect, shall be binding upon all depositors.

(1) Such bank may at any time by a resolution of its board of trustees require a notice of not more than six months before repaying deposits, in which event no deposit shall be due or payable until the required notice of intention to withdraw the same shall have been personally given by the depositor:

Proviso.

Provided, That such bank at its option may pay any deposit or deposits before the expiration of such notice. But no bank shall agree with its depositors or any of them in advance to waive the requirement of notice as herein provided.

(2) Except as provided in subdivisions (3), (4), and (5) of this section the savings bank shall not pay any dividend, or interest, or deposit, or portion thereof, or any check drawn upon it by a depositor unless the passbook of the depositor is produced, and the proper entry is made therein at the time of the payment.

(3) The board of trustees of any such bank may by its bylaws provide for making payments in cases of loss of passbook, or other exceptional cases where the passbooks cannot be produced without loss or

serious inconvenience to depositors, the right to make such payments to cease when so directed by the supervisor upon his being satisfied that such right is being improperly exercised by any such bank; but payments may be made at any time upon the judgment or order of a court.

(4) The board of trustees of any such bank may by its bylaws provide for making payments to depositors at their request, of dividends or interest payable on any deposit, without requiring the production of the passbook of the depositor, and any payment made in accordance with any such request and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such request prior to receipt by such savings bank of notice in writing not to pay such sums in accordance with the terms of such request.

(5) The issuance of a passbook may be omitted where a number of depositors similarly situated have accounts in the nature of vacation plan accounts, retirement plan accounts, or similar types of accounts. The issuance of a passbook may also be omitted for any other accounts unless the depositor has requested the issuance thereof in writing. Records shall be kept for such accounts showing deposits, withdrawals, and interest credited.

(6) If any person dies leaving in any such bank an account on which the balance due him does not exceed one thousand dollars and no executor or administrator of his estate has been appointed, such bank may in its discretion pay the balance of his account to his widow (or if the decedent was a married woman, then to her husband), next of kin, funeral director, or other creditor who may appear entitled thereto. As a condition of such payment such bank may require proof by affidavit as to the

Mutual savings banks. Repayment of deposits and dividends.

parties in interest, the filing of proper waivers, the execution of a bond of indemnity with surety or sureties by the person to whom the payment is to be made, and a proper receipt and acquittance for such payment. For any such payment pursuant to this section such bank shall not be liable to the decedent's executor or administrator thereafter appointed, unless the payment was made within six months after the decedent's death, and an action to recover the amount is commenced within six months after the date of payment.

RCW 32.12.030 amended without change.

SEC. 4. Section 32.12.030, chapter 13, Laws of 1955 as amended by section 7, chapter 280, Laws of 1961, and RCW 32.12.030 are each amended to read as follows:

Deposits of minors, in trust, of joint tenants.

(1) When any deposit shall be made by or in the name of any minor, the same shall be held for the exclusive right and benefit of such minor, and free from the control or lien of all other persons, except creditors, and shall be paid, together with dividends thereon, to the person in whose name the deposit shall have been made, and his receipt or acquittance shall be a valid discharge.

(2) When any deposit shall be made by any person in trust for another, and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to such savings bank, in the event of the death of the trustee, the deposit or any part thereof, together with the dividends thereon, may be paid to the person for whom the deposit was made.

(3) After any deposit shall be made by any person in the names of such depositor and one or more other persons and in form to be paid to any of them or the survivor of them, such deposit and any additions thereto made by any of such persons after the making thereof, shall become the property of such persons as joint tenants, and the same, together with

all dividends thereon, shall be held for the exclusive use of such persons and may be paid to any of them during their lifetimes or to the survivor or survivors and such payment and the receipt or acquittance of the one to whom such payment is made shall be a valid and sufficient release and discharge to such savings bank for all payments made on account of such deposit prior to the receipt by such savings bank of notice in writing not to pay such deposit in accordance with the terms thereof. The making of the deposit in such form shall, in the absence of fraud or undue influence, be conclusive evidence, in any action or proceeding to which either such savings bank or the surviving depositor is a party, of the intention of all depositors to vest title to such deposit and the additions thereto in the survivor or survivors.

SEC. 5. Section 32.20.040, chapter 13, Laws of 1955, and RCW 32.20.040 are each amended to read as follows:

RCW 32.20.040 amended.

A mutual savings bank may invest its funds:

Investments—
Federally insured or
secured loans,
securities, etc.

(1) In such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for insurance by the Federal Housing Administrator, and may obtain such insurance.

(2) In such loans secured by mortgage on real property as the Federal Housing Administrator insures or makes a commitment to insure, and may obtain such insurance.

(3) In such other loans or contracts or advances of credit as are insured or guaranteed or which are covered by a repurchase agreement in whole or in part by the United States or through any corporation, administrator, agency or instrumentality which is or hereafter may be created by the United States, and may obtain such insurance or guarantee.

(4) In capital stock, notes, bonds, debentures, or

Mutual savings banks—Investments. Federally insured or secured loans, securities, etc.

other such obligations of any national mortgage association.

(5) In such loans as are secured by contracts of the United States or any agency or department thereof assigned under the "Assignment of Claims Act of 1940," approved October 9, 1940, and acts amendatory thereof or supplementary thereto, and may participate with others in such loans.

(6) In notes or bonds secured by mortgages issued under sections 500 to 505, inclusive, of Title III of the Servicemen's Readjustment Act of 1944 (Public Law 346, 78th congress), and any amendments thereto, and the regulations, orders or rulings promulgated thereunder.

No law of this state prescribing the nature, amount, or form of security or requiring security or prescribing or limiting interest rates or prescribing or limiting the term, shall be deemed to apply to loans, contracts, advances of credit or purchases made pursuant to the foregoing subdivisions (1), (2), (3), (4), (5), and (6).

RCW 32.20.230 amended.

SEC. 6. Section 32.20.230, chapter 13, Laws of 1955, and RCW 32.20.230 are each amended to read as follows:

Notes secured by collateral securities.

A mutual savings bank may invest its funds in promissory notes payable to the order of the savings bank, secured by the pledge or assignment of any bonds, warrants, or interest bearing obligations lawfully purchasable by a savings bank. No such loan shall exceed ninety percent of the cash market value of such securities so pledged. Should any of the securities so held in pledge depreciate in value after making such loan, the savings bank shall require an immediate payment of such loan, or of a part thereof, or additional security therefor, so that the amount loaned thereon shall at no time exceed ninety percent of the market value of the securities so pledged for such loan.

SEC. 7. Section 32.20.250, chapter 13, Laws of 1955 as last amended by section 4, chapter 80, Laws of 1961, and RCW 32.20.250 are each amended to read as follows:

RCW 32.20.250 amended.

A mutual savings bank may invest its funds in loans secured by first mortgages on real estate subject to the following restrictions:

Real estate mortgages.

In all cases of loans upon real property, a note secured by a mortgage on the real estate upon which the loan is made shall be taken by the savings bank from the borrower;

The savings bank shall also be furnished by the borrower, either

(1) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien; or

(2) A policy of title insurance; or

(3) A duplicate certificate of ownership issued by a registrar of titles.

The real estate subject to such first mortgage must be improved to such extent that the net annual income thereof or reasonable annual rental value thereof in the condition existing at the time of making the loan is sufficient to pay the annual interest accruing on such loan in addition to taxes and insurance and all accruing charges and expenses.

No loan on real estate shall be for an amount greater than eighty percent of the value of such real estate, including improvements, except that in the event such savings bank obtains, as additional collateral, an assignment of a policy or policies of life insurance issued by a company authorized to do business in this state, such loan may exceed the limits herein specified, but such excess shall not be

Mutual savings
banks—Invest-
ments. Real
estate mort-
gages.

more than eighty percent of the cash surrender value of such assigned life insurance.

No mortgage loan shall be made in excess of fifty percent of the value of the security unless its terms require the payment of 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 twenty-five years, beginning within one year and continuing until the loan is reduced to fifty percent or less of the value of the security.

The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings on the mortgaged premises to such reasonable amount as shall be stipulated in the mortgage, the policy to be deposited with the savings bank or its agent or trustee and to be payable to the savings bank in event of loss: *Provided*, That the savings bank may, at its option, forego insurance in either of the following cases:

Proviso.

(1) A loan upon agricultural land, or

(2) A loan upon a feehold interest in urban property subject to an outstanding lease.

A loan may be made on real estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such proceeds will be used for that purpose and that when so used the property will qualify under this section.

No mortgage loan, or renewal or extension thereof for a period of more than one year, shall be made except upon written application showing the date, name of the applicant, the amount of loan requested, and the security offered, nor except upon the written report of at least two members of the board of investment of the bank certifying on such application according to their best judgment the value of the property to be mortgaged; and the

application and written report thereon shall be filed and preserved with the savings bank records.

Every mortgage and assignment of a mortgage taken or held by a savings bank shall be taken and held in its own name, and shall immediately be recorded in the office of the county auditor of the county in which the mortgaged property is located.

A mortgage on real estate shall be deemed a first mortgage and lien within the meaning of this section even though

(1) There is outstanding upon the real estate a lease to which the mortgage is subject, and two members of the board of investment of the bank deem the lease advantageous to the owner of the mortgaged property, and the mortgagee in case of foreclosure of the mortgage can compel the application upon the mortgage debt of substantially all of the rents thereafter to accrue; and/or

(2) There are outstanding nondelinquent taxes or special assessments or both, and the sum of the assessments and the amount of the loan does not exceed the limits herein specified.

SEC. 8. Section 32.20.260, chapter 13, Laws of 1955 as amended by section 5, chapter 80, Laws of 1961, and RCW 32.20.260 are each amended to read as follows:

RCW 32.20.260
amended.

A mutual savings bank may invest not to exceed fifteen percent of its funds in contracts for the sale of real estate subject to the following restrictions:

Limits of total
investment in
contracts for
sale of real
estate.

(1) That it acquire the title in fee to the property covered by such contract;

(2) That the property subject to the contract is such as would be eligible, and that the balance owing thereon is no greater and is payable within the times prescribed under RCW 32.20.250 for a mortgage loan secured by the property;

(3) That the purchaser shall not be in default in any of the terms of the contract.

RCW 32.20.270 amended.

SEC. 9. Section 32.20.270, chapter 13, Laws of 1955 as last amended by section 6, chapter 80, Laws of 1961, and RCW 32.20.270 are each amended to read as follows:

Mutual savings banks—Investments. First mortgages upon leaseholds.

A mutual savings bank may invest its funds in loans secured by first mortgages upon leasehold estates in improved real property, subject to the following restrictions:

In all cases of loans upon leasehold estates, a note secured by a mortgage upon the leasehold interest upon which the loan is made shall be taken by the savings bank from the borrower.

The savings bank shall also be furnished by the borrower, either

(1) A complete abstract of title of the mortgaged property, which abstract shall be signed by the person or corporation furnishing the abstract of title, and which abstract shall be examined by a competent attorney and shall be accompanied by his opinion approving the title and showing that the mortgage is a first lien upon the leasehold estate; or

(2) A policy of title insurance; or

(3) A duplicate certificate of ownership issued by a registrar of titles.

The mortgage shall contain provisions requiring the mortgagor to maintain insurance on the buildings in such reasonable amount as shall be stipulated in the mortgage, the policy to be payable to the savings bank in case of loss, or the proceeds of such policy to be impounded or payable to a trustee for use in repairing or rebuilding or replacing improvements on the leasehold.

No mortgage loan upon a leasehold, or any renewal or extension thereof for a period of more than six months, shall be made except on a written application showing the date, the name of the applicant, the amount of the loan requested, and the security offered, nor except upon the written report

of at least two members of the board of investment of the bank certifying upon such application according to their best judgment the value of the leasehold interest to be mortgaged and recommending the loan; and the application and written report thereon shall be filed with the bank records.

Every leasehold mortgage and every assignment of a leasehold mortgage taken or held by a savings bank shall be taken and held in its own name and shall immediately be recorded in the office of the county auditor of the county in which the property under lease is situated.

No mutual savings bank shall loan upon a leasehold interest in real estate unless,

(1) The lease contains a provision requiring the feeholder or his successors in interest to notify, in writing, the holder of any mortgage on the leasehold estate of any default on the part of the lessee in the performance of the obligations of the lease within ten days after such default occurs and unless the lease also provides that in the event of default of the lessee in the performance of any of the covenants of the lease, no forfeiture of the lease shall take place until thirty days after the holder of the mortgage on the leasehold estate has been served by the feeholder or his successors in interest with written notice of the default and of intention to forfeit the lease, or

(2) In the event the lease does not contain the provisions above described, the savings bank, prior to such loan, has obtained an agreement from the owner of the feehold to notify the savings bank of any default on the part of the lessee in the performance of the obligations of the lease within ten days after such default occurs, and that in event of default of the lessee in performance of any of the covenants of the lease, no forfeiture of the lease shall take place until thirty days after the savings bank

Mutual savings banks—Investments. First mortgages up-on leaseholds.

has been served by the feeholder or his successors in interest with written notice of the default and of intention to forfeit the lease. Such agreement shall be signed by the owner of the feehold estate and by all other persons or corporations holding a mortgage or other interest in the feehold estate, and shall be in such form as to bind their successors in interest, and shall be immediately recorded in the office of the county auditor of the county in which the property is situated.

No loan shall be made upon a leasehold interest in real estate for a period in excess of twenty years, or in any case where the lease is to expire in less than one and one-half times the term of the loan.

No loan shall be made upon a leasehold interest in real estate unless its terms require substantially equal semiannual, quarterly or monthly payments which, if continued at the same rate, would extinguish the debt at least five years prior to the expiration of the lease.

No loan on a leasehold estate shall be for an amount greater than two-thirds of the value of such leasehold estate. A loan may be made on a leasehold estate which is to be improved by a building or buildings to be constructed with the proceeds of such loan, if it is arranged that such proceeds will be used for that purpose and that when so used the property will qualify under this section.

New section.

SEC. 10. There is added to chapter 13, Laws of 1955 and to chapter 32.04 RCW, a new section, to be known as section 32.04.025, to read as follows:

Condominium as real property for bank purposes.

The words "real estate" and "real property" as used in this title shall include apartments or other portions, however designated, of horizontal property regimes, or a condominium interest in property, as may be created under any laws now in existence or hereafter enacted. A mutual savings bank may do any act necessary or appropriate in connection

with its interest in or ownership of any portion of a horizontal property regime or condominium.

SEC. 11. There is added to chapter 13, Laws of 1955 and to chapter 32.12 RCW a new section, to be known as section 32.12.100, to read as follows:

Any funds of the state and of any municipal corporation, taxing district, political subdivision, or political entity thereof, and any funds held in trust by or under the management of any of the above may be deposited in a mutual savings bank.

All the deposits must be fully insured by the federal deposit insurance corporation.

SEC. 12. There is added to chapter 13, Laws of 1955 and to chapter 32.12 RCW a new section, to be known as section 32.12.110, to read as follows:

Upon the death of any person having funds held by or on deposit with any mutual savings bank, such mutual savings bank 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 bank 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 to such payment or receipt for payment of any inheritance tax due has been received by such bank: *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

Mutual savings banks. Pay-
ment of funds to foreign
executor or administrator
—Procedure—
Notice, publi-
cation of.

a certified copy of his letters testamentary or of administration or certificate of qualification to the office or branch of such mutual savings bank 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 bank 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 mutual savings bank shall be sufficient proof of such publication.

New section.

SEC. 13. There is added to chapter 13, Laws of 1955 and to chapter 32.12 RCW a new section, to be known as section 32.12.120, to read as follows:

Notice to any mutual savings bank doing business in this state of an adverse claim to a deposit stand-

ing on its books to the credit of any person shall not be effectual to cause said bank to recognize said adverse claimant unless said adverse claimant shall also either procure a restraining order, injunction or other appropriate process against said bank 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, 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 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: *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 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.

Adverse claims to deposit accompanied by bond or court order—Exception.

Proviso.

SEC. 14. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section, to be known as section 32.20.215, to read as follows:

New section.

A mutual savings bank may invest not to exceed five percent of its funds in obligations issued or guaranteed by the Inter-American Development Bank.

Investments—Inter-American Development Bank obligations.

SEC. 15. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section, to be known as section 32.20.235, to read as follows:

New section.

A mutual savings bank may invest its funds in promissory notes secured by a pledge or assignment

Mutual savings banks—Investments. Notes secured by pledge or assignment of first mortgages or real estate contracts.

of one or more first mortgages or real estate contracts lawfully permissible for investments by a mutual savings bank. The loan may be made or renewed in an amount not exceeding the percentage of the value of the property covered by the mortgage or contract authorized for such mortgage or contract by this chapter. The amount of the loan shall not exceed the balance due on such mortgages or contracts.

If the mortgages or contracts offered as collateral are not within the classes permissible for investment under RCW 32.20.040, before the collateral loan is made or renewed the value of each of the properties covered by the mortgages or contracts offered or pledged as collateral shall be certified in accordance with the provisions of RCW 32.20.250. Each of the mortgages or contracts accepted as collateral and the mortgage notes secured thereby, if any, shall be assigned and endorsed to the savings bank.

New section.

SEC. 16. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section, to be known as section 32.20.380, to read as follows:

Stocks, securities, of certain corporations not otherwise eligible for investment.

A mutual savings bank may invest its funds in stocks or other securities of corporations other than banks whose home offices are located in the state of Washington not otherwise eligible for investment by the savings bank which are prudent investments for the bank in the opinion of its board of trustees or of a committee thereof whose action is ratified by the board at its regular meeting next following the investment. The total amount a mutual savings bank may invest pursuant to this section shall not exceed fifty percent of the total of its guaranty fund, undivided profits, and unallocated reserves, or five percent of its deposits, whichever is less.

New section.

SEC. 17. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section, to be known as section 32.20.390, to read as follows:

A mutual savings bank may invest its funds:

(1) In capital stock, notes, bonds, debentures, participating certificates, and other obligations of any corporation or association which is or hereafter may be created pursuant to any law of the United States for the purpose of insuring or marketing real estate mortgages: *Provided*, That the amount a mutual savings bank may invest in the capital stock of any one such corporation shall not exceed five percent of the funds of the mutual savings bank and the total amount it may invest in capital stock pursuant to this subsection (1) shall not exceed ten percent of the funds of the mutual savings bank.

Obligations of federally authorized corporations insuring or marketing real estate mortgages.

Proviso.

(2) In such loans, advances of credit, participating certificates, and purchases of obligations representing loans and advances of credit as are eligible for insurance by any corporation or association which is or hereafter may be created pursuant to any law of the United States for the purpose of insuring real estate mortgages. The bank may do all acts necessary or appropriate to obtain such insurance. No law of this state prescribing the nature, amount, or form of security, or prescribing or limiting the period for which loans or advances of credit may be made shall apply to loans, advances of credit, or purchases made pursuant to this subsection (2).

Loans, certificates, etc., eligible for insurance.

SEC. 18. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW a new section, to be known as section 32.20.400, to read as follows:

New section.

A mutual savings bank may invest not to exceed five percent of its funds in loans for home or property repairs, alterations, appliances, improvements, or additions: *Provided*, That

Loans for home or property repair, appliances, additions.

Proviso.

- (1) The principal amount of any loan shall not exceed thirty-five hundred dollars;
- (2) The loan shall be evidenced by a note or notes;
- (3) The application therefor shall specifically

state that the proceeds are to be used for housing or property repairs, alterations, appliances, improvements, or additions on or used in connection with property owned by the borrower; and

(4) The term of the loan shall require repayment in equal monthly payments beginning within two months of the date of disbursement and extending not more than sixty months.

New section.

SEC. 19. There is added to chapter 13, Laws of 1955 and to chapter 32.20 RCW, a new section to be known as section 32.20.410, to read as follows:

Mutual savings banks—Investments. Limitation of total investment in certain obligations.

The aggregate total amount a mutual savings bank may invest in the following shall not exceed eighty percent of its funds:

- (1) Mortgages upon real estate and participations therein;
- (2) Contracts for the sale of realty;
- (3) Mortgages upon leasehold estates;
- (4) Notes secured by pledges or assignments of first mortgages or real estate contracts; and
- (5) Notes, bonds, debentures, advances of credit, participating certificates, and other obligations of any corporation or association which is or hereafter may be created pursuant to any law of the United States for the purpose of insuring or marketing real estate mortgages.

Severability.

SEC. 20. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the Senate February 22, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 177.

[Sub. S. B. 81.]

BEAVER.

AN ACT relating to beavers; amending section 77.20.010, chapter 36, Laws of 1955 and RCW 77.20.010; amending section 77.20.020, chapter 36, Laws of 1955 and RCW 77.20.020; amending section 77.20.030, chapter 36, Laws of 1955 and RCW 77.20.030; amending section 77.20.040, chapter 36, Laws of 1955 and RCW 77.20.040; amending section 77.20.045, chapter 36, Laws of 1955 and RCW 77.20.045; amending section 77.20.050, chapter 36, Laws of 1955 and RCW 77.20.050; amending section 77.32.190, chapter 36, Laws of 1955 as amended by section 11, chapter 176, Laws of 1957, and RCW 77.32.190; amending section 77.12.270, chapter 36, Laws of 1955 and RCW 77.12.270; amending section 77.12.290, chapter 36, Laws of 1955 as amended by section 2, chapter 177, Laws of 1957 and RCW 77.12.290; adding two new sections to chapter 36, Laws of 1955 and chapter 77.20 RCW; and providing penalties.

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

SECTION 1. Section 77.20.010, chapter 36, Laws of 1955 and RCW 77.20.010 are each amended to read as follows:

RCW 77.20.010 amended.

For the purpose of properly administering, perpetuating, protecting, and maintaining the beaver of the state, the same is hereby declared to be a fur-bearing animal and may be hunted, trapped, killed, or possessed, or the pelts thereof sold, as provided in this chapter.

Beaver as fur-bearer.

SEC. 2. Section 77.20.020, chapter 36, Laws of 1955 and RCW 77.20.020 are each amended to read as follows:

RCW 77.20.020 amended.

The commission may make reasonable rules and regulations for purposes of administration and enforcement of the laws pertaining to beaver and regulating the propagation, hunting, trapping, killing, and possession of beaver and the sale of beaver skins. The commission, through the director, may enter

Beavers. Rules and regulations—Cooperative agreements.

into cooperative agreements with private landowners for the hunting, trapping, and killing of beaver upon the land of such owners. Under such agreements the commission, through the director, shall designate the maximum number of beaver which may be taken each year from the land of the owner. All taking, hunting, trapping, or killing of beaver under cooperative agreements shall be done only by the commission, acting through the director or his duly authorized representatives, with costs thereof to be paid out of the state game fund.

RCW 77.20.030
amended.

SEC. 3. Section 77.20.030, chapter 36, Laws of 1955 and RCW 77.20.030 are each amended to read as follows:

Beavers. Skins,
disposal of.

All beaver skins obtained by the director or his representatives under this title shall be sold to licensed fur buyers only at auction to the highest bidder. The time of any sale shall be within the discretion of the director. From the proceeds of sales there shall be paid to the owner of the land upon which the beaver was taken under any cooperative agreement, such amount as was stipulated therein and the balance of the proceeds shall be deposited in the state game fund. In the making of any cooperative agreement under the provisions of this title, the commission, through the director, may provide for such compensation to the landowner as may be deemed just and reasonable based upon a percentage payment per pelt sold or upon a fixed fee basis or otherwise.

RCW 77.20.040
amended.

SEC. 4. Section 77.20.040, chapter 36, Laws of 1955 and RCW 77.20.040 are each amended to read as follows:

Trapping of
beaver doing
damage—By
commission.

The commission, through the director or his duly authorized representatives, may hunt, trap, or kill beaver on private lands when the owners thereof are suffering damage. Beaver may likewise be

hunted, trapped, or killed on public lands by the director or his duly authorized representatives whenever and wherever the commission deems it necessary and advisable.

SEC. 5. Section 77.20.045, chapter 36, Laws of 1955 and RCW 77.20.045 are each amended to read as follows:

RCW 77.20.045 amended.

If beavers or other burrowing animals are damaging, or endangering any land the owner or occupant of such land may trap or kill such animals. If he does so, such person must notify the commission regarding the number of the animals disposed of and when possible, surrender the pelts thereto to the commission.

Trapping of beavers doing damage—By owner.

SEC. 6. Section 77.20.050, chapter 36, Laws of 1955 and RCW 77.20.050 are each amended to read as follows:

RCW 77.20.050 amended.

Prior to sale all beaver skins to be sold under the provisions of RCW 77.20.030 shall be properly cared for, preserved, and tagged or sealed by the director or his representatives.

Skins to be tagged.

SEC. 7. Section 77.32.190, chapter 36, Laws of 1955 as last amended by section 11, chapter 176, Laws of 1957 and RCW 77.32.190 are each amended to read as follows:

RCW 77.32.190 amended.

Any resident may by paying the sum of five dollars obtain a state trapping license which shall entitle the holder thereof to trap furbearing animals for their hides or their pelts only, within any county of the state until the first day of April next following the date of its issuance, at any time when it is lawful to trap such animals.

Trapper's license—Furbearing animals.

SEC. 8. Section 77.12.270, chapter 36, Laws of 1955 and RCW 77.12.270 are each amended to read as follows:

RCW 77.12.270 amended.

Damages caused by deer, elk— Payment authorized.

In accordance with the terms and provisions of RCW 77.12.270 to 77.12.300, inclusive, and pursuant to such rules and regulations as may be promulgated by the commission hereunder, the commission, by and through the director, is hereby authorized to compromise, adjust, settle, and pay claims for damages caused by deer or elk out of moneys from time to time appropriated to the department for such purposes.

RCW 77.12.290 amended.

SEC. 9. Section 77.12.290, chapter 36, Laws of 1955 as amended by section 2, chapter 177, Laws of 1957 and RCW 77.12.290 are each amended to read as follows:

Damages caused by deer, elk— Notice of claim required— Damages on public lands excluded.

Notice of all claims for damages caused by deer or elk shall be filed in writing with the commission in the offices of the department of game, Olympia, Thurston county, Washington, within ninety days after the claimed damage has occurred, or within ninety days following the discovery of the claimed damage. In the event the damages are unascertainable within such ninety day period, the notice shall so state. The failure to file notice of any claim or pending claim shall bar payment thereof. No payment shall be made to any claimant for damages occurring on lands leased by claimant from any public agency.

New section.

SEC. 10. There is added to chapter 36, Laws of 1955, and to chapter 77.20 RCW a new section to read as follows:

Beavers. Trapping lawful, when— Supplemental beaver tags.

It shall be lawful for any resident, licensed under RCW 77.32.190, to trap, hunt, or kill beaver for their skins in such areas and at such times as the commission by rule or regulation may permit.

It shall be unlawful for a licensee to trap, hunt, or kill beaver without first having procured from the director a tag or tags to be known as supplemental beaver tags. The fee for issuing and procuring each tag shall be one dollar and shall be paid in addition

to all other license fee prescribed by law. Beaver tags shall be prepared and distributed under the supervision of the director in such number and manner each year as he deems advisable. The tags shall bear the name "department of game of the state of Washington" and the year for which it is issued, and any other distinguishing marks deemed necessary by the director. The tags shall be void on the first day of April next following the date of issuance.

SEC. 11. There is added to chapter 36, Laws of 1955 and to chapter 77.20 RCW a new section to read as follows: New section.

Beaver tags shall be in the possession of all persons while they are engaged in trapping beaver. Any person who traps a beaver shall as soon as feasible attach one of his tags to the skin. No person shall purchase from any trapper any skin that does not bear a supplemental beaver tag. **The purchaser of the skin shall return the tag to the commission within five days of the date of purchase.* —Trappers to carry, attach, tags—
Purchased skins to bear tags—Violation.

*Sentence vetoed.

Any person violating any provision of this section shall be subject to the penalties provided in RCW 77.20.060.

Passed the Senate March 3, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 26, 1963, with the exception of a certain item in Section 11, which was vetoed.

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

"The bill removes beavers from the list of protected fur-bearing animals. It allows private owners of property to hunt or trap beaver after giving notice to the Commission.

"Section 11 contains the following item: 'The purchaser of the skin shall return the tag to the commission within five days of the date of purchase.' I disapprove and veto this item because the Game Commission advises me that in many instances it would be physically impossible to return to the Commission a beaver tag within five days.

"With the exception of the foregoing item which is vetoed, the remainder of Senate Bill No. 81 is approved."

Veto message, excerpt.

ALBERT D. ROSELLINI,
Governor.

CHAPTER 178.

[S. B. 180.]

HUMAN REMAINS—JURISDICTION—AUTOPSY—
DISSECTION.

AN ACT relating to coroners; and amending section 3, chapter 90, Laws of 1917 as amended by section 1, chapter 188, Laws of 1953 and RCW 68.08.010; amending section 237, chapter 249, Laws of 1909 as amended by section 2, chapter 188, Laws of 1953 and RCW 68.08.100; amending section 7, chapter 188, Laws of 1953 and RCW 68.08.104.

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

RCW 68.08.010
amended.

SECTION 1. Section 3, chapter 90, Laws of 1917, as amended by section 1, chapter 188, Laws of 1953 and RCW 68.08.010 are each amended to read as follows:

Coroner's
jurisdiction
over human
remains.

The jurisdiction of bodies of all deceased persons who come to their death suddenly when in apparent good health without medical attendance within the thirty-six hours preceding death; or where the circumstances of death indicate death was caused by unnatural or unlawful means; or where death occurs under suspicious circumstances; or where a coroner's autopsy or post mortem or coroner's inquest is to be held; or where death results from unknown or obscure causes, or where death occurs within one year following an accident; or where the death is caused by any violence whatsoever, or where death results from a known or suspected abortion; whether self-induced or otherwise; where death apparently results from drowning, hanging, burns, electrocution, gunshot wounds, stabs or cuts, lightning, starvation, radiation, exposure, alcoholism, narcotics or other addictions, tetanus, strangulations, suffocation or smothering; or where death is due to premature birth or still birth; or where death is due to a violent contagious disease or suspected contagious disease which may be a

public health hazard; or where death results from alleged rape, carnal knowledge or sodomy, where death occurs in a jail or prison; where a body is found dead or is not claimed by relatives or friends, is hereby vested in the county coroner, which bodies may be removed and placed in the morgue under such rules as are adopted by the coroner with the approval of the county commissioners, having jurisdiction, providing therein how the bodies shall be brought to and cared for at the morgue and held for the proper identification where necessary.

SEC. 2. Section 237, chapter 249, Laws of 1909 as amended by section 2, chapter 188, Laws of 1953 and RCW 68.08.100 are each amended to read as follows:

RCW 68.08.100 amended.

The right to dissect a dead body shall be limited to cases specially provided by statute or by the direction or will of the deceased; cases where a coroner is authorized to hold an inquest upon the body, and then only as he may authorize dissection; and cases where the spouse or next of kin charged by law with the duty of burial shall authorize dissection for the purpose of ascertaining the cause of death, and then only to the extent so authorized: *Provided*, That the coroner, in his discretion, may make or cause to be made by a competent pathologist, toxicologist, or physician, an autopsy or post mortem in any case in which the coroner has jurisdiction of a body: *Provided, further*, That the coroner may with the approval of the University of Washington and with the consent of a parent or guardian deliver any body of a deceased person under the age of three years over which he has jurisdiction to the University of Washington medical school for the purpose of having an autopsy made to determine the cause of death. Every person who shall make, cause, or procure to be made any dissection of a body, except as above provided, shall be guilty of a gross misdemeanor.

Dissection, when permitted.

Proviso.

Proviso.

RCW 68.08.104 amended.

SEC. 3. Section 7, chapter 188, Laws of 1953 and RCW 68.08.104 are each amended to read as follows:

Human remains—Cost of autopsy.

The cost of autopsy shall be borne by the county in which the autopsy is performed, except when requested by the department of labor and industries, in which case, the said department shall bear the cost of such autopsy; and except when performed on a body of an infant under the age of three years by the University of Washington medical school, in which case the medical school shall bear the cost of such autopsy.

Passed the Senate March 3, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 179.

[S. B. 251.]

PROPERTY TAXES—EXEMPTIONS—SOIL AND WATER CONSERVATION DISTRICTS.

AN ACT relating to the taxation of property of soil and water conservation districts; and adding a new section to chapter 15, Laws of 1961 and to chapter 84.36 RCW.

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

New section.

SECTION 1. There is added to chapter 15, Laws of 1961 and to chapter 84.36 RCW a new section to read as follows:

Personalty of soil and water conservation districts tax exempt. Proviso.

All personal property belonging solely to soil and water conservation districts shall be exempt from taxation: *Provided*, That the exemption contained herein shall not apply to property of any such district which engages in contract work for persons or firms not landowners or cooperators of a district.

Passed the Senate March 11, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 180.

[S. B. 290.]

WASHINGTON STATE UNIVERSITY—STUDENT FEES.

AN ACT relating to education; authorizing the board of regents of Washington State University to establish, charge and collect general tuition, incidental fees, and other fees from students of the university; providing for the disposition of such fees; amending section 1, chapter 164, Laws of 1921, as last amended by section 1, chapter 11, Laws of 1961 extraordinary session and RCW 28.80.030; and declaring an emergency.

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

SECTION 1. Section 1, chapter 164, Laws of 1921, as last amended by section 1, chapter 11, Laws of 1961 extraordinary session and RCW 28.80.030 are each amended to read as follows:

RCW 28.80.030 amended.

The board of regents of Washington State University shall charge to and collect from each of the students registered therein such general tuition fee, incidental fees, and other fees as it shall in its discretion determine: *Provided*, That such general tuition and incidental fees for semesters other than summer session shall be in at least the following amounts:

Washington State University—Student fees.

Proviso.

A. For schools, colleges and departments other than the college of veterinary medicine, for

(1) Resident students:

(a) General tuition fee, fifty-two dollars and fifty cents; and

(b) Incidental fees, an amount which, together with such general tuition fees, will be not less than one hundred five dollars: *Provided*, That the total of the general tuition fees together with incidental fees shall not exceed an amount of three hundred dollars in any one academic year exclusive of the summer session.

Proviso.

(2) Nonresident students:

(a) General tuition fee, one hundred fifty-seven dollars and fifty cents, and

Washington
State University—Student
fees.

(b) Incidental fees an amount which, together with such general tuition fee, will be not less than two hundred twenty-five dollars.

B. For the college of veterinary medicine, for

(1) Resident students:

(a) General tuition fee, not less than fifty-two dollars and fifty cents; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty-five dollars.

(2) Nonresident students:

(a) General tuition fee, not less than one hundred fifty-seven dollars and fifty cents; and

(b) Incidental fees, an amount which, together with such general tuition fee, will be not less than three hundred twenty-five dollars.

The term "resident students" as used in this section shall mean full-time students who have been domiciled in this state at least one year prior to the commencement of the semester for which he registers, the children and spouses of federal employees residing within the state, and children and spouses of military personnel assigned to Washington State University and children and spouses of staff members of the university. The term "nonresident students" shall mean all full-time students other than resident students.

The term "general tuition fee" as used in this section shall mean the general tuition fee charged students registered at the university for semesters other than summer session, which fees are to be used solely for purposes provided in RCW 28.80.040. The term "incidental fees" as used in this section shall include the fees, other than general tuition fees, charged all students registering at the university for semesters other than summer session but shall not include fees for short courses, experimental station work, correspondence or extension courses,

and individual instruction and student deposits or rentals, disciplinary and library fines, 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 university heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon or such other special fees as may be established by such board from time to time.

SEC. 2. This act is necessary for the immediate Emergency. 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 2, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 181.

[S. B. 301.]

UNIVERSITY OF WASHINGTON—STUDENT FEES.

AN ACT relating to education; authorizing the board of regents of the University of Washington to establish, charge and collect general tuition fees, incidental fees and other fees from students of the university; and amending section 2, chapter 66, Laws of 1915, as last amended by section 1, chapter 10, Laws of 1961 extraordinary session and RCW 28.77.030; and declaring an emergency.

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

SECTION 1. Section 2, chapter 66, Laws of 1915, as last amended by section 1, chapter 10, Laws of 1961 extraordinary session and RCW 28.77.030 are each amended to read as follows:

RCW 28.77.030
amended.

University of
Washington—
Student fees.

The board of regents of the University of Washington shall charge to and collect from each of the students registering therein such general tuition fees, incidental fees and other fees as it shall in its discretion determine: *Provided*, That such general tuition fees and incidental fees for quarters other than summer session shall be in at least the following amounts:

Proviso.

(1) For schools and departments other than the schools of medicine and dentistry, for

(a) Resident students

(i) General tuition fees, thirty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fees, will be not less than seventy dollars: *Provided*, That the total of the general tuition fees together with incidental fees shall not exceed an amount of three hundred dollars in any one academic year exclusive of the summer session.

Proviso.

(b) Nonresident students

(i) General tuition fee, not less than one hundred five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty dollars.

(2) For schools of medicine and dentistry, for

(a) Resident students except physical and occupational therapy students

(i) General tuition fee, not less than one hundred dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred fifty dollars.

(b) Nonresident students except physical and occupational therapy students

(i) General tuition fee, not less than one hundred sixty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than two hundred fifty dollars.

(c) Resident physical and occupational therapy students

(i) General tuition fee, not less than sixty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than one hundred ten dollars.

(d) Nonresident physical and occupational therapy students

(i) General tuition fee, not less than one hundred twenty-five dollars; and

(ii) Incidental fees, an amount which, together with such general tuition fee, will be not less than two hundred ten dollars.

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

The term "general tuition fees" as used in this section shall mean the general tuition fee charged students registered at the university for quarters other than summer session which fees are to be used solely for the purposes prescribed in RCW 28.77.040. The term "incidental fees" as used in this section shall include the fees, other than general tuition fees, charged all students registering at the university for quarters other than summer sessions but shall not include fees for short courses, marine station work,

University of
Washington—
Student fees.

correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, 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 university heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon or such other special fees as may be established by such board from time to time.

Emergency.

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

Passed the Senate March 2, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 182.

[S. B. 411.]

UNIVERSITY OF WASHINGTON—WASHINGTON STATE
UNIVERSITY—FINANCING BUILDINGS AND
FACILITIES.

AN ACT relating to the construction, completion and remodeling of buildings at the state universities; amending section 2, chapter 254, Laws of 1957 as amended by section 2, chapter 193, Laws of 1959 and RCW 28.77.510; amending section 3, chapter 254, Laws of 1957 as amended by section 3, chapter 193, Laws of 1959 and RCW 28.77.520; and amending section 3, chapter 12, Laws of 1961 extraordinary session and RCW 28.80.520.

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

SECTION 1. Section 2, chapter 254, Laws of 1957 as amended by section 2, chapter 193, Laws of 1959 and RCW 28.77.510 are each amended to read as follows:

RCW 28.77.510
amended.

The following terms, whenever used or referred to in this chapter, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

U. of Wash.—
Financing
buildings and
facilities.
Definitions.

(1) The word “board” means the board of regents of the University of Washington.

(2) The words “general tuition fees” means the general tuition fee charged students registering at the university.

(3) The words “bond retirement fund” mean the special fund created by chapter 254, Laws of 1957, to be known as the University of Washington bond retirement fund.

(4) The word “bonds” means the bonds payable out of the bond retirement fund.

(5) The word “projects” means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of the university authorized by the legislature

at any time and to be financed by the issuance and sale of bonds.

Note: See also section 2, chapter 224, Laws of 1963.

RCW 28.77.520 amended.

SEC. 2. Section 3, chapter 254, Laws of 1957 as amended by section 3, chapter 193, Laws of 1959 and RCW 28.77.520 are each amended to read as follows:

U. of Wash.—
Financing
buildings and
facilities. Con-
tracts, issuance
of evidences of
indebtedness,
acceptance of
grants.

In addition to the powers conferred under existing law, the board is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the university as are and which may hereafter be authorized by the legislature.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the revenues and receipts of the bond retirement fund.

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

RCW 28.80.520 amended.

SEC. 3. Section 3, chapter 12, Laws of 1961 extraordinary session and RCW 28.80.520 are each amended to read as follows:

W.S.U.—
Financing
buildings and
facilities. Con-
tracts, issuance
of evidences of
indebtedness,
acceptance of
grants.

In addition to the powers conferred under existing law, the board is authorized and shall have the power:

(1) To contract for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of such buildings or other facilities of the university as are or may be authorized by the legislature.

(2) To finance the same by the issuance of bonds secured by the pledge of any or all of the revenues and receipts of the bond retirement fund.

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

Passed the Senate February 27, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 183.

[S. B. 413.]

UNIVERSITY OF WASHINGTON—WASHINGTON STATE
UNIVERSITY—BONDS FOR CAPITAL
IMPROVEMENT PROJECTS.

AN ACT relating to the state universities; authorizing the issuance of bonds for capital improvement projects at the University of Washington and Washington State University; and declaring an emergency.

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

SECTION 1. For the purpose of providing funds to pay part of the cost of the projects authorized in the 1963-65 capital budget for the University of Washington, as adopted by the legislature, the board of regents of the University of Washington is hereby authorized to issue bonds pursuant to the general tuition fee bonding authority of the University as set forth in chapter 254, Laws of 1957, as amended by chapter 193, Laws of 1959, and chapter 28.77 RCW, in the total principal sum of not to exceed six million seven hundred and fifty thousand dollars in addition to the general tuition fee bonds heretofore authorized.

Bonds for capital improvements, issuance authorized. U. of Wash.

SEC. 2. For the purpose of providing funds to pay part of the cost of the projects authorized in the 1963-65 capital budget for Washington State Uni—w.s.u.

Bonds for capital improvements, issuance authorized. W.S.U.

versity, as adopted by the legislature, the board of regents of Washington State University is hereby authorized to issue bonds pursuant to the general tuition fee bonding authority of Washington State University as set forth in chapter 12, Laws of 1961 first extraordinary session and chapter 28.80 RCW, in the total principal sum of not to exceed four million five hundred eighty-three thousand dollars in addition to the general tuition fee bonds heretofore authorized.

Emergency.

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

Passed the Senate February 27, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 184.

[Sub. S. B. 21.]

CITIES AND TOWNS—ADOPTION OF CODES
BY REFERENCE.

AN ACT relating to the adoption of codes by reference; and amending section 1, chapter 32, Laws of 1935 as amended by section 1, chapter 213, Laws of 1943 and RCW 35.21.180.

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

RCW 35.21.180 amended.

SECTION 1. Section 1, chapter 32, Laws of 1935 as amended by section 1, chapter 213, Laws of 1943 and RCW 35.21.180 are each amended to read as follows:

Cities & towns. Ordinances—Adoption of codes by reference. Provide.

Ordinances passed by cities or towns must be posted or published in a newspaper as required by their respective charters or the general laws: *Provided*, That ordinances may by reference adopt

Washington state statutes and codes, including fire codes and ordinances relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health and sanitation, the slaughtering, processing and selling of meats and meat products for human consumption, the production, pasteurizing and sale of milk and milk products, or other subjects, may adopt by reference, any printed code or compilation, or portions thereof, together with amendments thereof or additions thereto, on the subject of the ordinance; and where publications of ordinances in a newspaper is required, such Washington state statutes or codes or other codes or compilations so adopted need not be published therein: *Provided, however,* That not less than three copies of such statute, code or compilation and amendments and additions thereto adopted by reference shall be filed for use and examination by the public, in the office of the city or town clerk of said city, or town prior to adoption thereof. Any city or town ordinance heretofore adopting any state law or any such codes or compilations by reference are hereby ratified and validated.

Proviso.

Passed the Senate March 6, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 185.

[S. B. 52.]

PROBATE LAW AND PROCEDURE—AWARDS IN LIEU OF HOMESTEAD—HOMESTEAD AND ADDITIONAL AWARDS.

AN ACT relating to awards in lieu of and in addition to homesteads; amending section 2, chapter 264, Laws of 1951, as amended by section 10, chapter 205, Laws of 1955, and RCW 11.52.010; amending section 7, chapter 264, Laws of 1951, as amended by section 11, chapter 205, Laws of 1955, and RCW 11.52.020; and amending section 8, chapter 264, Laws of 1951 and RCW 11.52.022.

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

RCW 11.52.010 amended.

SECTION 1. Section 2, chapter 264, Laws of 1951, as amended by section 10, chapter 205, Laws of 1955, and RCW 11.52.010 are each amended to read as follows:

Probate. Award in lieu of homestead—Amount—Time for filing petition.

If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of ten thousand dollars at the time of death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, and exclusive of any mortgage or mechanic's, laborer's or materialmen's or vendor's liens upon the property so set off, and exclusive of funeral expenses, expenses of last sickness and administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving

spouse; provided that the court shall have no jurisdiction to make such award unless the petition therefor is filed with the clerk within six years from the date of the death of the person whose estate is being administered.

SEC. 2. Section 7, chapter 264, Laws of 1951, as amended by section 11, chapter 205, Laws of 1955, and RCW 11.52.020 are each amended to read as follows:

RCW 11.52.020 amended.

In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead results in vesting the complete or partial title in the survivor, it shall be the duty of the court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed ten thousand dollars at the time of the death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased and exclusive of mortgages, mechanic's, laborer's, materialmen's or vendor's liens thereon, and exclusive of funeral expenses, expenses of last sickness and of administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse, to enter a decree, upon notice as provided in RCW 11.52.014 or upon longer notice if the court so orders, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor: *Provided*, That if there be any minor child or incompetent heirs of the decedent, the court shall appoint a guardian ad litem for such child or incompetent heir who shall appear at the hearing and represent the interest of such minor child or incompetent heir.

Homestead may be awarded to survivor—Appointment of guardian ad litem.

Proviso.

SEC. 3. Section 8, chapter 264, Laws of 1951 and RCW 11.52.022 are each amended to read as follows:

RCW 11.52.022 amended.

If the value of the homestead, exclusive of all

Probate—
Award in
addition to
homestead—
Conditions
under which
such award
may be denied
or reduced.

such liens, be less than ten thousand dollars, the court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration, have been paid or provided for, shall set off and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all such liens and expenses when added to the value of the other property awarded, exclusive of all such liens and expenses shall equal ten thousand dollars: *Provided*, That if it shall appear to the court, either (1) there are minor or incompetent children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) if such surviving spouse is entitled to receive insurance on the life of the deceased spouse in the sum of five thousand dollars, or more, then the award of property in addition to the homestead, where the homestead is of less than ten thousand dollars in value, shall lie in the discretion of the court, and that where there shall be an award in addition to the homestead and the amount thereof shall be determined by the court, who shall enter such decree as shall be just and equitable, but not in excess of the award provided herein.

Proviso.

Passed the Senate February 15, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 186.

[Sub. S. B. 59.]

ADMINISTRATIVE PROCEDURES ACT—LEGISLATIVE
REVIEW OF RULES.

AN ACT relating to state government; providing for review of administrative rules and regulations; and adding a new section to chapter 234, Laws of 1959 and to chapter 34.04 RCW.

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

SECTION 1. There is added to chapter 234, Laws of 1959 and to chapter 34.04 RCW a new section to read as follows: New section.

All rules required to be filed pursuant to RCW 34.04.040 shall be subject to review by the legislature to determine whether such rules are within the intent of the statutes purporting to authorize the adoption thereof. The Legislative Council may biennially review agency regulations to determine if the legislative intent is being correctly followed. A comprehensive report of said biennial review with recommendations shall be submitted to the members of the legislature ten days prior to the start of each regular session. Rules filed under RCW 34.04.040 subject to legislative review.

Passed the Senate February 20, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 187.

[S. B. 61.]

URBAN TRANSPORTATION SYSTEMS—FUEL TAX EXEMPTIONS AND REFUNDS.

AN Act relating to taxation; and amending sections 82.36.275 and 82.40.047, chapter 15, Laws of 1961 as amended by sections 1 and 2, chapter 117, Laws of 1961, and RCW 82.36-.275 and 82.40.047.

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

RCW 82.36.275 amended.

SECTION 1. Section 82.36.275, chapter 15, Laws of 1961, as amended by section 1, chapter 117, Laws of 1961, and RCW 82.36.275 are each amended to read as follows:

Motor vehicle fuel tax—Refunds for urban transportation systems.

Notwithstanding RCW 82.36.240, every urban passenger transportation system shall receive a refund of the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used, whether such vehicle fuel tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such tax to the price of such fuel.

For the purposes of this section “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) do not extend for a distance exceeding six road miles beyond the corporate limits of the city in which the

original starting points of such motor vehicles are located: *Provided*, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than six road miles beyond the corporate limits of the city in which said trip originated: *Provided further*, That this section shall expire June 30, 1965.

SEC. 2. Section 82.40.047, chapter 15, Laws of 1961 as amended by section 2, chapter 117, Laws of 1961 and RCW 82.40.047 are each amended to read as follows:

Notwithstanding any provisions of law to the contrary, every urban passenger transportation system shall be exempt from the provisions of chapter 82.40 requiring the payment of use 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 route 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 six road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: *Provided*, That no refunds authorized by this section shall be granted on fuel used by any urban transportation vehicle on any trip where any portion of said trip is more than six road miles beyond the corporate limits of the city in which said trip origi-

Proviso.

nated: *Provided further*, That this section shall expire June 30, 1965.

Passed the Senate February 15, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 188.

[S. B. 65.]

COURT COMMISSIONERS—POWERS, FEES.

AN ACT relating to court commissioners; and amending section 2, chapter 124, Laws of 1909 and RCW 2.24.040.

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

RCW 2.24.040 amended.

SECTION 1. Section 2, chapter 124, Laws of 1909 and RCW 2.24.040 are each amended to read as follows:

Court commissioners—Powers—Fees.

Such court commissioner shall have power, authority and jurisdiction, concurrent with the superior court and the judge thereof, in the following particulars:

(1) To hear and determine all matters in probate, to make and issue all proper orders therein, and to issue citations in all cases where same are authorized by the probate statutes of this state.

(2) To grant and enter defaults and enter judgment thereon.

(3) To issue temporary restraining orders and temporary injunctions, and to fix and approve bonds thereon.

(4) To act as referee in all matters and actions referred to him by the superior court as such, with all the powers now conferred upon referees by law.

(5) To hear and determine all proceedings supplemental to execution, with all the powers conferred upon the judge of the superior court in such matters.

(6) To hear and determine all petitions for the adoption of children, for the dissolution of incorporations, and to change the name of any person.

(7) To hear and determine all applications for the commitment of any person to the hospital for the insane, with all the powers of the superior court in such matters: *Provided*, That in cases where a jury is demanded, same shall be referred to the superior court for trial. Proviso.

(8) To hear and determine all complaints for the commitments of minors with all powers conferred upon the superior court in such matters.

(9) To grant adjournments, administer oaths, preserve order, compel attendance of witnesses, and to punish for contempts in the refusal to obey or the neglect of his lawful orders made in any matter before him as fully as the judge of the superior court.

(10) To take acknowledgments and proofs of deeds, mortgages and all other instruments requiring acknowledgment under the laws of this state, and to take affidavits and depositions in all cases.

(11) To provide an official seal, upon which shall be engraved the words "Court Commissioner," and the name of the county for which he may be appointed, and to authenticate his official acts therewith in all cases where same is necessary.

(12) To charge and collect, for his own use, the same fees for the official performance of official acts mentioned in subdivisions (4) and (10) herein as are provided by law for referees and notaries public.

Passed the Senate February 16, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 189.

[S. B. 143.]

ELECTIONS—PARTISAN PRIMARIES—PARTY
NOMINEES.

AN ACT relating to elections; and amending section 16, chapter 130, Laws of 1961 and RCW 29.18.110.

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

RCW 29.18.110 amended.

SECTION 1. Section 16, chapter 130, Laws of 1961 and RCW 29.18.110 are each amended to read as follows:

Partisan primaries—Number of votes necessary to nominate.

No candidate for a party nomination shall be the party nominee unless he receives a number of votes equal to at least ten percent of the highest number cast for any candidate of his party in the political subdivision in which he is a candidate.

Subject thereto, any person who receives a plurality of the votes cast for the candidates of his party for any office shall be his party's nominee for that office.

If there are two or more positions of the same kind to be filled and more candidates of a party receive a plurality of the votes cast for those positions than there are positions to be filled, the number of candidates equal to the number of positions to be filled who receive the highest number of votes shall be the nominees of their party for those positions.

Passed the Senate February 7, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 190.

[S. B. 147.]

PROBATION SERVICES—OVERPAYMENT TO COUNTIES.

AN ACT relating to overpayments made to certain counties from funds appropriated pursuant to the provisions of section 10, chapter 331, Laws of 1959.

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

SECTION 1. Overpayments made to the counties of Benton, Franklin, Cowlitz, Douglas, Grant, Klickitat and Skamania by the director of institutions from funds appropriated by section 10, chapter 331, Laws of 1959 in the approximate aggregate amount of fifteen thousand seven hundred forty-four dollars and eighty cents as computed by the state auditor and the indebtedness of such counties to the state of Washington arising from such overpayments is hereby cancelled and shall be of no further force and effect and shall not be an indebtedness owing to the state of Washington.

Overpayments
to counties for
probation
services
cancelled.

Passed the Senate March 6, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 191.

[S. B. 159.]

CITIES AND TOWNS—PURSUIT AND ARREST OF
ORDINANCE VIOLATORS.

AN ACT relating to law enforcement officers of municipal corporations of the second and fourth classes; amending section 172, page 213, Laws of 1890, and RCW 35.27.240; and adding a new section to chapter 241, Laws of 1907, and to chapter 35.23 RCW.

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

RCW 35.27.240
amended.

SECTION 1. Section 172, page 213, Laws of 1890, and RCW 35.27.240 are each amended to read as follows:

Town marshal
—Powers and
duties.

The department of police in a town shall be under the direction and control of the marshal subject to the direction of the council. He shall prosecute before the police justice all violations of town ordinances which come to his knowledge. He shall have charge of the prison and prisoners. He may pursue and arrest violators of town ordinances beyond the town limits.

His lawful orders shall be promptly executed by deputies, police officers and watchmen. Every citizen shall lend him aid, when required, for the arrest of offenders and maintenance of public order. He may appoint, subject to the approval of the council, one or more deputies, for whose acts he and his bondsmen shall be responsible, whose compensation shall be fixed by the council. With the concurrence of the mayor, he may appoint additional policemen for one day only when necessary for the preservation of public order.

He shall have the same authority as that conferred upon sheriffs for the suppression of any riot, public tumult, disturbance of the peace, or resistance against the laws or public authorities in the lawful

exercise of their functions and shall be entitled to the same protection.

He shall execute and return all process issued and directed to him by any legal authority and for his services shall receive the same fees as are paid to constables.

He shall receive from the clerk all licenses and collect them. He shall perform such other services as the council by ordinance may require.

SEC. 2. There is added to chapter 241, Laws of 1907, and to chapter 35.23 RCW a new section to read as follows: New section.

Police officers of cities of the second class may pursue and arrest violators of city ordinances beyond the city limits. Police—Second class cities—May arrest beyond city limits.

Passed the Senate March 7, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 192.

[S. B. 169.]

INSURANCE, GROUP LIFE—DEPENDENTS OF EMPLOYEES OR LABOR UNION MEMBERS.

AN ACT relating to group life insurance on dependents of employees or labor union members; amending section .24.03, chapter 79, Laws of 1947 as amended by section 10, chapter 197, Laws of 1953 and RCW 48.24.030; and declaring an emergency.

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

SECTION 1. Section .24.03, chapter 79, Laws of 1947 as amended by section 10, chapter 197, Laws of 1953 and RCW 48.24.030 are each amended to read as follows: RCW 48.24.030 amended.

(1) Insurance under any group life insurance policy issued pursuant to RCW 48.24.020, or 48.24-

Group life insurance. Dependents of employees or labor union members.

.050 or 48.24.070 may, if seventy-five percent of the then insured employees or labor union members elect, be extended to insure the spouse and minor children, or any class or classes thereof, of each such insured employee or member who so elects, in amounts in accordance with a plan which precludes individual selection by the employees or members or by the employer or labor union or trustee, and which insurance on the life of any one family member other than a spouse shall not be in excess of fifty percent of the insurance on the life of the insured employee or member or the amount shown in the schedule below, whichever is less:

<i>Age of family member at death</i>	<i>Maximum insurance</i>
Under 6 months	\$100
6 months and under 2 years.....	\$200
2 years and under 3 years	\$400
3 years and under 4 years	\$600
4 years and under 5 years	\$800
5 years and over	\$1,000

Insurance on the life of a spouse of an insured employee or member shall not exceed one thousand dollars or the amount of insurance on the life of the insured employee or member, whichever is less.

Premiums for the insurance on such family members shall be paid by the policyholder, either from the employer's funds or funds contributed by him, trustee's funds, or labor union funds, and/or from funds contributed by the insured employees or members, or from both.

(2) Such a spouse insured pursuant to this section shall have the same conversion right as to the insurance on his or her life as is vested in the employee or member under this chapter.

Emergency.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety,

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 14, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 193.

[S. B. 170.]

UNIVERSITY OF WASHINGTON—CHILDREN'S CENTER, MENTAL RETARDATION.

AN ACT establishing a children's center for research and training in mental retardation at the University of Washington; and declaring an emergency.

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

SECTION 1. There is hereby established at the University of Washington a children's center for research and training in mental retardation.

Mental
retardation
center.
Established.

SEC. 2. The center shall be administered by the board of regents of the University of Washington with the assistance of a nonsalaried advisory committee consisting of the dean of the school of medicine of the University of Washington; the directors of the state department of health, department of institutions, and department of public assistance; the superintendent of public instruction; the assistant superintendent of instruction in charge of the state division of vocational rehabilitation; and three other members approved by the president of the University of Washington.

—Administration.

SEC. 3. The general purposes of the center shall be:

—Purposes.

(1) To provide clinical and laboratory facilities for research on the causes, diagnosis, prevention, and

Mental retar-
dation center—
U. of Wash.
Purposes.

treatment of mental retardation and other handicap-
ping conditions in children;

(2) To develop improved professional and in-
service training programs in the various disciplines
concerned with handicapped children;

(3) To provide diagnostic and consultative serv-
ices to various state programs and to regional and
local centers, to an extent compatible with the pri-
mary research and teaching objectives of the center.

Emergency.

SEC. 4. This act is necessary for the immediate
preservation of the public peace, health and safety,
the support of the state government and its existing
public institutions, and shall take effect immediately.

Passed the Senate March 8, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 194.

[S. B. 196.]

BANKS—AVAILABLE FUNDS—INVESTMENT IN SERVICE
CORPORATIONS—PRESENTMENT OF ITEMS.

AN ACT relating to banks and banking; amending section 30.04-
.090, chapter 33, Laws of 1955, as last amended by section
2, chapter 106, Laws of 1959, and RCW 30.04.090; and add-
ing a new section to chapter 30.52 RCW.

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

RCW 30.04.090
amended.

SECTION 1. Section 30.04.090, chapter 33, Laws
of 1955, as last amended by section 2, chapter 106,
Laws of 1959, and RCW 30.04.090, are each amended
to read as follows:

Banks, trust
companies.
Minimum
available funds
required—
Exception.

Every bank and trust company shall maintain
available funds of not less than six percent of its
savings account and time account deposits and not
less than fifteen percent of all of its other deposits

and one hundred percent of its uninvested trust funds; such funds may consist of balances due it from such banks or trust companies as the supervisor may approve, and actual cash or checks on solvent banks located in the same city. Deficiencies in required available funds shall be computed on the basis of the average of daily net balances of such sums, covering semimonthly periods. The supervisor shall prescribe the dates for the commencement and ending of such periods. Each bank shall maintain a record of its daily computations of the above balances on forms prescribed by the supervisor. In the event of a deficiency for a semimonthly period, such bank shall immediately forward to the supervisor a report of such deficiency, the record of its computations for the period deficient and for the prior period, and such additional information as the supervisor requests. This section shall not apply to a corporation which is a member of the federal reserve banking system and duly complies with all of the reserve and other requirements of that system.

SEC. 2. Any state bank or trust company or mutual savings bank may invest in the capital stock of banking service corporations organized for the purpose of performing or providing mechanical, clerical, or record keeping services for two or more banks. The total amount which any such bank may invest in the shares of such corporations may not exceed in the case of a bank or trust company, ten percent of its paid in or unimpaired capital and unimpaired surplus, or in the case of a mutual savings bank, ten percent of its guaranty fund. Such a bank service corporation may not engage in any activity other than the performance of services for banks. The performance of any service, and any records maintained by any such corporation for a bank, shall be subject to regulation and examination by the supervisor and appropriate federal agencies

Investments in
bank service
corporations—
Limits.

to the same extent as if such services or records were being performed or maintained by the bank on its own premises.

New section.

SEC. 3. There is added to chapter 30.52 RCW a new section to read as follows:

Banks, trust companies—
Collections—
Presentment deemed at proper place.

Where a bank presents for payment an item drawn upon or payable at another bank either (1) through a clearing house, or (2) at a place where such other bank has requested such bank to make presentment of such item for payment, the presentment of such item shall be deemed to have been made at a proper place.

Passed the Senate February 27, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 195.

[S. B. 202.]

INSURANCE.

AN ACT relating to insurance; amending section .03.07, chapter 79, Laws of 1947 as last amended by section 2, chapter 190, Laws of 1949 and RCW 48.03.070; section .04.01, chapter 79, Laws of 1947 and RCW 48.04.010; section .09.10, chapter 79, Laws of 1947 and RCW 48.09.100; section .09.27, chapter 79, Laws of 1947 and RCW 48.09.270; section .10.07, chapter 79, Laws of 1947 and RCW 48.10.070; section .12.01, chapter 79, Laws of 1947 and RCW 48.12.010; section .12.02, chapter 79, Laws of 1947 and RCW 48.12.020; section .12.15, chapter 79, Laws of 1947 as last amended by section 3, chapter 194, Laws of 1961 and RCW 48.12.150; section .15.15, chapter 79, Laws of 1947 as last amended by section 8, chapter 303, Laws of 1955 and RCW 48.15.150; section .17.11, chapter 79, Laws of 1947 as last amended by section 10, chapter 303, Laws of 1955 and RCW 48.17.110; section .23.35, chapter 79, Laws of 1947 as last amended by section 7, chapter 194, Laws of 1961 and RCW 48.23.350; section .24.06, chapter 79, Laws of 1947 as last amended by section 20, chapter 303, Laws of 1955 and RCW 48.24.060; section .32.17, chapter 79, Laws of 1947 and RCW 48.36.170; section .32.41, chapter 79, Laws of 1947 as amended by section 32, chapter 190, Laws

of 1949 and RCW 48.36.410; adding four new sections to chapter 79, Laws of 1947 and to chapter 48.05 RCW; five new sections to chapter 79, Laws of 1947 and to chapter 48.07 RCW; two new sections to chapter 79, Laws of 1947 and to chapter 48.14 RCW; a new section to chapter 79, Laws of 1947 and to chapter 48.20 RCW; a new section to chapter 79, Laws of 1947 and to chapter 48.36 RCW; and repealing section .11.01, chapter 79, Laws of 1947 and RCW 48.11.010; section .11.11, chapter 79, Laws of 1947 as amended by section 6, chapter 193, Laws of 1957 and RCW 48.11.110; section .11.12, chapter 79, Laws of 1947 and RCW 48.11.120; section .11.17, chapter 79, Laws of 1947 and RCW 48.11.170; section .11.18, chapter 79, Laws of 1947 and RCW 48.11.180; and section .17.57, chapter 79, Laws of 1947 and RCW 48.17.570.

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

SECTION 1. Section .03.07, chapter 79, Laws of 1947 as last amended by section 2, chapter 190, Laws of 1949 and RCW 48.03.070 are each amended to read as follows:

RCW 48.03.070
amended.

(1) The commissioner may take depositions, may subpoena witnesses or documentary evidence, administer oaths, and examine under oath any individual relative to the affairs of any person being examined, or relative to the subject of any hearing or investigation.

Insurance
commissioner.
Witnesses
before—Sub-
poenas—
Depositions—
Oaths.

(2) The subpoena shall be effective if served within the state of Washington and shall be served in the same manner as if issued from a court of record.

(3) Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a court of record. Witness fees, mileage, and the actual expense necessarily incurred in securing attendance of witnesses and their testimony shall be itemized, and shall be paid by the person as to whom the examination is being made, or by the person if other than the commissioner, at whose request the hearing is held.

(4) 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 the hearing, the commissioner shall file his written report thereof and proof of service of his subpoena, in any court of competent jurisdiction in the county where the examination, hearing, or investigation is being conducted. Thereupon the court shall forthwith cause the individual to be brought before it and shall punish him as if the failure or refusal related to a subpoena from or testimony in that court.

RCW 48.04.010
amended.

SEC. 2. Section .04.01, chapter 79, Laws of 1947 and RCW 48.04.010 are each amended to read as follows:

Insurance
commissioner.
Hearings
before.

(1) The commissioner may hold a hearing for any purpose within the scope of this code as he may deem necessary. He shall hold a hearing

(a) if required by any provision of this code, or

(b) upon written demand for a hearing made by any person aggrieved by any act, threatened act, or failure of the commissioner to act, if such failure is deemed an act under any provision of this code, or by any report, promulgation, or order of the commissioner other than an order on a hearing of which such person was given actual notice or at which such person appeared as a party, or order pursuant to the order on such hearing.

(2) Any such demand for a hearing shall specify in what respects such person is so aggrieved and the grounds to be relied upon as basis for the relief to be demanded at the hearing.

(3) Unless a person aggrieved by an order of the commissioner made pursuant to RCW 48.02.070 demands a hearing thereon within ninety days after receiving notice of such order, the right to such hearing shall conclusively be deemed to have been waived.

(4) The commissioner shall hold such hearing demanded within thirty days after his receipt of the demand, unless postponed by mutual consent.

SEC. 3. Section .09.10, chapter 79, Laws of 1947 and RCW 48.09.100 are each amended to read as follows:

RCW 48.09.100
amended.

A domestic mutual insurer on the cash premium plan shall at all times have and maintain surplus funds, representing the excess of its assets over its liabilities, in amount not less than the aggregate of

Mutual
insurers.
minimum
surplus.

(1) the amount of any surplus funds deposited by it with the commissioner to qualify for its original certificate of authority, and

(2) the amount of any additional surplus required of it pursuant to RCW 48.09.090 for authority to transact additional kinds of insurance.

SEC. 4. Section .09.27, chapter 79, Laws of 1947 and RCW 48.09.270 are each amended to read as follows:

RCW 48.09.270
amended.

(1) A domestic mutual insurer on the cash premium plan, after it has established a surplus not less in amount than the minimum capital funds required of a domestic stock insurer to transact like kinds of insurance, and for so long as it maintains such surplus, may extinguish the contingent liability of its members to assessment and omit provisions imposing contingent liability in all policies currently issued.

Nonassessable
policies.

(2) Any deposit made with the commissioner as a prerequisite to the insurer's certificate of authority may be included as part of the surplus required in this section.

(3) When the surplus has been so established and the commissioner has so ascertained, he shall issue to the insurer, at its request, his certificate authorizing the extinguishment of the contingent liability of its members and the issuance of policies free therefrom.

Mutual
insurers.
Nonassessable
policies.

(4) While it maintains surplus funds in amount not less than the minimum capital required of a domestic stock insurer authorized to transact like kinds of insurance, and subject to the requirements of section 9 of this 1963 amendatory act as to special surplus, a foreign or alien mutual insurer on the cash premium plan may, if consistent with its charter and the laws of its domicile, issue nonassessable policies covering subjects located, resident, or to be performed in this state.

RCW 48.10.070
amended.

SEC. 5. Section .10.07, chapter 79, Laws of 1947 and RCW 48.10.070 are each amended to read as follows:

Reciprocal in-
surers. Surplus
funds re-
quired.

(1) A domestic reciprocal insurer hereafter formed, if it has otherwise complied with the provisions of this code, may be authorized to transact insurance if it deposits and maintains on deposit with the commissioner surplus funds as follows:

(a) To transact property insurance, surplus funds of not less than one hundred thousand dollars.

(b) To transact vehicle insurance, surplus funds of not less than two hundred thousand dollars.

(2) A domestic reciprocal insurer may be authorized to transact other kinds of insurance in addition to that for which it was originally authorized, if it has otherwise complied with the provisions of this code therefor and possesses and maintains surplus funds equal to the paid-in capital stock required under section 7 of this 1963 amendatory act of a stock insurer transacting like kinds of insurance, and the special surplus, if any, required under section 9 of this 1963 amendatory act as to such a stock insurer. The insurer need not deposit such additional surplus funds with the commissioner: *Provided*, That a domestic reciprocal insurer which under prior laws held authority to transact insurance in this state may continue to be so authorized so long as it otherwise qualifies therefor and maintains

Proviso.

surplus funds in amount not less than as required under laws of this state in force at the time such authority to transact insurance in this state was granted.

(3) A domestic reciprocal insurer heretofore formed shall maintain on deposit with the commissioner surplus funds of not less than the sum of one hundred thousand dollars, and shall have additional surplus in the amount of any additional surplus funds required by this code for authority to transact kinds of insurance transacted by it in addition to that authorized by its original certificate of authority. Such additional surplus funds need not be deposited with the commissioner.

SEC. 6. There is added to chapter 79, Laws of 1947 and to chapter 48.05 RCW a new section to read as follows: New section.

An insurer which otherwise qualifies therefor may be authorized to transact any one kind of combinations of kinds of insurance as defined in chapter 48.11 RCW, except: Insurers, generally. Transacting of combinations of kinds of insurance authorized—Exceptions.

(1) A life insurer may grant annuities and may be authorized to transact in addition only disability insurance; except, that the commissioner may, if the insurer otherwise qualifies therefor, continue so to authorize any life insurer which immediately prior to the effective date of this 1963 amendatory act was lawfully authorized to transact in this state a kind or kinds of insurance in addition to life and disability insurances and annuity business.

(2) A reciprocal insurer shall not transact life insurance.

(3) A title insurer shall be a stock insurer and shall not transact any other kind of insurance. This provision shall not prohibit the ceding of reinsurance by a title insurer to insurers other than mutual or reciprocal insurers.

New section.

SEC. 7. There is added to chapter 79, Laws of 1947 and to chapter 48.05 RCW a new section to read as follows:

Insurers, generally. Capital and surplus requirements.

(1) Subject to section 8 and section 9 of this 1963 amendatory act to qualify for authority to transact any one kind of insurance as defined in chapter 48.11 RCW or combination of kinds of insurance as shown below, a foreign or alien insurer, whether stock, mutual, or a reciprocal, or a domestic stock insurer hereafter formed shall possess and thereafter maintain unimpaired paid-in capital stock, if a stock insurer, or unimpaired basic surplus if a foreign mutual insurer or foreign reciprocal insurer, and shall possess when first so authorized additional funds in surplus as follows:

<i>Kind or kinds of insurance</i>	<i>Paid-in capital stock or basic surplus</i>	<i>Additional surplus</i>
Life	\$200,000	\$100,000
Disability	200,000	100,000
Life and disability	300,000	150,000
Property	200,000	100,000
Marine & transportation.....	250,000	150,000
General casualty	300,000	150,000
Vehicle	200,000	100,000
Surety	300,000	150,000
Any two of the following kinds of insurance: Property, marine & transportation, general casualty, vehicle, surety, disability	350,000	175,000
Multiple lines (all insurances except life and title insurance)	450,000	250,000
Title (in accordance with the provisions of chapter 48.29 RCW)		

(2) Capital and surplus requirements are based upon all the kinds of insurance transacted by the insurer wherever it may operate or propose to op-

erate, whether or not only a portion of such kinds are to be transacted in this state.

(3) An insurer holding a certificate of authority to transact insurance in this state immediately prior to the effective date of this amendatory act of 1963 may continue to be authorized to transact the same kinds of insurance as long as it is otherwise qualified for such authority and thereafter maintains unimpaired the amount of paid-in capital stock, if a stock insurer, or basic surplus, if a mutual or reciprocal insurer, and special surplus as required of it under laws in force immediately prior to such effective date.

(4) As to surplus required for qualification to transact one or more kinds of insurance and thereafter to be maintained, domestic mutual insurers are governed by chapter 48.09 RCW, and reciprocal insurers are governed by chapter 48.10 RCW.

SEC. 8. There is added to chapter 79, Laws of 1947 and to chapter 48.05 RCW a new section to read as follows: New section.

An insurer authorized to transact general casualty insurance shall be authorized to transact disability insurance and fidelity insurance without requiring additional financial qualifications. General casualty insurer may transact disability and fidelity.

SEC. 9. There is added to chapter 79, Laws of 1947 and to chapter 48.05 RCW a new section to read as follows: New section.

An insurer shall not be authorized to transact any one of the following insurances,—vehicle, or general casualty, or marine and transportation, or surety,—with any additional kind of insurance unless it maintains at all times special surplus of not less than one hundred thousand dollars in addition to the paid-in capital stock if a stock insurer or basic surplus if a mutual or reciprocal insurer otherwise required. This section does not apply to com- Special surplus requirements for certain insurance combinations.

binations transacted by a general casualty insurer pursuant to section 8 of this 1963 amendatory act.

Repeal.

SEC. 10. Section .11.01, chapter 79, Laws of 1947, and RCW 48.11.010; section .11.11, chapter 79, Laws of 1947 as amended by section 6, chapter 193, Laws of 1957 and RCW 48.11.110; section .11.12, chapter 79, Laws of 1947 and RCW 48.11.120; section .11.17, chapter 79, Laws of 1947 and RCW 48.11.170; section .11.18, chapter 79, Laws of 1947 and RCW 48.11.180 are each repealed.

RCW 48.12.010 amended.

SEC. 11. Section .12.01, chapter 79, Laws of 1947 and RCW 48.12.010 are each amended to read as follows:

Insurance. "Assets" defined.

In any determination of the financial condition of any insurer there shall be allowed as assets only such assets as belong wholly and exclusively to the insurer, which are registered, recorded, or held under the insurer's name, and which consist of:

(1) Cash in the possession of the insurer or in transit under its control, and the true balance of any deposit of the insurer in a solvent bank or trust company;

(2) Investments, securities, properties, and loans acquired or held in accordance with this code, and in connection therewith the following items:

(a) Interest due or accrued on any bond or evidence of indebtedness which is not in default and which is not valued on a basis including accrued interest.

(b) Declared and unpaid dividends on stocks and shares unless such amount has otherwise been allowed as an asset.

(c) Interest due or accrued upon a collateral loan in an amount not to exceed one year's interest thereon.

(d) Interest due or accrued on deposits in solvent banks and trust companies, and interest due or ac-

crued on other assets if such interest is in the judgment of the commissioner a collectible asset.

(e) Interest due or accrued on a mortgage loan, in amount not exceeding in any event the amount, if any, of the difference between the unpaid principal and the value of the property less delinquent taxes thereon; but if any interest on the loan is in default more than eighteen months, or if any interest on the loan is in default and any taxes or any installment thereof on the property are and have been due and unpaid for more than eighteen months, no allowance shall be made for any interest on the loan.

(f) Rent due or accrued on real property if such rent is not in arrears for more than three months.

(3) Premium notes, policy loans, and other policy assets and liens on policies of life insurance, in amount not exceeding the legal reserve and other policy liabilities carried on each individual policy;

(4) The net amount of uncollected and deferred premiums in the case of a life insurer which carries the full annual mean tabular reserve liability;

(5) Premiums in the course of collection, other than for life insurance, not more than ninety days past due, less commissions payable thereon. The foregoing limitation shall not apply to premiums payable directly or indirectly by the United States government or any of its instrumentalities;

(6) Installment premiums other than life insurance premiums, in accordance with regulations prescribed by the commissioner consistent with practice formulated or adopted by the National Association of Insurance Commissioners;

(7) Notes and like written obligations not past due, taken for premiums other than life insurance premiums, on policies permitted to be issued on such basis, to the extent of the unearned premium re-

Insurance.
"Assets"
defined.

serves carried thereon and unless otherwise required by regulation prescribed by the commissioner;

(8) The full amount of reinsurance recoverable by a ceding insurer from a solvent reinsurer not disqualified to take such reinsurance under this code; or, in the case of reinsurers disqualified under this code, so much of reinsurance recoverable from such reinsurer as does not exceed the liabilities carried by the ceding insurer for amounts withheld under a reinsurance treaty with such reinsurer as security for the payment of obligations thereunder if such funds are held subject to withdrawal by, and under the control of, the ceding insurer;

(9) Amounts receivable by an assuming insurer representing funds withheld by a solvent ceding insurer under a reinsurance treaty;

(10) Deposits or equities recoverable from underwriting associations, syndicates and reinsurance funds, or from any suspended banking institution, to the extent deemed by the commissioner available for the payment of losses and claims and at values to be determined by him;

(11) Electronic and mechanical machines constituting a data processing and accounting system if the cost of such system is at least twenty-five thousand dollars, which cost shall be amortized in full over a period not to exceed ten calendar years; and

(12) Other assets, not inconsistent with the foregoing provisions, deemed by the commissioner available for the payment of losses and claims, at values to be determined by him.

RCW 48.12.020
amended.

SEC. 12. Section .12.02, chapter 79, Laws of 1947 and RCW 48.12.020 are each amended to read as follows:

Nonallowable
assets.

In addition to assets impliedly excluded under RCW 48.12.010, the following expressly shall not be allowed as assets in any determination of the financial condition of an insurer:

(1) Goodwill, trade names, agency plants and other like intangible assets.

(2) Prepaid or deferred charges for expenses and commissions paid by the insurer.

(3) Advances to officers (other than policy loans or loans made pursuant to RCW 48.07.130), whether secured or not, and advances to employees, agents and other persons on personal security only.

(4) Stock of such insurer, owned by it, or any equity therein or loans secured thereby, or any proportionate interest in such stock through the ownership by such insurer of an interest in another firm, corporation or business unit.

(5) Furniture, furnishings, fixtures, safes, equipment, vehicles, library, stationary, literature, and supplies; except, electronic and mechanical machines authorized by subsection (11) of section 11 of this 1963 amendatory act, or such personal property as the insurer is permitted to hold pursuant to paragraph (e) of subsection (2) of RCW 48.13.160, or which is acquired through foreclosure of chattel mortgages acquired pursuant to RCW 48.13.150, or which is reasonably necessary for the maintenance and operation of real estate lawfully acquired and held by the insurer other than real estate used by it for home office, branch office, and similar purposes.

(6) The amount, if any, by which the aggregate book value of investments as carried in the ledger assets of the insurer exceeds the aggregate value thereof as determined under this code.

SEC. 13. Section .12.15, chapter 79, Laws of 1947, as last amended by section 3, chapter 194, Laws of 1961, and RCW 48.12.150 are each amended to read as follows:

RCW 48.12.150
amended.

(1) This section shall be known as the standard valuation law.

Standard valuation law—Life insurance.

(2) Annual valuation: The commissioner shall annually value, or cause to be valued, the reserve

Standard valuation law.—Life insurance.

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.

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 Annuity-tants, with interest at three and one-half percent per annum, 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) 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 Com-

Standard valuation law—Life insurance.

missioners Reserve Valuation Method defined in subsection (4) of this section, three and one-half per cent interest, and the following tables:

(i) 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 years younger than the actual age of the insured.

(ii) 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.

(iii) 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.

(iv) 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.

(v) 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.

(vi) 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.

(vii) For group life insurance, life insurance issued on the substandard basis and other special benefits,—such tables as may be approved by the commissioner.

(4) Commissioners Reserve Valuation Method: 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

Standard valuation law—Life insurance.

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 (1) life insurance policies providing for a varying amount of insurance or requiring the payment of varying premiums, (2) annuity and pure endowment contracts, (3) disability and accidental death benefits in all policies and contracts, and (4) all other benefits, except life insurance and endowment benefits in life insurance policies, shall be calculated by a method consistent with the principles of this paragraph.

(5) Minimum aggregate reserves: In no event shall an insurer's aggregate reserves for all life in-

surance 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 subsection (4) 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 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.

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Standard valuation law—Life insurance.

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 reserve: If 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 method used in calculating the reserve thereon, 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.

New section.

SEC. 14. There is added to chapter 79, Laws of 1947 and to chapter 48.14 RCW a new section to read as follows:

Taxable direct premium in state, determining.

In determining the amount of direct premium taxable in this state, all such premiums written, procured, or received in this state shall be deemed written upon risks or property resident, situated, or to be performed in this state except such premiums as are properly allocated or apportioned and reported as taxable premiums of any other state or states.

New section.

SEC. 15. There is added to chapter 79, Laws of 1947 and to chapter 48.14 RCW a new section to read as follows:

Foreign or alien insurers, continuing liability for taxes.

Any foreign or alien insurer authorized to do business in this state which hereafter either withdraws from the state or has its certificate of authority suspended or revoked shall continue to pay premium taxes pursuant to this chapter as to policies

upon risks or property resident, situated, or to be performed in this state, which policies were issued during the time the insurer was authorized in this state.

SEC. 16. Section .15.15, chapter 79, Laws of 1947 as last amended by section 8, chapter 303, Laws of 1955 and RCW 48.15.150 are each amended to read as follows:

RCW 48.15.150 amended.

(1) An unauthorized insurer shall be sued, upon any cause of action arising in this state under any contract issued by it as a surplus line contract, pursuant to this chapter, in the superior court of the county in which the cause of action arose.

Surplus line insurer, legal process against.

(2) Service of legal process against the insurer may be made in any such action by service upon the commissioner of duplicate copies of such legal process either by a person competent to serve a summons, by registered mail or certified mail with return receipt requested. At the time of such service the plaintiff shall pay to the commissioner two dollars, taxable as costs in the action. The commissioner shall forthwith mail the documents of process served, or a true copy thereof, to the person designated by the insurer in the policy for the purpose by prepaid registered mail with return receipt requested. The insurer shall have forty days from the date of service upon the commissioner within which to plead, answer, or otherwise defend the action. Upon service of process upon the commissioner in accordance with this provision, the court shall be deemed to have jurisdiction in personam of the insurer.

(3) An unauthorized insurer issuing such policy shall be deemed thereby to have authorized service of process against it in the manner and to the effect as provided in this section. Any such policy shall contain a provision stating the substance of this section, and designating the person to whom the com-

missioner shall mail process as provided in subsection (2) of this section.

RCW 48.17.110 amended.

SEC. 17. Section .17.11, chapter 79, Laws of 1947 as amended by section 23, chapter 190, Laws of 1949 as last amended by section 10, chapter 303, Laws of 1955 and RCW 48.17.110 are each amended to read as follows:

Insurance agents, brokers, solicitors and adjusters. Examination of applicants.

(1) Each applicant for license as agent, broker, solicitor, or adjuster shall prior to the issuance of any such license, personally take and pass to the satisfaction of the commissioner an examination given by the commissioner as a test of his qualifications and competence; but this requirement shall not apply to:

(a) Applicants for limited licenses, as travel insurance agents only, under RCW 48.17.190, nor, at the discretion of the commissioner, to applicants for licenses as disability insurance agents for the purpose of handling limited coverages pertaining to sports and recreation.

(b) Applicants who within the five-year period next preceding date of application have been licensed in this state under a license requiring qualification similar to qualifications required by the license applied for and who are deemed by the commissioner to be fully qualified and competent.

(c) Applicants for license as nonresident agent or as nonresident broker who have fulfilled qualification requirements in their state of residence and who are deemed by the commissioner to be fully qualified and competent.

(d) Applicants for an agent's or solicitor's license covering the same kinds of insurance as an agent's or solicitor's license then held by them.

(e) Applicants for an adjuster's license who for a period of one year next preceding the date of application have been a full time salaried employee of

an insurer or of a general agent to adjust, investigate, or report claims arising under insurance contracts.

(2) Applicants for the renewal of licenses in force on October 1, 1947, or issued thereafter shall not be required to take an examination except as provided in subsection (3) of this section.

(3) The commissioner may at any time require any licensed agent, broker, solicitor, or adjuster to take and successfully pass an examination testing his competence and qualifications as a condition to the continuance or renewal of his license, if the licensee has been guilty of violation of this code, or has so conducted his affairs under his license as to cause the commissioner reasonably to desire further evidence of his qualifications.

SEC. 18. Section .17.57, chapter 79, Laws of 1947 and RCW 48.17.570 are each repealed. Repeal.

SEC. 19. There is added to chapter 79, Laws of 1947 and to chapter 48.20 RCW a new section to read as follows: New section.

(1) Any insurer authorized to issue disability insurance in this state may join with one or more other such insurers to offer to any resident of this state who is sixty-five years of age or over and to the spouse of such resident disability insurance against major financial loss from accident or disease. Disability insurance against major financial loss from accident or disease—Older persons.

(2) The forms of applications, certificates and policies of such disability insurance and the applicable premium rate shall be filed with and be subject to the approval of the commissioner as provided in RCW 48.18.100. The commissioner may disapprove any such form of application, certificate or policy or withdraw any previous approval thereof on any ground set forth in RCW 48.18.110 or if the commissioner finds that any such form is not in the public interest.

(3) A financial summary concerning any insurance written under the authority of this section shall

be furnished annually to the commissioner in such form as he may prescribe.

RCW 48.23.350
amended.

SEC. 20. Section .23.35, chapter 79, Laws of 1947, as last amended by section 7, chapter 194, Laws of 1961, and RCW 48.23.350 are each amended to read as follows:

Life insurance
—Standard
nonforfeiture
law.

(1) This section shall be known as the standard nonforfeiture law.

(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

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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, de-

creased by any indebtedness to the insurer on account of or secured by the policy.

(4) Paid-up nonforfeiture benefit—Life: Any paid-up non-forfeiture 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*, Proviso. 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

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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 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

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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 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 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.

Proviso.

Proviso.

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 opera-

tive 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*,^{Proviso.} 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*,^{Proviso.} 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

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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.

SEC. 21. Section .24.06, chapter 79, Laws of 1947 as last amended by section 20, chapter 303, Laws of 1955 and RCW 48.24.060 are each amended to read as follows:

RCW 48.24.060 amended.

The lives of a group of public employees may be insured under a policy issued to the departmental head or to a trustee, or issued to an association of public employees formed for purposes other than obtaining insurance and having, when the policy is placed in force, a membership in the classes eligible for insurance of not less than seventy-five percent of the number of employees eligible for membership in such classes, which department head or trustee or association shall be deemed the policyholder, to insure such employees for the benefit of persons other than the policyholder or any of its officials, subject to the following requirements:

Group life insurance—
Public employee associations.

Group life
insurance—
Public
employee
associations.

(1) The persons eligible for insurance under the policy shall be all of the employees of the department or members of the association, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the association, or both.

(2) The premium for the policy shall be paid by the policyholder, in whole or in part either from salary deductions authorized by, or charges collected from, the insured employees or members specifically for the insurance, or from the association's own funds, or from both. Any such deductions from salary may be paid by the employer to the association or directly to the insurer. No policy may be placed in force unless and until at least seventy-five percent of the then eligible employees or association members, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, have elected to be covered and have authorized their employer to make any required deductions from salary.

(3) The rate of charges to the insured employees or members specifically for the insurance, and the dues of the association if they include the cost of insurance, shall be determined according to each attained age or in not less than four reasonably spaced attained age groups. In no event shall the rate of such dues or charges be level for all members regardless of attained age.

(4) The policy must cover at least twenty-five persons at date of issue.

(5) The amounts of insurance under the policy must be based upon some plan precluding individual selection either by the employees or members or by the association. Such amounts shall in no event exceed five thousand dollars of life insurance in the case of any employee or member, and the amount of life insurance shall not exceed one thousand five

hundred dollars in the case of retired employees or members and persons over age sixty-five.

As used herein, "public employees" means employees of the United States government, or of any state, or of any political subdivision or instrumentality of any of them.

SEC. 22. Section .32.17, chapter 79, Laws of 1947 and RCW 48.36.170 are each amended to read as follows:

RCW 48.36.170 amended.

Every society, whether domestic or foreign, now transacting business in this state shall, within thirty days after this chapter takes effect, and every such society hereafter applying for admission, shall before being licensed, appoint in writing the commissioner and his successors in office to be its true and lawful attorney, upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it which is served upon such attorney shall be of the same legal force and validity as if served upon the society and that the authority shall continue in force so long as any liability remains outstanding in this state.

Fraternal societies. Commissioner as attorney for service of process.

Copies of such appointment, certified by said commissioner, shall be deemed sufficient evidence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service shall only be made upon such attorney, must be made in duplicate upon the commissioner, in his absence upon the person in charge of his office, and shall be deemed sufficient service upon such society. The copies of legal process shall be served upon the commissioner either by a person competent to serve a summons, by registered mail or certified mail with return receipt requested. At the time of service the plaintiff shall pay to the commissioner two dollars, taxable as costs in the action: *Provided*, That no such service shall be valid or

Proviso.

binding against any such society when it is required thereunder to file its answer, pleading or defense in less than forty days from the date of mailing the copy of such service to such society. When legal process against any such society is served upon said commissioner, he shall forthwith forward by registered mail, one of the duplicate copies prepaid and directed to its secretary or corresponding officer. Legal process shall not be served upon any such society except in the manner provided herein.

RCW 48.36.410 amended.

SEC. 23. Section .32.41, chapter 79, Laws of 1947 as amended by section 32, chapter 190, Laws of 1949 and RCW 48.36.410 are each amended to read as follows:

Fraternal mutual property insurers.

(1) A domestic mutual property insurer which is affiliated with and is comprised exclusively of members of a specified fraternal society, which society conducts its business and secures its membership on the lodge system, having ritualistic work and ceremonies, is herein designated as a fraternal mutual insurer.

(2) Only fraternal mutual property insurers which were authorized insurers immediately prior to October 1, 1947, may hereafter be so authorized.

(3) Such an insurer shall be subject to the applicable provisions of this code governing domestic mutual insurers except only as to the provisions relative to taxes, fees and licenses. The bylaws of such insurer shall be as adopted or amended by majority vote of its members present at a duly held meeting of its members, and a copy thereof shall be filed with the commissioner. Such an insurer shall pay for its annual license and filing its annual statement, the sum of ten dollars. Such an insurer shall pay the expense of examinations of it by the commissioner, upon statement furnished by the commissioner.

(4) Such an insurer may insure corporations, associations, and firms owned by and affiliated with

such society and operated for the benefit of its members, and may insure corporations and firms a majority of whose shareholders or members are members of such society.

(5) Such an insurer shall participate in and accept its equitable share of insurance to be issued to applicants under any assigned risk plan operating pursuant to RCW 48.22.020, and may participate in and accept its equitable share of insurance to be issued to applicants under any similar plan lawfully existing in any state in which the insurer is authorized to transact insurance, notwithstanding that such applicants are not otherwise qualified for such insurance under subsection (4), above; except that no such applicants who are not qualified by membership or otherwise for acceptance by the insurer shall be so assigned to the insurer except to make up the deficiency, if any, between the number of qualified applicants available for assignment and the maximum quota of applicants to be assigned to the insurer within the current period.

(6) Such an insurer doing business on the assessment premium plan:

(a) Shall be exempt also from the provisions of this code governing financial qualifications.

(b) Shall not be authorized to transact any kind of insurance other than property insurance, nor have authority to accept reinsurance.

(7) Such an insurer doing business on the cash premium plan:

(a) May be authorized to transact additional kinds of insurance, other than life or title insurance, subject to the same requirements as to surplus funds and reserves as apply to domestic mutual insurers on the cash premium plan.

(b) May accept reinsurance only of such kinds of insurance as it is authorized to transact direct and only from insurers likewise affiliated with and com-

posed solely of the members of the same designated fraternal society.

New section.

SEC. 24. There is added to chapter 79, Laws of 1947 and to chapter 48.36 RCW a new section to read as follows:

Insurers—
Fraternal.
Agents.

(1) Any person who is authorized by a fraternal benefit society to act in the solicitation, negotiation or procurement of a life insurance, disability insurance, or annuity contract shall be licensed in accordance with and subject to the applicable provisions of chapter 48.17 RCW: *Provided*, That such persons who are so authorized by a fraternal benefit society for a period of one year immediately prior to the effective date of this 1963 amendatory act shall not be required to take and pass an examination as required by RCW 48.17.110. This provision shall take effect on October 1, 1963.

Proviso.

(2) The following individuals shall not be deemed an agent of a fraternal benefit society within the provisions of subsection (1) of this section:

(a) any regular salaried officer or employee of a licensed society who devotes substantially all of his services to activities other than the solicitation of fraternal insurance contracts from the public, and who receives for the solicitation of such contracts no commission or other compensation directly dependent upon the amount of business obtained; or

(b) any agent or representative of a society who devotes, or intends to devote, less than fifty percent of his time to the solicitation and procurement of insurance contracts for such society: *Provided*, That any person who in the preceding calendar year has solicited and procured life insurance contracts on behalf of any society in an amount of insurance in excess of fifty thousand dollars shall be conclusively presumed to be devoting, or intending to devote, fifty percent of his time to the solici-

Proviso.

tion or procurement of insurance contracts for such society.

SEC. 25. There is added to chapter 79, Laws of 1947 and to chapter 48.07 RCW a new section to read as follows: New section.

It is desirable for the general welfare and in particular for the welfare of insurance beneficiaries, policyholders, claimants and others that the business of domestic insurers be continued notwithstanding the event of a national emergency. The purpose of this section and the following four sections is to facilitate the continued operation of domestic insurers in the event that a national emergency is caused by an attack on the United States which is so disruptive of normal business and commerce in this state as to make it impossible or impracticable for a domestic insurer to conduct its business in accord with applicable provisions of law, its bylaws, or its charter. When used in this section and the following four sections the word "insurer" includes a fraternal benefit society. Insurers, generally. Continued operation when national emergency.

SEC. 26. There is added to chapter 79, Laws of 1947 and to chapter 48.07 RCW a new section to read as follows: New section.

The board of directors of any domestic insurer may at any time adopt emergency bylaws, subject to repeal or change by action of those having power to adopt regular bylaws for such insurer, which shall be operative during such a national emergency and which may, notwithstanding any different provisions of the regular bylaws, or of the applicable statutes, or of such insurer's charter, make any provision that may be reasonably necessary for the operation of such insurer during the period of such emergency. —Emergency bylaws.

New section.

SEC. 27. There is added to chapter 79, Laws of 1947 and to chapter 48.07 RCW a new section to read as follows:

Insurers, generally—Continued operation when national emergency. Directors.

In the event that the board of directors of a domestic insurer has not adopted emergency bylaws, the following provisions shall become effective upon the occurrence of such a national emergency as above described:

(1) Three directors shall constitute a quorum for the transaction of business at all meetings of the board.

(2) Any vacancy in the board may be filled by a majority of the remaining directors, though less than a quorum, or by a sole remaining director.

(3) If there are no surviving directors, but at least three vice-presidents of such insurer survive, the three vice-presidents with the longest term of service shall be the directors and shall possess all of the powers of the previous board of directors and such powers as are granted herein or by subsequently enacted legislation. By majority vote, such emergency board of directors may elect other directors. If there are not at least three surviving vice-presidents, the commissioner or duly designated person exercising the powers of the commissioner shall appoint three persons as directors who shall include any surviving vice-presidents and who shall possess all of the powers of the previous board of directors and such powers as are granted herein or by subsequently enacted legislation, and these persons by majority vote may elect other directors.

New section.

SEC. 28. There is added to chapter 79, Laws of 1947 and to chapter 48.07 RCW a new section to read as follows:

—Officers.

At any time the board of directors of a domestic insurer may, by resolution, provide that in the event of such a national emergency and in the event of the death or incapacity of the president, the secre-

tary, or the treasurer of such insurer, such officers, or any of them, shall be succeeded in the office by the person named or described in a succession list adopted by the board of directors. Such list may be on the basis of named persons or position titles, shall establish the order of priority and may prescribe the conditions under which the powers of the office shall be exercised.

SEC. 29. There is added to chapter 79, Laws of 1947 and to chapter 48.07 RCW a new section to read as follows: New section.

At any time the board of directors of a domestic insurer may, by resolution, provide that in the event of such a national emergency the principal office and place of business of such insurer shall be at such location as is named or described in the resolution. Such resolution may provide for alternate locations and establish an order of preference.

—Principal office and place of business.

Passed the Senate March 2, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 196.

[Sub. S. B. 228.]

PUBLIC UTILITY DISTRICTS—POWERS.

AN ACT relating to public utility district water and sewage systems and the acquisition, construction, and disposition thereof; and amending section 19, chapter 390, Laws of 1955 as amended by section 1, chapter 275, Laws of 1959 and RCW 54.16.180.

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

SECTION 1. Section 19, chapter 390, Laws of 1955 as amended by section 1, chapter 275, Laws of 1959 and RCW 54.16.180 are each amended to read as follows:

RCW 54.16.180 amended.

P.U.D.'s—Sale,
lease, disposi-
tion of
properties—
Procedure.

A district may sell and convey, lease, or otherwise dispose of all or any part of its works, plants, systems, utilities and properties, after proceedings and approval by the voters of the district, as provided for the lease or disposition of like properties and facilities owned by cities and towns: *Provided*, That the affirmative vote of three-fifths of the voters voting at an election on the question of approval of a proposed sale, shall be necessary to authorize such sale:

Proviso.

Proviso.

Provided further, That a district may sell, convey, lease or otherwise dispose of all or any part of the property owned by it, located outside its boundaries, to another public utility district, city, town or other municipal corporation without the approval of the voters; or may sell, convey, lease, or otherwise dispose of to any person or public body, any part, either within or without its boundaries, which has become unserviceable, inadequate, obsolete, worn out or unfit to be used in the operations of the system and which is no longer necessary, material to, and useful in such operations, without the approval of the voters:

Proviso.

Proviso.

Provided further, That a public utility district located within a county of the first class may sell and convey to a city of the first class, which owns its own water system, all or any part of a water system owned by said public utility district where a portion of it is located within the boundaries of such city, without approval of the voters upon such terms and conditions as the district shall determine: *Provided further*, That a public utility district located in a fifth class county and bordered by the Columbia River may, in connection with the operation of a water system, or as part of a plan for acquiring or constructing and operating a water system, or in connection with the creation of another or subsidiary local utility district, may provide for the acquisition or construction, additions or improvements to, or extensions of, and operation of a sewage system

within the same service area as in the judgment of the district commission is necessary or advisable in order to eliminate or avoid any existing or potential danger to the public health by reason of the lack of sewerage facilities or by reason of the inadequacy of existing facilities: *And provided further*, That a public utility district located within a county of the first class bordering on Puget Sound may sell and convey to any city of the third class or town all or any part of a water system owned by said public utility district without approval of the voters upon such terms and conditions as the district shall determine. Public utility districts are municipal corporations for the purposes of this section and the commission shall be held to be the legislative body and the president and secretary shall have the same powers and perform the same duties as the mayor and city clerk and the resolutions of the districts shall be held to be ordinances within the meaning of the statutes governing the sale, lease, or other disposal of public utilities owned by cities and towns. Proviso.

Passed the Senate February 26, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 197.

[S. B. 243.]

VERNITA TOLL BRIDGE AND APPROACHES.

AN ACT relating to a toll bridge across the Columbia river in the vicinity of Vernita and a highway approach thereto from the vicinity of Richland; amending section 47.20.410, chapter 13, Laws of 1961 as last amended by section 14, chapter 21, Laws of 1961 extraordinary session and RCW 47.20.410; amending section 47.20.415, chapter 13, Laws of 1961 and RCW 47.20.415; and making appropriations.

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

Vernita toll bridge. Authorized.

SECTION 1. If the Washington toll bridge authority shall conclude that the construction of a toll bridge across the Columbia river in the vicinity of Vernita, including approaches, and a highway approach from the vicinity of Richland to said toll bridge, are feasible, the authority is hereby authorized to make all surveys, design and construct said toll bridge and approaches.

—Bonds.

SEC. 2. The Washington toll bridge authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of such bridge and approaches thereto, and the highway approach from the vicinity of Richland to said bridge, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Except as may be otherwise specifically provided in this amendatory act the provisions of RCW 47.56-.130 through 47.56.245 shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, con-

ditions, covenants, negotiability, denomination, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal therefor and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest from the tolls and revenues derived from the operation of said toll bridge and from that portion of the motor vehicle fund as provided in section 3 of this amendatory act. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll bridge and from any interest which may be earned from the deposit or investment of any such revenues and such sums as are pledged from the motor vehicle fund as provided in section 3 of this amendatory act, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they, together with said pledge from the motor vehicle fund, will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

Until all of said bonds are fully paid and until the motor vehicle fund is fully reimbursed for all sums advanced therefrom to pay principal and

Vernita toll bridge. Bonds.

interest on said bonds or any subsequent refunding bond issue, the tolls charged for the use of said facility shall never be reduced below the sums specified in the following schedule:

- For every combination of vehicles and for buses having a seating capacity for over fifteen persons \$0.75
- For all trucks licensed for a maximum gross load of over 8,000 lbs. other than a combination of vehicles and all buses having a seating capacity for less than sixteen persons. . \$0.50
- For all other motor vehicles not specified above and for motorcycles. \$0.25

—Pledge of taxes to guarantee bonds authorized.

SEC. 3. The state highway commission may, at the request of the toll bridge authority, pledge the proceeds of all excise taxes imposed on motor vehicle fuels now directed by law to be deposited in the motor vehicle fund and which are available for appropriation to the state highway commission for state highway purposes in the sum of one hundred thousand dollars per year for the purpose of guaranteeing the payment of principal and interest on bonds issued by the authority as authorized in section 2 of this act or for sinking fund requirements or reserves established by the authority with respect thereto or for guaranteeing the payment of principal and interest on any subsequent refunding bond issues. To the extent of any such pledge the state highway commission shall use such moneys to meet such obligations as they arise but only to the extent that net revenues of the project are insufficient therefor.

—Pledge to continue taxes.

SEC. 4. Whenever the state highway commission shall have made a pledge of motor vehicle funds as authorized in section 3 of this act the legislature agrees to continue to impose excise taxes on motor vehicle fuels, and there is imposed a first and prior charge thereon, in amounts sufficient to provide the

state highway commission with funds necessary to enable it to comply with such pledge.

SEC. 5. Any money from the motor vehicle fund used by the state highway commission for payment of expenses of location, maintenance, repair and operation of said bridge and approaches and highway approach, and principal or interest on any bonds issued pursuant to section 2 of this act or any subsequent refunding bond issue shall be repaid to the motor vehicle fund to be used for state highway purposes from revenues of such project and tolls shall be continued for any additional length of time necessary for this purpose.

—Motor vehicle fund moneys to be repaid.

SEC. 6. The toll facility, when completed, shall become a part of the state highway system and the Washington state highway commission is hereby authorized to operate and to assume the full control of said toll bridge with full power to collect tolls from the users of such bridge as established by the toll bridge authority for the purpose of providing revenue which, with the pledge from the motor vehicle fund provided for in section 3 of this amendatory act, shall be sufficient to pay all costs and incidental expenses of location, construction, maintenance, repair and operation of said bridge and approaches and highway approach from the vicinity of Vernita to said bridge, for the repayment of the principal and interest on its revenue bonds, and reimbursement to the motor vehicle fund of all sums expended therefrom under this amendatory act.

—Operation upon completion.

SEC. 7. Except as specifically provided in this amendatory act the provisions of RCW 47.56.010 through 47.56.257 shall govern and be controlling in all matters and things necessary to carry out the purposes of this amendatory act. Nothing in this amendatory act is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the

—RCW sections applicable—Construction.

powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the special provisions of this amendatory act for the uses and purposes herein set forth, and the provisions of this amendatory act shall be additional to such existing statutes and concurrent therewith.

RCW 47.20.410 amended.

SEC. 8. Section 47.20.410, chapter 13, Laws of 1961 as last amended by section 14, chapter 21, Laws of 1961 extraordinary session and RCW 47.20.410 are each amended to read as follows:

Secondary highways—
Highways
11A, 11B, 11C.

Secondary state highways as branches of primary state highway No. 11 are established as follows:

Secondary state highway No. 11A; beginning at Connell on primary state highway No. 11, thence in a westerly direction to Yakima on primary state highway No. 3: The highway commission shall provide and maintain suitable facilities for vehicles and pedestrian crossing of the Columbia river at the point where secondary state highway No. 11A crosses the river, at the expense of the state and without charge to the public until such time as the toll facility provided for in this act shall be completed and open to the public: *Provided*, That upon the completion of secondary state highway No. 11C from Vernita Ferry to Richland, that portion of secondary state highway No. 11A from the vicinity of Mesa to White Bluffs Ferry shall revert to Franklin county;

Proviso.

Secondary state highway No. 11B; beginning at a junction with primary state highway No. 11 in the vicinity of Connell, thence northeasterly by way of Kahlotus, Washtucna and LaCrosse to a junction with primary state highway No. 3 in the vicinity of Dusty; also beginning at a junction with secondary state highway No. 11B in the vicinity of Washtucna, thence southeasterly to a junction with primary state highway No. 3 at Delaney: *Provided*, That until such time as secondary state highway No. 11B between

Proviso.

Washtucna and Delaney is actually constructed on the location adopted by the highway commission no existing county roads shall be maintained or improved by the highway commission as a temporary route of said secondary state highway No. 11B.

Secondary state highway No. 11C beginning at a junction with secondary state highway No. 11A near the southerly approach to the Vernita Ferry, thence southeasterly by the most feasible route across the Atomic Energy Commission Reservation to a junction with secondary state highway No. 3R at Richland. The director may enter into negotiations with appropriate federal agencies to secure right of way for said highway over and across the Atomic Energy Commission Reservation.

SEC. 9. Section 47.20.415, chapter 13, Laws of 1961 and RCW 47.20.415 are each amended to read as follows:

RCW 47.20.415 amended.

The highway commission shall relocate and reconstruct secondary state highway No. 11A from a point in the vicinity of Cold creek, thence northerly to Vernita, thence crossing the Columbia river, thence easterly, by the most feasible route north of the Columbia river, to a point intersecting secondary state highway No. 11A, in the vicinity of Connell: *Provided*, That nothing in this section shall prohibit such relocation and reconstruction through the control zone of the Hanford atomic energy project as the atomic energy commission and the highway commission may agree.

Highway 11A—Relocation—Columbia river crossing.

Proviso.

SEC. 10. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1965, the sum of one hundred seventy-five thousand dollars, or so much thereof as may be necessary for the purpose of location, design, and all other things preliminary to the construction of the toll bridge and

Appropriation.

highway approach provided for in this amendatory act. This appropriation shall be considered a loan and repaid to the motor vehicle fund by the authority upon the sale of bonds as provided for under section 2 of this amendatory act at the discretion of the toll bridge authority from tolls on the Vernita toll bridge.

Passed the Senate February 21, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 198.

[S. B. 262.]

UNIFORM WASHINGTON FOOD, DRUG AND COSMETIC ACT.

AN ACT relating to the Uniform Washington Food, Drug and Cosmetic Act; amending section 39, chapter 257, Laws of 1945 and RCW 69.04.210; amending section 57, chapter 257, Laws of 1945 and RCW 69.04.390; amending section 58, chapter 257, Laws of 1945 and RCW 69.04.400; and adding ten new sections to chapter 69.04 RCW; and repealing section 41, chapter 257, Laws of 1945 and RCW 69.04.230; and repealing section 94, chapter 257, Laws of 1945 and RCW 69.04.760.

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

RCW 69.04.210 amended.

SECTION 1. Section 39, chapter 257, Laws of 1945 and RCW 69.04.210 are each amended to read as follows:

Food—Adulteration by poisonous or deleterious substance.

A food shall be deemed to be adulterated:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or

(2) (a) If it bears or contains any added poisonous or added deleterious substance (other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive, or (iii) a color additive) which is unsafe within the meaning of section 2 of this amendatory act, or (b) if it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of section 3 of this amendatory act, or (c) if it is, or it bears or contains, any food additive which is unsafe within the meaning of section 4 of this amendatory act: *Provided*, That where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under section 3 of this amendatory act and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating, or milling, the residue of such pesticide chemical remaining in or on such processed food shall, notwithstanding the provisions of sections 2 and 4 of this amendatory act, not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the concentration of such residue in the processed food when ready to eat is not greater than the tolerance prescribed for the raw agricultural commodity; or

(3) If it consists in whole or in part of any diseased, contaminated, filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or

(4) If it has been produced, prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome, or injurious to health; or

(5) If it is in whole or in part the product of a diseased animal or of an animal which has died

otherwise than by slaughter or which has been fed on the uncooked offal from a slaughterhouse; or

(6) If its container is composed in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health; or

(7) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 4 of this amendatory act.

RCW 69.04.390 amended.

SEC. 2. Section 57, chapter 257, Laws of 1945 and RCW 69.04.390 are each amended to read as follows:

Food, drug, cosmetic act. Regulations permitting tolerance of harmful matter.

Any poisonous or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice, shall be deemed unsafe for purposes of the application of clause (2) (a) of section 1 of this amendatory act; but when such substance is so required or cannot be so avoided, the director shall promulgate regulations limiting the quantity therein or thereon to such extent as he finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed unsafe for purposes of the application of clause (2) (a) of section 1 of this amendatory act. While such a regulation is in effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of clause (1) of section 1 of this amendatory act. In determining the quantity of such added substance to be tolerated in or on different articles of food, the director shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

SEC. 3. There is hereby added to chapter 69.04 RCW the following new section: New section.

(1) Any poisonous or deleterious pesticide chemical, or any pesticide chemical which generally is recognized among experts qualified by scientific training and experience to evaluate the safety of pesticide chemicals as unsafe for use, added to a raw agricultural commodity, shall be deemed unsafe for the purpose of the application of clause (2) of section 1 of this amendatory act unless: —Pesticide chemicals in or on raw agricultural commodities.

(a) A tolerance for such pesticide chemical in or on the raw agricultural commodity has been prescribed pursuant to subsection (2) hereof and the quantity of such pesticide chemical in or on the raw agricultural commodity is within the limits of the tolerance so prescribed; or

(b) With respect to use in or on such raw agricultural commodity, the pesticide chemical has been exempted from the requirement of a tolerance pursuant to subsection (2) hereof.

While a tolerance or exemption from tolerance is in effect for a pesticide chemical with respect to any raw agricultural commodity, such raw agricultural commodity shall not, by reason of bearing or containing any added amount of such pesticide chemical, be considered to be adulterated within the meaning of clause (1) of section 1 of this amendatory act.

(2) The regulations promulgated under section 408 of the Federal Food, Drug and Cosmetic Act, as of the effective date of this amendatory act, setting forth the tolerances for pesticide chemicals in or on any raw agricultural commodity, are hereby adopted as the regulations for tolerances applicable to this chapter: *Provided*, That the director is hereby authorized to adopt by regulation any new or future amendments to such federal regulations for tolerances, including exemption from tolerance and zero Proviso.

Food, drug, cosmetic act—
—Regulations permitting tolerance of harmful matter. Pesticide chemicals in or on raw agricultural commodities.

tolerances; to the extent necessary to protect the public health. The director is also authorized to issue regulations in the absence of federal regulations and to prescribe therein tolerances for pesticides, exemptions, and zero tolerances, upon his own motion or upon the petition of any interested party requesting that such a regulation be established. It shall be incumbent upon such petitioner to establish, by data submitted to the director, that a necessity exists for such regulation and that the effect of such regulation will not be detrimental to the public health. If the data furnished by the petitioner is not sufficient to allow the director to determine whether such a regulation should be promulgated, the director may require additional data to be submitted and failure to comply with this request shall be sufficient grounds to deny the request of the petitioner for the issuance of such regulation.

(3) In adopting any new or amended tolerances by regulation issued pursuant to this section, the director shall give appropriate consideration, among other relevant factors, to the following: (a) The purpose of this chapter being to promote uniformity of state legislation with the federal act; (b) the necessity for the production of an adequate, wholesome, and economical food supply; (c) the other ways in which the consumer may be affected by the same pesticide chemical or by other related substances that are poisonous or deleterious; and (d) the opinion of experts qualified by scientific training and experience to determine the proper tolerance to be allowed for any pesticide chemical.

New section.

SEC. 4. There is hereby added to chapter 69.04 RCW the following new section:

—Food additives.

(1) A food additive shall, with respect to any particular use or intended use of such additives, be deemed unsafe for the purpose of the application of

clause (2) (c) of section 1 of this amendatory act, unless:

(a) It and its use or intended use conform to the terms of an exemption granted, pursuant to a regulation under subsection (2) hereof providing for the exemption from the requirements of this section for any food additive, and any food bearing or containing such additive, intended solely for investigational use by qualified experts when in the director's opinion such exemption is consistent with the public health; or

(b) There is in effect, and it and its use or intended use are in conformity with a regulation issued or effective under subsection (2) hereof prescribing the conditions under which such additive may be safely used.

While such a regulation relating to a food additive is in effect, a food shall not, by reason of bearing or containing such an additive in accordance with the regulation, be considered adulterated within the meaning of clause (1) of section 1 of this amendatory act.

(2) The regulations promulgated under section 409 of the Federal Food, Drug and Cosmetic Act, as of the effective date of this amendatory act, prescribing the conditions under which such food additive may be safely used, are hereby adopted as the regulations applicable to this chapter: *Provided*, That Proviso. the director is hereby authorized to adopt by regulation any new or future amendments to the federal regulations. The director is also authorized to issue regulations in the absence of federal regulations and to prescribe the conditions under which a food additive may be safely used and exemptions where such food additive is to be used solely for investigational purposes; either upon his own motion or upon the petition of any interested party requesting that such a regulation be established. It shall be incumbent

Food, drug,
cosmetic act—
Regulations
permitting
tolerance of
harmful
matter.
Food additives.

upon such petitioner to establish, by data submitted to the director, that a necessity exists for such regulation and that the effect of such a regulation will not be detrimental to the public health. If the data furnished by the petitioner is not sufficient to allow the director to determine whether such a regulation should be promulgated, the director may require additional data to be submitted and failure to comply with this request shall be sufficient grounds to deny the request of the petitioner for the issuance of such a regulation.

(3) In adopting any new or amended regulations pursuant to this section, the director shall give appropriate consideration, among other relevant factors, to the following: (a) The purpose of this chapter being to promote uniformity of state legislation with the federal act; (b) the probable consumption of the additive and of any substance formed in or on food because of the use of the additive; (c) the cumulative effect of such additive in the diet of man or animals, taking into account any chemically or pharmacologically related substance or substances in such diet; and (d) safety factors which in the opinion of experts qualified by scientific training and experience to evaluate the safety of food additives are generally recognized as appropriate for the use of animal experimentation data.

New section.

SEC. 5. There is hereby added to chapter 69.04 RCW the following new section:

Food—Adul-
teration by
color additive.

A food shall be deemed to be adulterated if it is, or it bears or contains a color additive which is unsafe within the meaning of section 6 of this amendatory act.

New section.

SEC. 6. There is hereby added to chapter 69.04 RCW the following new section:

—Color
additives.

(1) A color additive shall, with respect to any particular use (for which it is being used or in-

tended to be used or is represented as suitable) in or on food, be deemed unsafe for the purpose of the application of section 5 of this amendatory act, unless:

(a) There is in effect, and such color additive and such use are in conformity with, a regulation issued under this section listing such additive for such use, including any provision of such regulation prescribing the conditions under which such additive may be safely used;

(b) Such additive and such use thereof conform to the terms of an exemption for experimental use which is in effect pursuant to regulation under this section.

While there are in effect regulations under this section relating to a color additive or an exemption with respect to such additive a food shall not, by reason of bearing or containing such additive in all respects in accordance with such regulations or such exemption, be considered adulterated within the meaning of clause (1) of section 1 of this amendatory act.

(2) The regulations promulgated under section 706 of the Federal Food, Drug and Cosmetic Act, as of the effective date of this amendatory act, prescribing the use or limited use of such color additive, are hereby adopted as the regulations applicable to this chapter: *Provided*, That the director is hereby authorized to adopt by regulation any new or future amendments to the federal regulations. The director is also authorized to issue regulations in the absence of federal regulations and to prescribe therein the conditions under which a color additive may be safely used including exemptions for experimental purposes. Such a regulation may be issued either upon the director's own motion or upon the petition of any interested party requesting that such a regulation be established. It shall be incumbent upon

Proviso.

Food, drug,
cosmetic act—
Regulations
permitting
tolerance of
harmful
matter.
Color
additives.

such petitioner to establish, by data submitted to the director, that a necessity exists for such regulation and that the effect of such a regulation will not be detrimental to the public health. If the data furnished by the petitioner is not sufficient to allow the director to determine whether such a regulation should be promulgated, the director may require additional data to be submitted and failure to comply with this request shall be sufficient grounds to deny the request of the petitioner for the issuance of such a regulation.

(3) In adopting any new or amended regulations pursuant to this section, the director shall give appropriate consideration, among other relevant factors, to the following: (a) The purpose of this chapter being to promote uniformity of state legislation with the federal act; (b) the probable consumption of, or other relevant exposure from, the additive and of any substance formed in or on food because of the use of the additive; (c) the cumulative effect, if any, of such additive in the diet of man or animals, taking into account the same or any chemically or pharmacologically related substance or substances in such diet; (d) safety factors which, in the opinion of experts qualified by scientific training and experience to evaluate the safety of color additives for the use or uses for which the additive is proposed to be listed, are generally recognized as appropriate for the use of animal experimentation data; (e) the availability of any needed practicable methods of analysis for determining the identity and quantity of (i) the pure dye and all intermediates and other impurities contained in such color additives, (ii) such additive in or on any article of food, and (iii) any substance formed in or on such article because of the use of such additive; and (f) the conformity by the manufacturer with the established standards in the industry relating to the proper

formation of such color additive so as to result in a finished product safe for use as a color additive.

SEC. 7. Section 58, chapter 257, Laws of 1945 and RCW 69.04.400 are each amended to read as follows:

The regulations promulgated under section 2 of this amendatory act shall conform, insofar as practicable, with those promulgated under section 406 of the federal act.

RCW 69.04.400 amended.

—Conformance with federal regulations.

SEC. 8. There is hereby added to chapter 69.04 RCW the following new section:

The word "package" shall include, and be construed to include, wrapped meats enclosed in papers or other materials as prepared by the manufacturers thereof for sale.

New section.

"Package" includes.

SEC. 9. There is hereby added to chapter 69.04 RCW the following new section:

The term "pesticide chemical" means any substance defined as an economic poison and/or agricultural pesticide in Title 15 as now enacted or hereafter amended.

New section.

"Pesticide chemical" defined.

SEC. 10. There is hereby added to chapter 69.04 RCW the following new section:

The term "raw agricultural commodity" means any food in its raw or natural state, including all fruits that are washed, colored or otherwise treated in their unpeeled natural form prior to marketing.

New section.

"Raw agricultural commodity" defined.

SEC. 11. There is hereby added to chapter 69.04 RCW the following new section:

(1) The term "food additive" means any substance the intended use of which results or may reasonably be expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of any food (including any substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; and includ-

New section.

"Food additive" defined.

Food, drug,
cosmetic act.
"Food addi-
tive" defined.

ing any source of radiation intended for any such use), if such substance generally is recognized, among experts qualified by scientific training and experience to evaluate its safety, as having been adequately shown through scientific procedures (or, in the case of a substance used in food prior to January 1, 1958; through either scientific procedures or experience based on common use in food) to be unsafe under the conditions of its intended use; except that such term does not include; (a) a pesticide chemical in or on a raw agricultural commodity; or (b) a pesticide chemical to the extent that it is intended for use or is used in the production, storage, or transportation of any raw agricultural commodity; or (c) a color additive.

"Safe" defined.

(2) The term "safe" as used in the food additive definition has reference to the health of man or animal.

New section.

SEC. 12. There is hereby added to chapter 69.04 RCW the following new section:

"Color addi-
tive" defined.

(1) The term "color additive" means a material which (a) is a dye, pigment, or other substance made by a process of synthesis or similar artifice, or extracted, isolated, or otherwise derived, with or without intermediate or final change of identity, from a vegetable, animal, mineral, or other source, and (b) when added or applied to a food is capable (alone or through reaction with other substance) of imparting color thereto; except that such term does not include any material which the director, by regulation, determines is used (or intended to be used) solely for a purpose or purposes other than coloring.

(2) The term "color" includes black, white, and intermediate grays.

(3) Nothing in subsection (1) hereof shall be construed to apply to any pesticide chemical, soil or plant nutrient, or other agricultural chemical solely because of its effect in aiding, retarding, or otherwise

affecting, directly or indirectly, the growth or other natural physiological processes of produce of the soil and thereby affecting its color, whether before or after harvest.

SEC. 13. There is hereby added to chapter 69.04 RCW the following new section: New section.

The director shall hold a public hearing upon a proposal to promulgate any new or amended regulation under this chapter. The procedure to be followed concerning such hearings shall comply in all respects with chapter 34.04 RCW (Administrative Procedure Act) as now enacted or hereafter amended. Hearings
under chapter
34.04 RCW.

SEC. 14. Section 41, chapter 257, Laws of 1945 and RCW 69.04.230 are each repealed. Repeal.

SEC. 15. Section 94, chapter 257, Laws of 1945 and RCW 69.04.760 are each repealed. Repeal.

Passed the Senate March 3, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 199.

[S. B. 287.]

MOTOR VEHICLES, HOUSE TRAILERS, AIRCRAFT—
EXCISE TAXES—REGISTRATION.

AN Act relating to revenue and taxation; amending sections 82.44.010, 82.44.020, 82.44.050, 82.44.060 and 82.44.120, chapter 15, Laws of 1961 and RCW 82.44.010, 82.44.020, 82.44.050, 82.44.060 and 82.44.120; amending section 82.48.030, chapter 15, Laws of 1961 and RCW 82.48.030; amending sections 82.50.030, 82.50.105 and 82.50.120, chapter 15, Laws of 1961 and RCW 82.50.030, 82.50.105 and 82.50.120; and repealing sections 46.16.400, 46.16.410, 46.16.420, 46.16.430 and 46.16.440, chapter 12, Laws of 1961, as amended by sections 1 through 5, chapter 163, Laws of 1961, and RCW 46.16.400, 46.16.410, 46.16.420, 46.16.430 and 46.16.440 and providing an effective date.

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

RCW 82.44.010
amended.

SECTION 1. Section 82.44.010, chapter 15, Laws of 1961 and RCW 82.44.010 are each amended to read as follows:

Motor vehicle
excise tax.
Definitions.

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, or (4) house trailers as defined in RCW 82.50.010.

“Commission” or “tax commission” means the tax commission of the state.

SEC. 2. Section 82.44.020, chapter 15, Laws of 1961 and RCW 82.44.020 are each amended to read as follows:

RCW 82.44.020 amended.

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: *Provided*, That in no case shall the tax be less than two dollars.

Basic tax imposed.

Proviso.

SEC. 3. Section 82.44.050, chapter 15, Laws of 1961 and RCW 82.44.050 are each amended to read as follows:

RCW 82.44.050 amended.

Whenever a person applies to the county auditor for a license for a motor vehicle which does not appear upon the schedule, the applicant shall apply to the county assessor of his county for computation of the amount of excise tax due. Upon any such application the assessor shall appraise the vehicle at its fair market value from such automotive guidebooks or listings or other information as he may have available and ascertain the amount of excise tax by applying to such appraisal the rate of two percent and thereupon the applicant shall be given a certificate showing the excise tax payable under this chapter.

Independent appraisal of unlisted vehicles.

SEC. 4. Section 82.44.060, chapter 15, Laws of 1961 and RCW 82.44.060 are each amended to read as follows:

RCW 82.44.060 amended.

The excise tax hereby imposed shall be due and payable to the county auditor at the time of registration of a motor vehicle. Whenever an application is made to the auditor for a license for a motor vehicle he shall collect, in addition to the amount of the license fee, the amount of the excise tax imposed by this chapter, 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 col-

Payment of tax—Abatement for fractional year.

Motor vehicle
excise tax.
Payment—
Abatement for
fractional year
—Transfer of
ownership.

lected for each calendar year: *Provided*, That the calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon a motor vehicle license for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the motor vehicle is being licensed: *Provided further*, That the tax shall in no case be less than two dollars.

Proviso.

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 year immediately preceding the year in which the application for license is made.

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 year or fraction of a year in which transfer of ownership occurs.

RCW 82.44.120
amended.

SEC. 5. Section 82.44.120, chapter 15, Laws of 1961 and RCW 82.44.120 are each amended to read as follows:

Refunds—
Claims—Time
limitation.

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 licenses 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 of licenses 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 tax commission 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 tax commission 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 licenses within the period provided by law, and no such refund shall be allowed under the second paragraph of this section unless filed with the tax commission within ninety days after such claimed excessive excise tax was paid.

Any person authorized by the public service 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

Motor vehicle
excise tax.
Refunds—
Claims—Time
limitation.

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 tax commission 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 commission 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 commission 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 motor vehicle excise 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.

RCW 82.48.030
amended.

SEC. 6. Section 82.48.030, chapter 15, Laws of 1961 and RCW 82.48.030 are each amended to read as follows:

Aircraft
excise tax—
Amount.

The amount of the tax imposed by this chapter for each calendar year shall be one percent of the fair market value of the aircraft, as determined in the manner provided in this chapter: *Provided*, That the calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon an aircraft registered for

Proviso.

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

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

SEC. 7. Section 82.50.030, chapter 15, Laws of 1961 and RCW 82.50.030 are each amended to read as follows: RCW 82.50.030 amended.

The rate and measure of tax imposed by this chapter for each calendar year shall be one percent of the fair market value of the house trailer, as determined in the manner provided in this chapter: *Provided*, That the calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the excise tax upon a house trailer used for the first time in this state after the last day of any month shall only be levied for the remaining months of the calendar year including the month in which the house trailer is first used: *Provided further*, That the minimum amount of tax payable shall be two dollars. House trailer excise tax—Rate—Minimum payable—Fractional amounts. Proviso. Proviso.

A house trailer shall be deemed used for the first time in this state when such vehicle was not previously licensed by this state for the year immediately preceding the year in which application for license is made.

SEC. 8. Section 82.50.105, chapter 15, Laws of 1961 and RCW 82.50.105 are each amended to read as follows: RCW 82.50.105 amended.

On or before the fifteenth day of February of each calendar year, the director shall cause to be Notice of amount payable, contents.

House trailer
excise tax.
Notice of
amount pay-
able, contents
—Notice of
delinquency—
Distrain
procedure.

mailed to the owners of house trailers, of record, notice of the amount of tax payable during the calendar year. Said notice shall contain a legal description of the house trailer, prominent notice of penalties, due dates, and such other information as may be required by the director. If the tax is not paid within thirty days of the date payable, the director shall issue a notice of delinquency which may be mailed to the trailer owner, which notice shall advise of the delinquency, and demand immediate payment. If payment is not made within thirty days of the issuance of said notice, the director may forward a notification of delinquency to the county sheriff of the county wherein the trailer is located, requesting distraint of said trailer.

RCW 82.50.120
amended.

SEC. 9. Section 82.50.120, chapter 15, Laws of 1961 and RCW 82.50.120 are each amended to read as follows:

Unlawful
removal of
trailer.

It shall be unlawful for any owner or other person to remove a house trailer from the real property on which it is situated after the tax hereunder shall become due and payable without payment of the excise tax hereunder or under RCW 82.44.020.

Repeal.

SEC. 10. Section 46.16.400, chapter 12, Laws of 1961 as amended by section 1, chapter 163, Laws of 1961 and RCW 46.16.400, section 46.16.410, chapter 12, Laws of 1961 as amended by section 2, chapter 163, Laws of 1961 and RCW 46.16.410, section 46.16.420, chapter 12, Laws of 1961 as amended by section 3, chapter 163, Laws of 1961 and RCW 46.16.420, section 46.16.430, chapter 12, Laws of 1961 as amended by section 4, chapter 163, Laws of 1961 and RCW 46.16.430 and section 46.16.440, chapter 12, Laws of 1961 as amended by section 5, chapter 163, Laws of 1961 and RCW 46.16.440 are each repealed.

SEC. 11. Sections 1 through 10 of this act shall take effect on January 1, 1964. Effective date.

Passed the Senate February 21, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 200.

[Sub. S. B. 356.]

ELECTIONS.

AN ACT relating to elections; amending section 2, chapter 61, Laws of 1921 as last amended by section 1, chapter 55, Laws of 1955, and RCW 29.13.020; amending section 1, chapter 168, Laws of 1957 and RCW 29.13.023; amending section 2, chapter 168, Laws of 1957 and RCW 29.13.024; amending section 1, chapter 170, Laws of 1921 as last amended by section 2, chapter 55, Laws of 1955, and RCW 29.13.030; amending section 5, chapter 161, Laws of 1949 as last amended by section 3, chapter 55, Laws of 1955, and RCW 29.13.040; amending section 5, chapter 257, Laws of 1951 and RCW 29.13.045; amending section 1, chapter 86, Laws of 1959 and RCW 29.13.050; amending section 1, chapter 10, Laws of 1943 and RCW 29.13.060; amending section 5, chapter 194, Laws of 1945 as last amended by section 2, chapter 247, Laws of 1959, and RCW 29.21.060; amending section 4, chapter 161, Laws of 1949 as amended by section 3, chapter 101, Laws of 1951 and RCW 29.24.110; amending section 9, chapter 55, Laws of 1955 as amended by section 2, chapter 86, Laws of 1959 and RCW 35.17.020; amending section 10, chapter 55, Laws of 1955 and RCW 35.17.400; amending section 3, chapter 86, Laws of 1959 and RCW 35.23.040; amending section 6, chapter 55, Laws of 1955 as last amended by section 4, chapter 86, Laws of 1959 and RCW 35.24.050; amending section 4, chapter 89, Laws of 1961 and RCW 35.27.090; amending section 1, chapter 110, Laws of 1953 as amended by section 12, chapter 55, Laws of 1955 and RCW 56.12.020; amending section 36.69.090, chapter [4], (S. B. 47) Laws of 1963 and RCW 36.69.090; amending section 1, chapter 133, Laws of 1935 as last amended by section 1, chapter 68, Laws of 1951 and RCW 53.12.160; amending section 1, chapter 113, Laws of 1925 extraordinary session, as amended by section 1, chapter 45, Laws of 1941 and RCW 53.12.210; amending section 3, chapter 69, Laws of 1951, as amended by section

4, chapter 175, Laws of 1959 and RCW 53.12.044; amending section 1, chapter 70, Laws of 1951 and RCW 29.04.055; amending section 12, chapter 161, Laws of 1949 and RCW 29.04.070; amending section 13, chapter 161, Laws of 1949 and RCW 29.04.080; amending section 3, chapter 209, Laws of 1907 and RCW 29.13.070; adding a new section to chapter 29.13 RCW; and repealing sections 13 and 14, chapter 55, Laws of 1955 and RCW 29.13.022 and 29.13.061; repealing section 1, chapter 252, Laws of 1961 and RCW 29.13.065; repealing section 4, chapter 69, Laws of 1951, section 5, chapter 175, Laws of 1959 and RCW 53.12.046; and repealing section 7, chapter 175, Laws of 1959.

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

RCW 29.13.020 amended.

SECTION 1. Section 2, chapter 61, Laws of 1921, as last amended by section 1, chapter 55, Laws of 1955, and RCW 29.13.020 are each amended to read as follows:

Elections by lesser constituencies in Class AA and Class A counties—Special elections.

All city, town, and district elections, except as hereinafter provided, whether general or special, and whether for the election of municipal or district officers or for the submission to the voters of any city, town or district of any question for their adoption and approval, or rejection, shall be held in Class AA or Class A counties on the Tuesday following the first Monday in November in the odd-numbered years: *Provided*, That there shall be no such general city or town elections held under the provisions of this 1963 amendatory act until 1967, and the positions that would have been voted upon in the year 1966, except for the provisions of this 1963 amendatory act, shall be voted upon at the general election to be held on the Tuesday following the first Monday in November in the year 1967 and each two years thereafter. All city and town elections to be held in 1964 under existing law shall be conducted as though the provisions of this 1963 amendatory act had not been enacted. All city and town officers elected in 1964 shall remain in office for their regular term and until their successors are elected and quali-

Proviso.

fied under the provisions of this 1963 amendatory act.

There shall be no such regular district elections held in the years 1964, 1966, and 1968, and the positions that would have been voted upon, except for the provisions of this amendatory act, in the years 1964, 1966, and 1968 shall be voted upon at the general elections to be held on the Tuesday following the first Monday in November in the years 1965, 1967, and 1969 respectively and each two years thereafter.

There shall be no such regular school district elections held on the second Tuesday in March in the years 1965, 1967, and 1969 and the positions that would have been voted upon, except for the provisions of this amendatory act, shall be voted upon at the general elections to be held on the Tuesday following the first Monday in November in the years 1965, 1967, and 1969 respectively and each two years thereafter.

The purpose of this section is to change the time of holding all general city, town, and district elections in Class AA and Class A counties from March of either the even-numbered or odd-numbered years, as the case may be, to a common election date, being the Tuesday following the first Monday in November of the odd-numbered years, and further, to change the time of holding regular port district elections in Class AA and Class A counties and park and recreation districts in Class AA counties from the Tuesday following the first Monday in November of the even-numbered years to the Tuesday following the first Monday in November of the odd-numbered years.

The terms of all such city, town, and district officers elected on the Tuesday following the first Monday in November of the odd-numbered years shall commence as of noon on the second Monday in January following their election: *Provided*, That any per-

Proviso.

Elections by lesser constituencies in class AA and class A counties—Special elections.

son elected to less than a full term shall assume office as soon as the election returns have been certified.

All incumbent city, town, or district officers whose terms would have expired, except for the provisions of this amendatory act, shall remain in office until their successors are elected and qualified.

This section shall not apply to:

(1) Elections for the recall of city, town, or district officers,

(2) Public utility districts, or district elections whereat the ownership of property within said districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto.

The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election at any time in such city, town, or district and for the purpose of such special election he may combine, unite or divide precincts. Such special election shall be conducted and notice thereof given in the manner provided by law.

RCW 29.13.023 amended.

SEC. 2. Section 1, chapter 168, Laws of 1957 and RCW 29.13.023 are each amended to read as follows:

Elections in first class cities under mayor-council government—Twelve councilmen.

All regular elections in first class cities having a mayor-council form of government whose charters provide for twelve councilmen elected for a term of two years, two being elected from each of six wards, and for the election of a mayor, treasurer, and comptroller for terms of two years, shall be held biennially, and shall be held on the Tuesday following the first Monday in November in the odd-numbered years except as provided in RCW 29.13.020 and 29.13.030. The term of each councilman, mayor, treasurer and comptroller shall be four years and until their

successors are elected and qualified. The terms of the councilmen shall be so staggered that six councilmen shall be elected to office at each regular election.

SEC. 3. Section 2, chapter 168, Laws of 1957 and RCW 29.13.024 are each amended to read as follows:

RCW 29.13.024 amended.

All regular elections in first class cities having a mayor-council form of government whose charters provide for seven councilmen, one to be elected from each of six wards and one at large, for a term of two years, and for the election of a mayor, comptroller, treasurer and attorney for two year terms, shall be held on the Tuesday following the first Monday in November on the odd-numbered years except as provided in RCW 29.13.020 and 29.13.030. The terms of the six councilmen to be elected by wards shall be four years and until their successors are elected and qualified and the term of the councilman to be elected at large shall be two years and until their successors are elected and qualified. The terms of the councilmen shall be so staggered that three ward councilmen and the councilman at large shall be elected at each regular election. The term of the mayor, attorney, treasurer, and comptroller shall be four years and until their successors are elected and qualified.

—Seven councilmen.

SEC. 4. There is added to chapter 29.13 RCW a new section to read as follows:

New section.

All regular elections in cities of the first class under a commission form of government whose charters provide that elections shall be held triennially, shall hereafter be held quadrennially and shall be held on the Tuesday following the first Monday in November in the odd-numbered years: *Provided*, That no such regular city election shall be held under the provisions of this 1963 amendatory section until the Tuesday after the first Monday in Novem-

Elections in first class cities under commission government.

Proviso.

ber, 1969. The elections to be held in such cities in 1964 under existing law shall be conducted at the time and in the manner as though the provisions of this 1963 amendatory act had not been enacted. All city officials elected in 1964, or thereafter, shall be elected for terms of four years and until their successors are elected and qualified under the provisions of this 1963 amendatory act.

RCW 29.13.030 amended.

SEC. 5. Section 1, chapter 170, Laws of 1921, as last amended by section 2, chapter 55, Laws of 1955, and RCW 29.13.030 are each amended to read as follows:

Elections by cities, town, school districts, in class 1 through class 9 counties.

Proviso.

All city and town regular elections, in class 1 through class 9 counties, shall be held on the Tuesday following the first Monday in November in the odd-numbered years: *Provided*, That there shall be no such general city or town elections held under the provisions of this 1963 amendatory act until 1967, and the positions that would have been voted upon in the year 1966, except for the provisions of this 1963 amendatory act, shall be voted upon at the general election to be held on the Tuesday following the first Monday in November in the year 1967 and each two years thereafter. All city and town elections to be held in 1964 under existing law shall be conducted as though the provisions of this 1963 amendatory act had not been enacted. All city and town officers elected in 1964 shall remain in office for their regular term and until their successors are elected and qualified under the provisions of this 1963 amendatory act.

Proviso.

All general school district elections, in class 1 through class 9 counties, shall be held on the Tuesday following the first Monday in November in the odd-numbered years: *Provided*, That this section shall not be construed as fixing the time for holding the elections for the recall of any city, town, or district officers or special bond election or any election

held in a city of the first class for choosing qualified electors to prepare a new charter for such city by altering, changing, revising, adding to or repealing its existing charter, or any election held in any such city for ratifying such new charter.

There shall be no such general school district elections held on the second Tuesday in March in the years 1965 and 1967, and the positions that would have been voted upon, except for the provisions of this amendatory act, shall be voted upon at the general elections to be held on the Tuesday following the first Monday in November in the years 1965 and 1967 respectively and each two years thereafter.

The purpose of this section is to change the time of holding all general city, town, and school district elections in class 1 through class 9 counties from March of either the even-numbered or odd-numbered years, as the case may be, to a common election date, being the Tuesday following the first Monday in November of the odd-numbered years.

The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election at any time in such city, town, or district and for the purpose of such special election he may combine, unite or divide precincts. Such special election shall be conducted and notices thereof given in the manner provided by law.

This section and RCW 29.13.010 and 29.13.020 are referred to as the consolidated election laws.

SEC. 6. Section 5, chapter 161, Laws of 1949 as last amended by section 3, chapter 55, Laws of 1955, and RCW 29.13.040 are each amended to read as follows:

RCW 29.13.040
amended.

All elections, whether special or general, held

Elections under RCW 29.13.020 and 29.13.030—Conduct—Canvass.

under RCW 29.13.020 and RCW 29.13.030 as now or hereafter amended shall be conducted by the county auditor as ex officio county supervisor of elections and shall be canvassed by the county canvassing board.

RCW 29.13.045 amended.

SEC. 7. Section 5, chapter 257, Laws of 1951, and RCW 29.13.045 are each amended to read as follows:

Cost shared proportionately.

Every city, town, and district shall be liable for its proportionate share of the costs when such elections are held in conjunction with other elections held under RCW 29.13.010, 29.13.020 and 29.13.030.

RCW 29.13.050 amended.

SEC. 8. Section 1, chapter 86, Laws of 1959 and RCW 29.13.050 are each amended to read as follows:

Commencement of terms of elected officers—Board organization.

The term of every city, town, and district officer elected to office on the Tuesday following the first Monday in November of the odd-numbered years shall begin as of noon on the second Monday in January following his election: *Provided*, That any person elected to less than a full term shall assume office as soon as the election returns have been certified.

Proviso.

Persons elected to office at the first regular elections held under the provisions of this amendatory act shall assume office as soon as the election returns have been certified.

Each board of directors of every district shall be organized at the first meeting held after one or more newly elected directors take office.

RCW 29.13.060 amended.

SEC. 9. Section 1, chapter 10, Laws of 1943, and RCW 29.13.060 are each amended to read as follows:

Elections in first class school districts containing first class city in class AA and class A counties.

In Class AA and Class A counties, first class school districts containing a city of the first class shall hold their election biennially on the Tuesday following the first Monday in November of each odd-numbered year.

The directors to be elected shall be elected for

terms of six years and until their successors are elected and qualified.

SEC. 10. Section 5, chapter 194, Laws of 1945, as last amended by section 2, chapter 247, Laws of 1959, and RCW 29.21.060 are each amended to read as follows:

RCW 29.21.060 amended.

During the year 1964, all candidates for office to be voted upon at any election in first, second, and third class cities shall file declarations of candidacy not more than sixty nor less than forty-six days prior to the day of the primary with the clerk thereof.

Declarations of candidacy in first, second, third class cities and certain districts.

After the year 1964, all candidates for offices to be voted on at any election in first, second, and third class cities shall file declarations of candidacy with the clerk thereof not earlier than the first Monday of July nor later than the second Friday following the first Monday of July in the year such regular city elections are held.

All candidates for district offices in port districts, and school districts embracing a city of over one hundred thousand population, both of which are located in Class AA and Class A counties, shall file their declarations of candidacy with the county auditor of the county not earlier than the first Monday of July not later than the second Friday following the first Monday of July in the year such regular district elections are held.

All candidates for district offices not subject to a primary election, other than irrigation districts, shall file declarations of candidacy not more than sixty nor less than forty-six days prior to the date of the election with the appropriate county auditor: *Provided*, That in the case of public utility districts, and in no other, nominations shall be made by means of nominating petitions: *Provided further*, That this chapter shall not change the method of nomination for first district officers at the formation of the district.

Proviso.

Proviso.

Declarations of candidacy in first, second, third class cities and certain districts.

Any candidate for city or district offices may withdraw his declaration at any time to and including the first Friday after the last day allowed for filing declarations of candidacy.

The city clerks in all counties shall transmit to their county auditors at least thirty-five days before the date fixed for the primary, a certified list of the names and addresses of the candidates to be voted on thereat as represented by the declarations of candidacy filed in their offices.

Proviso.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030, 29.18.035, and 29.18.060: *Provided*, That no filing fee shall be charged in the event that the office sought is without salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections.

RCW 29.24.110 amended.

SEC. 11. Section 4, chapter 161, Laws of 1949 as amended by section 3, chapter 101, Laws of 1951 and RCW 29.24.110 are each amended to read as follows:

Nominations in towns.

Fourth class municipalities shall not hold primaries and the election of town officers shall be non-partisan. Not less than ninety days prior to the holding of a town election, the town council shall by ordinance prescribe as the method for nominating candidates, either the holding of a caucus or caucuses, in which case it shall further prescribe regulations therefor, or the filing of declarations of candidacy.

If caucuses are provided for, the town clerk shall publish once in a newspaper having general circulation within the county at least ten days prior to the date thereof, a notice of any caucus. If there be no such newspaper, notice shall be posted ten days

prior to date of the caucus, at the three most prominent places in town.

If declarations of candidacy are provided for; they shall be filed with the town clerk not more than sixty nor less than forty-six days prior to the election, and shall be accompanied by a filing fee equal to one percent of the annual salary of the office: *Provided*, That no filing fee shall be charged in the event that the office sought is without salary. Proviso.

Declarations of candidacy shall substantially conform to the form set forth in RCW 29.18.030. Any candidate may withdraw his declaration at any time to and including the first Friday after the last day allowed for filing declarations of candidacy.

If, by law, the county auditor, as ex officio supervisor of elections, has jurisdiction over such town election, the town clerk shall at least thirty-five days prior thereto, submit to him a certified list of candidates.

SEC. 12. Section 9, chapter 55, Laws of 1955 as amended by section 2, chapter 86, Laws of 1959, and RCW 35.17.020 are each amended to read as follows: RCW 35.17.020 amended.

All regular elections in cities organized under the statutory commission form of government shall be held quadrennially and, shall be held on the Tuesday following the first Monday in November in the odd-numbered years, except as provided in RCW 29.13.020 and 29.13.030. The commissioners shall be nominated and elected at large. Their terms shall be for four years and until their successors are elected and qualified. If a vacancy occurs in the commission the remaining members shall appoint a person to fill it for the unexpired term. Elections—
Cities under
commission
government—
Terms of com-
missioners—
Vacancies.

SEC. 13. Section 10, chapter 55, Laws of 1955 and RCW 35.17.400 are each amended to read as follows: RCW 35.17.400 amended.

The first election of commissioners shall be held within sixty days after the adoption of the proposi-

Cities under
commission
government—
Organization
—Election of
new officers—
Term.

tion to organize under the commission form, and the commission first elected shall commence to serve as soon as they have been elected and have qualified and shall continue to serve until their successors have been elected and qualified.

RCW 35.23.040
amended.

SEC. 14. Section 3, chapter 86, Laws of 1959 and RCW 35.23.040 are each amended to read as follows:

Second class
cities—
Elections—
Term of office.

A general municipal election shall be held biennially in second class cities not operating under the commission form of government and shall be held on the Tuesday following the first Monday in November of each odd-numbered year, except as provided in RCW 29.13.020 and 29.13.030.

The term of office of mayor, city clerk, city treasurer and councilmen in such cities shall be four years, and until their successors are elected and qualified, but not more than six councilmen shall be elected in any one year to fill a full term. The term of office of police judge shall be two years and until his successor is elected and qualified.

RCW 35.24.050
amended.

SEC. 15. Section 6, chapter 55, Laws of 1955, as last amended by section 4, chapter 86, Laws of 1959, and RCW 35.24.050 are each amended to read as follows:

Third class
cities—
Elections—
Terms of office.

General municipal elections in third class cities not operating under the commission form of government shall be held biennially, and, shall be held on the Tuesday following the first Monday in November in the odd-numbered years, except as provided in RCW 29.13.020 and 29.13.030. The term of office of the mayor, city attorney, clerk, and treasurer shall be four years and until their successors are elected and qualified: *Provided*, That if the offices of city attorney and clerk are made appointive, the city attorney and clerk shall not be appointed for a definite term: *Provided further*, That the term of the treasurer shall not commence in the same biennium

Proviso.

Proviso.

in which the term of the mayor commences, nor in which the terms of the city attorney and clerk commence if they are elected.

A councilman-at-large shall be elected biennially for a two-year term and until their successors are elected and qualified; of the other six councilmen, three shall be elected biennially as the terms of their predecessors expire for terms of four years and until their successors are elected and qualified.

SEC. 16. Section 4, chapter 89, Laws of 1961 and RCW 35.27.090 are each amended to read as follows:

RCW 35.27.090
amended.

All general municipal elections in towns shall be held biennially, irrespective of the form of government, on the Tuesday following the first Monday in November in the odd-numbered years, except as provided in RCW 29.13.020 and 29.13.030. The term of office of the mayor and treasurer shall be four years and until their successors are elected and qualified: *Provided*, That the term of the treasurer shall not commence in the same biennium in which the term of the mayor commences. Councilmen shall be elected for four year terms and until their successors are elected and qualified; three at one election and two at the next succeeding biennial election.

Towns—
Elections—
Terms of office.

Proviso.

SEC. 17. Section 1, chapter 110, Laws of 1953 as amended by section 12, chapter 55, Laws of 1955, and RCW 56.12.020 are each amended to read as follows:

RCW 56.12.020
amended.

At the election held to form or reorganize a district, there shall be elected three commissioners to hold office for terms of two, four, and six years respectively, and until their successors are elected and qualified.

Sewer district
commissioners
—Terms of
office—
Elections.

The term of each nominee shall be expressed on the ballot and shall be computed from the date of assuming office following the first general election for sewer districts. Thereafter, every two years there shall be elected a commissioner for a term of six years and until his successor is elected and qualified,

Sewer district commissioners—Terms of office—Elections.

at an election held on the Tuesday following the first Monday in November in the odd-numbered years and conducted by the county auditor and the returns shall be canvassed by the county canvassing board of election returns.

All sewer district commissioners elected for a regular six year term on the second Tuesday of March, 1962, shall remain in office until their successors are elected and qualified at the general district election to be held on the Tuesday following the first Monday in November, 1969.

There shall be no general sewer district election held in the year 1964 and those sewer district commissioners whose terms would have expired in 1964, but for the provisions of this amendatory act, shall remain in office until their successors are elected and qualified at the general sewer district election to be held on the Tuesday following the first Monday in November, 1965.

There shall be no general sewer district election held in the year 1966 and those sewer district commissioners whose terms would have expired in 1966, but for the provisions of this amendatory act, shall remain in office until their successors are elected and qualified at the general sewer district election to be held on the Tuesday following the first Monday in November, 1967.

RCW 36.69.090 amended.

SEC. 18. Section 36.69.090, chapter [4], (Senate Bill No. 47), Laws of 1963, and RCW 36.69.090 are each amended to read as follows:

Park and recreation district commissioners—Terms—Election procedure.

Elections for park and recreation district commissioners shall be held biennially in conjunction with the general election on the first Tuesday after the first Monday of November in each even-numbered year: *Provided*, That in Class AA counties the election shall be held on the first Tuesday after the first Monday of November in each odd-numbered year. Residence anywhere within the district shall

Proviso.

qualify an elector for any position on the commission after the initial election. Following the initial election declarations of candidacy for the office of commissioner shall be filed with the county auditor not more than sixty nor less than forty-six days prior to said election. Any candidate may withdraw his declaration at any time to and including the first Friday after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in a group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names. All commissioners shall serve until their successors are elected and qualified. The terms of office of all commissioners after the first commissioners shall begin as of noon on the second Monday in January following their respective elections. At the first election following the formation of the district, the candidate receiving the highest number of votes shall serve for a term of six years, the two candidates receiving the next highest number of votes shall serve for four years and the two candidates receiving the next highest number of votes shall serve for two years. Thereafter all commissioners shall be elected for six year terms.

Note: See also section 36.69.090, chapter 4, Laws of 1963.

SEC. 19. Section 1, chapter 133, Laws of 1935 as last amended by section 1, chapter 68, Laws of 1951 and RCW 53.12.160 are each amended to read as follows:

RCW 53.12.160 amended.

In port districts comprising less than the entire county, except port districts in Class AA and Class A counties, elections for the selection of commissioners shall be held at the same time as the county general election is held: *Provided*, That if the petition for the organization of the district so requests, the first election of commissioners may be held at a special election which shall be called and held in the manner

Port district commissioners — Elections.

Proviso.

provided for special organization elections of port districts.

RCW 53.12.210
amended.

SEC. 20. Section 1, chapter 113, Laws of 1925 extraordinary session, as amended by section 1, chapter 45, Laws of 1941 and RCW 53.12.210 are each amended to read as follows:

Port district
elections. Dis-
tricts covering
entire county.

In every port district the boundaries of which are coextensive with the county in which it is located, except port districts in Class AA and Class A counties, all elections for port commissioners shall be held at the same time as the county general biennial election is held: *Provided*, That if the petition for organization of such port districts so requests, the first election of commissioners may be held at a special election, which shall be called and held in the manner provided by law for special organization elections for such port districts.

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RCW 53.12.044
amended.

SEC. 21. Section 3, chapter 69, Laws of 1951 as amended by section 4, chapter 175, Laws of 1959 and RCW 53.12.044 are each amended to read as follows:

—Declarations
of
candidacy—
Place of filing.

In all port districts, except port districts in Class AA and Class A counties, declarations of candidacy shall be filed with the county auditor not more than sixty nor less than forty-six days prior to the date of the election; declarations of candidacy for an election for the formation of a port district shall be filed with the county auditor not more than sixty nor less than twenty days prior to such election.

RCW 29.04.055
amended.

SEC. 22. Section 1, chapter 70, Laws of 1951 and RCW 29.04.055 are each amended to read as follows:

Combining or
dividing
precincts—
County, city,
town, district
election.

At any primary, regular, or special county, city, town, or district election, the election authority of any such municipality or district may combine, unite, or divide precincts for the purpose of holding such election: *Provided*, That in the event such election shall be held upon the day of any state primary or state general election this section shall not apply.

Proviso.

SEC. 23. Section 12, chapter 161, Laws of 1949 and RCW 29.04.070 are each amended to read as follows:

The secretary of state through his election division shall be the chief election officer for all federal, state, county, city, town, and district elections and it shall be his duty to keep records of such elections held in the state and to make such records available to the public upon request.

RCW 29.04.070 amended.

Secretary of state designated chief election officer.

SEC. 24. Section 13, chapter 161, Laws of 1949 and RCW 29.04.080 are each amended to read as follows:

The secretary of state shall make rules and regulations not inconsistent with the federal, state, county, city, town, and district election laws to facilitate the execution of their provisions in an orderly manner and to that end shall assist local election officers by devising uniform forms and procedures.

RCW 29.04.080 amended.

Secretary of state to make rules and regulations.

SEC. 25. Section 3, chapter 209, Laws of 1907 and RCW 29.13.070 are each amended to read as follows:

Nominating primaries for general elections to be held in November shall be held at the regular polling places in each precinct on the Tuesday following the second Monday of the preceding September.

RCW 29.13.070 amended.

Primaries—When held.

Nominating primaries other than the Septemebr primary shall be held four weeks before the date fixed for election, except as may be otherwise expressly provided.

SEC. 26. Sections 13 and 14, chapter 55, Laws of 1955 and RCW 29.13.022 and 29.13.061, section 1, chapter 252, Laws of 1961 and RCW 29.13.065, section 4, chapter 69, Laws of 1951 and section 5, chapter 175, Laws of 1959 and RCW 53.12.046, and section 7, chapter 175, Laws of 1959 are each repealed.

Repeal.

Passed the Senate February 23, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 201.

[S. B. 464.]

PUBLIC UTILITIES—UNDERGROUND STORAGE OF NATURAL GAS.

AN ACT relating to the underground storage of natural gas; and adding a new chapter to Title 80 RCW.

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

New chapter designated.

SECTION 1. There is added to Title 80 RCW a new chapter to read as set forth in sections 2 through 11 of this act.

Underground storage of natural gas. Definitions.

SEC. 2. As used in this act, unless specifically defined otherwise or unless the context indicates otherwise:

“Commission” shall mean the Washington utilities and transportation commission;

“Committee” shall mean the oil and gas conservation committee established by RCW 78.52.020;

“Natural gas” shall mean gas either in the earth in its original state or after the same has been produced by removal therefrom of component parts not essential to its use for light and fuel;

“Natural gas company” shall mean every corporation, company, association, joint stock association, partnership or person authorized to do business in this state and engaged in the transportation, distribution, or underground storage of natural gas;

“Underground reservoir” shall mean any subsurface sand, strata, formation, aquifer, cavern or void whether natural or artificially created, suitable for the injection and storage of natural gas therein and the withdrawal of natural gas therefrom;

“Underground storage” shall mean the process of injecting and storing natural gas within and withdrawing natural gas from an underground reservoir: *Provided*, The withdrawal of gas from an under-

ground reservoir shall not be deemed a taking or producing within the terms of RCW 82.04.100.

SEC. 3. The underground storage of natural gas will promote the economic development of the state and provide for more economic distribution of natural gas to the domestic, commercial and industrial consumers of this state, thereby serving the public interest. Purpose.

SEC. 4. Any natural gas company having received an order under section 5 of this act shall have the right of eminent domain to be exercised in the manner provided in and subject to the provisions of chapter 8.20 RCW to acquire for its use for the underground storage of natural gas any underground reservoir, as well as such other property or interests in property as may be required to adequately maintain and utilize the underground reservoir for the underground storage of natural gas, including easements and rights of way for access to and egress from the underground storage reservoir. The right of eminent domain granted hereby shall apply to property or property interests held in private ownership, provided condemnor has exercised good faith in negotiations for private sale or lease. No property shall be taken or damaged until the compensation to be made therefor shall have been ascertained and paid. Any property or interest therein so acquired by any natural gas company shall be used exclusively for the purposes for which it was acquired. Any decree of appropriation hereunder shall define and limit the rights condemned and shall provide for the reversion of such rights to the defendant or defendants or their successors in interest upon abandonment of the underground storage project. Good faith exploration work or development work relative to the storage reservoir is conclusive evidence that its use has not been abandoned. The court may include in such Eminent domain.

decree such other relevant conditions, covenants and restrictions as it may deem fair and equitable.

Underground
storage of
natural gas.
Approval of
committee
prerequisite to
eminent
domain—
Procedure.

SEC. 5. Any natural gas company desiring to exercise the right of eminent domain to condemn any property or interest in property for the underground storage of natural gas shall first make application to the oil and gas conservation committee for an order approving the proposed project. Notice of such application shall be given by the committee to the utilities and transportation commission, to the director of the department of conservation, to the commissioner of public lands, and to all other persons known to have an interest in the property to be condemned. Said notice shall be given in the manner provided by RCW 8.20.020 as amended. The committee shall publish notice of said application at least once each week for three successive weeks in some newspaper of general circulation in the county or counties where the proposed underground storage project is located. If no written requests for hearing on the application are received by the committee within forty-five days from the date of service of notice of the application and publication thereof, the committee may proceed without hearing and issue its order. If a hearing is requested, a public hearing on the application will be held within the county or one of the counties where the proposed underground storage project is located. Any order approving the proposed underground storage project shall contain findings that (1) the underground storage of natural gas in the lands or property sought to be condemned is in the public interest and welfare; (2) the underground reservoir is reasonably practicable, and the applicant has complied with all applicable oil and gas conservation laws of the state of Washington; (3) the underground reservoir sought to be condemned is non-productive of economically recoverable valuable minerals or materials, or of oil or gas in commercial

quantities under either primary or secondary recovery methods, and nonproductive of fresh water in commercial quantities with feasible and reasonable pumping lift; (4) the natural gas company has acquired the right by grant, lease or other agreement to store natural gas under at least sixty-five percent of the area of the surface of the land under which such proposed underground storage reservoir extends; (5) the natural gas company carries public liability insurance or has deposited collateral in amounts satisfactory to the committee or has furnished a financial statement showing assets in a satisfactory amount, to secure payment of any liability resulting from any occurrence arising out of or caused by the operation or use of any underground reservoir or facilities incidental thereto; (6) the underground storage project will not injure, pollute, or contaminate any usable fresh water resources; (7) the underground storage project will not injure, interfere with, or endanger any mineral resources or the development or extraction thereof. The order of the committee may be reviewed in the manner provided by chapter 34.04 RCW: *Provided*, That if an appeal is not commenced within thirty days of the date of the order of the committee, the same shall be final and conclusive.

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SEC. 6. All natural gas in an underground reservoir utilized for underground storage, whether acquired by eminent domain or otherwise, shall at all times be the property of the natural gas company utilizing said underground storage, its heirs, successors, or assigns; and in no event shall such gas be subject to any right of the owner of the surface of the land under which said underground reservoir lies or of the owner of any mineral interest therein or of any person other than the said natural gas company, its heirs, successors and assigns to release, produce, take, reduce to possession, or otherwise

Rights of company using storage.

Underground storage of natural gas. Rights of owners of condemned land and interests therein.

interfere with or exercise any control thereof: *Provided*, That the right of condemnation hereby granted shall be without prejudice to the rights of the owner of the condemned lands or of the rights and interest therein to drill or bore through the underground reservoir in such a manner as shall protect the underground reservoir against pollution and against the escape of natural gas in a manner which complies with the orders, rules and regulations of the oil and gas conservation committee issued for the purpose of protecting underground storage and shall be without prejudice to the rights of the owners of said lands or other rights or interests therein as to all other uses thereof. The additional cost of complying with regulations or orders to protect the underground storage shall be paid by the condemnor.

Leases by commissioner of public lands.

SEC. 7. The commissioner of public lands is authorized to lease public lands, property, or any interest therein for the purpose of underground storage of natural gas. Any such lease shall be upon such terms and conditions as the said commissioner may deem for the best interests of the state and as are customary and proper for the protection of the rights of the state and of the lessee and of the owners of the surface of the leased lands, and may be for such primary term as said commissioner may determine and as long thereafter as the lessee continues to use such lands, property, or interest therein for underground storage of gas.

Leases by board of county commissioners.

SEC. 8. Whenever it shall appear to the board of county commissioners of any county that it is for the best interests of said county, the taxing districts and the people thereof, that any county-owned or tax-acquired property owned by the county, either absolutely or as trustee, should be leased for the purpose of underground storage of natural gas therein, said board of county commissioners is hereby authorized to enter into written

leases under the terms of which any county-owned lands, property, or interest therein are leased for the aforementioned purposes, with or without an option to purchase the land surface. Any such lease shall be upon such terms and conditions as said county commissioners may deem for the best interests of said county and the taxing districts, and may be for such primary term as said board may determine and as long thereafter as the lessee continues to use the said lands, property, or interest therein for underground storage of natural gas.

SEC. 9. This act shall be known as the "Underground Natural Gas Storage Act". Short title.

SEC. 10. It is intended that the provisions of this chapter shall be liberally construed to accomplish the purposes authorized and provided for. Construction.

SEC. 11. If any part or parts of this act or the application thereof to any person or circumstances be held to be unconstitutional, such invalidity shall not affect the validity of the remaining portions of this chapter, or the application thereof to other persons or circumstances. Severability.

Passed the Senate March 8, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 202.

[S. B. 63.]

STATE LIBRARY COMMISSION.

AN ACT relating to the state library commission; and amending section 1, chapter 5, Laws of 1941 as amended by section 1, chapter 45, Laws of 1961 and RCW 27.04.020.

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

RCW 27.04.020 amended.

SECTION 1. Section 1, chapter 5, Laws of 1941 as amended by section 1, chapter 45, Laws of 1961 and RCW 27.04.020 are each amended to read as follows:

Library commission created.

A state library commission is hereby created which shall consist of the superintendent of public instruction, who shall be ex officio chairman of said commission and four commissioners appointed by the governor, one of whom shall be a library trustee at the time of appointment and one a certified librarian actually engaged in library work at the time of appointment. The first appointments shall be for terms of one, two, three and four years respectively, and thereafter one commissioner shall be appointed each year to serve for a four year term. Vacancies shall be filled by appointments for the unexpired terms. Each commissioner shall serve without salary or other compensation for his services, but necessary expenses not to exceed twenty dollars per day, plus mileage, shall be paid from the general funds appropriated and available for the use of the state library.

Passed the Senate March 13, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 203.

[Sub. S. B. 128.]

CONTINUITY OF GOVERNMENT ACT.

AN ACT providing for the continuity of the government of the state and of the governments of its political subdivisions in the event of an attack upon the United States; and declaring an emergency.

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

SECTION 1. This act shall be known as the "con- Short title.
tinuity of government act."

SEC. 2. Unless otherwise clearly required by the Continuity of
government.
Definitions.
context, the following definitions apply:

(1) "Unavailable" means either that a vacancy in the office exists or that the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office following an attack and a declaration of existing emergency by the governor or his successor.

(2) "Attack" means any acts of warfare taken by an enemy of the United States causing substantial damage or injury to persons or property in the United States and in the state of Washington.

SEC. 3. (1) In the event that all successors to Office of the
governor.
the office of governor as provided by article 3, section 10, as amended by amendment 6 of the Constitution of the state of Washington are unavailable following an enemy attack, the powers and duties of the office of governor shall be exercised and discharged by the speaker of the house of representatives.

(2) In the event the speaker of the house is unavailable, the powers and duties of the office of governor shall be exercised and discharged by the president pro tem of the senate.

(3) In the event that neither the speaker nor

the president pro tem is available, the house of representatives and the senate in joint assembly shall elect an emergency interim governor.

Continuity of
government.
Legislature.

SEC. 4. In the event enemy attack reduces the number of legislators available for duty, then those legislators available for duty shall constitute the legislature and shall have full power to act in separate or joint assembly by majority vote of those present. In the event of an attack, (1) quorum requirements for the legislature shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient. In the event of an attack, the governor shall call the legislature into session as soon as practicable, and in any case within thirty days following the inception of the attack. If the governor fails to issue such call, the legislature shall, on the thirtieth day from the date of inception of the attack, automatically convene at the place where the governor then has his office. Each legislator shall proceed to the place of session as expeditiously as practicable. At such session or at any session in operation at the inception of the attack, and at any subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended.

County
commissioners.

SEC. 5. In the event enemy attack reduces the number of county commissioners of any county, then those commissioners available for duty shall have full authority to act in all matters as a board of county commissioners. In the event no county commissioner is available for duty, then those elected county officials, except for the members of the county board of education, as are available for duty shall jointly act as the board of county commissioners and

shall possess by majority vote the full authority of the board of county commissioners.

SEC. 6. In the event that executive head of any city or town is unavailable by reason of enemy attack to exercise the powers and discharge the duties of his office, then those members of the city or town council or commission available for duty shall by majority vote select one of their number to act as the executive head of such city or town. In the event enemy attack reduces the number of city or town councilmen or commission members, then those members available for duty shall have full power to act by majority vote of those present.

City and town officers.

SEC. 7. The governor shall, subject to such rules and regulations as he may adopt, permit each appointed officer of the state to designate temporary interim successors to the office of such officer.

Temporary interim successors, state, appointment.

SEC. 8. The legislative authority of each political subdivision, subject to the provisions of this act, shall adopt rules and regulations providing for appointment of temporary interim successors to the elected and appointed offices of the political subdivisions.

Temporary interim successors, political subdivisions, appointment.

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.

Severability.

SEC. 10. This act is necessary for the immediate preservation of the public peace, health and safety, the support and preservation of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate March 13, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 204.

[S. B. 141.]

VEHICLE EQUIPMENT SAFETY COMPACT.

AN ACT relating to motor vehicle equipment; adopting a compact between this and other states; providing for the repeal of provisions of chapter 46.37 RCW; providing penalties; and providing an effective date.

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

Vehicle equipment safety compact. Enacted.

SECTION 1. The vehicle equipment safety compact prepared pursuant to resolutions of the western governors' conference and the western interstate committee on highway policy problems of the council of state governments, is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

VEHICLE EQUIPMENT SAFETY COMPACT

ARTICLE I

Findings—Purposes.

Findings and Purposes

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this Article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

ARTICLE II

Definitions

Definitions.

As used in this compact:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

ARTICLE III

The Commission

Commission.

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the Commis-

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ment safety
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Commission.

sion. The Commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the Commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the Commission in such form as the Commission may require. Each Commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the Commission for expenses actually incurred in attending Commission meetings or while engaged in the business of the Commission.

(b) The commissioners shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The Commission shall have a seal.

(d) The Commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The Commission may appoint an Executive Director and fix his duties and compensation. Such Executive Director shall serve at the pleasure of the Commission, and together with the Treasurer shall be bonded in such amount as the Commission shall determine. The Executive Director also shall serve as secretary. If there be no Executive Director, the Commission shall elect a Secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director with the approval of the Commission, or the Commission if there be no Executive Director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the Commission's functions, and shall fix the duties and compensation of such personnel.

(f) The Commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full time employees. Employees of the Commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the Commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize and dispose of the same.

(i) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire,

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hold, and convey real and personal property and any interest therein.

(j) The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all Commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The Commission annually shall make to the governor and legislature of each party state a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been issued by the Commission. The Commission may make such additional reports as it may deem desirable.

ARTICLE IV

Research and Testing

Research
and testing.

The Commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the Commission, provided that such governmental agency or agencies

shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

ARTICLE V

Vehicular Equipment

Vehicular
equipment.

(a) In the interest of vehicular and public safety, the Commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the Commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this Article. No less than sixty days after the publication of a report containing the results of such study, the Commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this Article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the Commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the Commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the Commission and hereby declares

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its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The Commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this Article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any Commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this Article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the Commission pursuant to this Article if such agency specifically finds, after public hearing on due notice, that a variation from the Commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state.

Upon request, the Commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

ARTICLE VI

Finance

Finance.

(a) The Commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the Commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under Article III (h) hereof, the Com-

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Finance.

mission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the Commission.

(e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

(f) Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

ARTICLE VII

Conflict of Interest

Conflict of
interest.

(a) The Commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the Commission and contractors with the Commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the Commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws

of the violator's jurisdiction of residence, employment or business, any violation of a Commission rule or regulation adopted pursuant to this Article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the Commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the Commission subject to cancellation by the Commission.

(b) Nothing contained in this Article shall be deemed to prevent a contractor for the Commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the Commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

ARTICLE VIII

Advisory and Technical Committees

Advisory,
technical,
committees.

The Commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

ARTICLE IX

Entry Into Force and Withdrawal

Entry into
force and
withdrawal.

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

Vehicle equip-
ment safety
compact.
Withdrawal.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE X

Construction and Severability

Construction
and
severability.

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the Constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Legislative
findings.

SEC. 2. The legislature finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

(3) The state commission on equipment, acting upon recommendations of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this act.

SEC. 3. Pursuant to Article V (e) of the vehicle equipment safety compact it is the intention of this state and it is hereby provided that no rule, regulation, or code issued by the vehicle safety equipment commission in accordance with Article V of the compact shall take effect until approved by act of the legislature.

Rules or code, legislature approves.

SEC. 4. The Commissioner of this state on the vehicle equipment safety commission shall be appointed by the members of the state commission on equipment to serve at their pleasure. The members of the state commission on equipment may also designate an alternate commissioner to serve whenever the commissioner of this state is unable to participate on the vehicle equipment safety commission. Subject to the provisions of the compact and bylaws of the vehicle equipment safety commission, the authority and responsibilities of such alternate shall be as determined by the state commission on equipment.

Appointment of commissioner and alternate commissioner.

SEC. 5. Within appropriations available therefor, the departments, agencies and officers of the government of this state may cooperate with and assist the vehicle equipment safety commission within the scope contemplated by Article III (h) of the compact. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said commission.

Cooperation of other state agencies.

SEC. 6. Filing of documents as required by Article III (j) of the compact shall be with the secretary

Filing officer enumerated.

Vehicle equip-
ment safety
compact.
Notices, to
whom given.

of the state commission on equipment. Any and all notices required by commission bylaws to be given pursuant to Article III (j) of the compact shall be given to the commissioner of this state, his alternate, if any, and the secretary of the state commission on equipment.

Budgets—
Submission.

SEC. 7. Pursuant to Article VI (a) of the compact, the vehicle equipment safety commission shall submit its budgets to the budget director.

Commission
accounts—
Inspection.

SEC. 8. Pursuant to Article VI (e) of the compact, the state auditor is hereby empowered and authorized to inspect the accounts of the vehicle equipment safety commission.

Governor as
executive
head.

SEC. 9. The term "executive head" as used in Article IX (b) of the compact shall, with reference to this state, mean the governor.

Effective date.

SEC. 10. The effective date of this act shall be July 1, 1963.

Passed the Senate March 13, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 205.

[S. B. 173.]

DANGEROUS DRUGS.

AN ACT relating to the procurement and use of dangerous drugs; adding new sections to chapter 69.50 RCW; amending section 2072, Code of 1881 as amended by section 418, chapter 249, Laws of 1909 and RCW 9.91.030; and providing penalties.

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

SECTION 1. There is added to chapter 69.40 RCW a new section to read as follows: New section.

Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, public or private, which is resorted to by users of dangerous drugs as defined in this chapter, or which is used for the illegal keeping, selling, giving away or bartering of the same, shall be deemed a public nuisance. No person shall keep or maintain such a public nuisance. Dangerous drugs.
Places where used, public nuisance—
Unlawful.

SEC. 2. There is added to chapter 69.40 RCW a new section to read as follows: New section.

(1) No person shall obtain or attempt to obtain a dangerous drug, or procure or attempt to procure the administration of a dangerous drug, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address. Unlawful practices—
Communications not privileged.

(2) Information communicated to a physician in an effort unlawfully to procure a dangerous drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall willfully make a false state-

Dangerous
drugs. Unlaw-
ful practices.

ment in any prescription, order, report, or record, required by this chapter.

(4) No person shall, for the purpose of obtaining a dangerous drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing dangerous drugs.

New section.

SEC. 3. There is added to chapter 69.40 RCW a new section to read as follows:

Search and
seizure.

If, upon the sworn complaint of any person, it shall be made to appear to any judge of the superior court or justice of the peace that there is probable cause to believe that any dangerous drug is being used, manufactured, sold, bartered, exchanged, given away, furnished or otherwise disposed of or kept in violation of the provisions of this chapter, such justice of the peace or judge shall, with or without the approval of the prosecuting attorney, issue a warrant directed to any peace officer in the county, commanding him to search the premises designated and described in such complaint and warrant, and to seize all dangerous drugs there found, together with the vessels in which they are contained, and all implements, furniture and fixtures used or kept for the illegal manufacture, sale, barter, exchange, giving away, furnishing or otherwise disposing of such dangerous drugs and to safely keep the same, and to make a return of said warrant within three days, showing all acts and things done thereunder, with a particular statement of all articles seized and the name of the person or persons in whose possession the same were found, if any, and if no person be found in the possession of said articles, the returns

shall so state. A copy of said warrant shall be served upon the person or persons found in possession of any such dangerous drugs, furniture or fixtures so seized, and if no person be found in the possession thereof, a copy of said warrant shall be posted on the door of the building or room wherein the same are found, or, if there be no door, then in any conspicuous place upon the premises.

SEC. 4. Section 2072, Code of 1881 as amended by section 418, chapter 249, Laws of 1909 and RCW 9.91.030 are each amended to read as follows:

RCW 9.91.030 amended.

Every person who shall open, conduct or maintain, as owner or employee, any place where opium, morphine, alkaloid-cocaine or alpha or beta eucaine or any derivative, mixture or preparation of any of them, or any dangerous drug described in RCW 69.40.060, shall be in any manner used by persons resorting thereto for the purpose; and every person who shall visit or resort to such place for the purpose of using in any manner any of said drugs, shall be guilty of a gross misdemeanor.

Places where narcotics, dangerous drugs used, unlawful.

Passed the Senate March 13, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 206.

[Sub. S. B. 275.]

PUBLIC ASSISTANCE—SUPPORT OF DEPENDENT CHILDREN.

AN ACT relating to public assistance and the support of dependent children; and amending section 2, chapter 322, Laws of 1959 and RCW 74.20.010; amending section 3, chapter 322, Laws of 1959 and RCW 74.20.020; amending section 5, chapter 322, Laws of 1959 and RCW 74.20.040; amending section 11, chapter 322, Laws of 1959 and RCW 74.20.100; amending section 17, chapter 322, Laws of 1959 and RCW 74.20.160; and adding new sections to chapter 322, Laws of 1959 and to chapter 74.20 RCW; and repealing sections 4, 6, 8, 9, 10, 12, 13, 14, 15, 16, 18, 19, 20, 21, and 22 of chapter 322, Laws of 1959 and RCW 74.20.030, RCW 74.20.050, RCW 74.20.070, RCW 74.20.080, RCW 74.20.090, RCW 74.20.110, RCW 74.20.120, RCW 74.20.130, RCW 74.20.140, RCW 74.20.150, RCW 74.20.170, RCW 74.20.180, RCW 74.20.190, RCW 74.20.200, and RCW 74.20.900; and providing penalties.

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

RCW 74.20.010 amended.

SECTION 1. Section 2, chapter 322, Laws of 1959 and RCW 74.20.010 are each amended to read as follows:

Support of delinquent children. Purpose.

It is the responsibility of the state of Washington through the state department of public assistance 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, 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. 2. Section 3, chapter 322, Laws of 1959 and RCW 74.20.020 are each amended to read as follows:

RCW 74.20.020 amended.

For the purposes of this chapter a dependent child shall mean a child who is in financial need as determined by the department pursuant to Title 74 RCW.

Dependent child defined.

SEC. 3. Section 5, chapter 322, Laws of 1959 and RCW 74.20.040 are each amended to read as follows:

RCW 74.20.040 amended.

Whenever the department of public assistance receives an application for public assistance on behalf of a child and it shall appear to the satisfaction of the department that said child has been abandoned by its parents or that the child and one parent have been abandoned by the other parent or that the parent or other person who has a responsibility for the care, support, or maintenance of such child has failed or neglected to give proper care or support to such child, the department shall take appropriate action under the provisions of this chapter, the abandonment or nonsupport statutes, or other appropriate statutes of this state to insure that such parent or other person responsible shall pay for the care, support, or maintenance of said dependent child. Such action shall be taken by the department

Duty of department to enforce child support.

only in those cases where the child is or is about to become a recipient of public assistance.

RCW 74.20.100
amended.

SEC. 4. Section 11, chapter 322, Laws of 1959 and RCW 74.20.100 are each amended to read as follows:

Support of
dependent
children.
Disposition of
moneys
collected—Re-
port of clerk.

Whenever as a result of a support action taken by either the attorney general or prosecuting attorney support money is paid by the person or persons responsible for support, such money shall be paid into the registry of the superior court and shall be disbursed immediately by the clerk of the superior court through the department of public assistance to the person to whom the support is to be paid during the period of time the children for whom said support action was taken are receiving public assistance. On the fifteenth day of each month, a report by the clerk of the superior court shall be made to the department of public assistance containing a statement indicating whether or not the amounts ordered to be paid in the preceding month have been paid.

RCW 74.20.160
amended.

SEC. 5. Section 17, chapter 322, Laws of 1959 and RCW 74.20.160 are each amended to read as follows:

Department
may disclose
information
to internal
revenue
department.

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 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. 6. There is added to chapter 322, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows:

New section.

The prosecuting attorney of any county except Class AA and Class A counties may enter into an agreement with the attorney general whereby the duty to initiate petitions for support authorized under the provisions of chapter 26.21 RCW as amended (Uniform Reciprocal Enforcement of Support Act) in cases where the petitioner has applied for or is receiving public assistance on behalf of a dependent child or children shall become the duty of the attorney general. Upon the execution of such agreement, the attorney general shall be empowered to exercise any and all powers of the prosecuting attorney in connection with said petitions.

Agreements whereby attorney general acts for prosecuting attorney. Uniform reciprocal enforcement of support act.

SEC. 7. There is added to chapter 322, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows:

New section.

In order to carry out its responsibilities imposed under this chapter, the state department of public assistance, through the attorney general, is hereby authorized to:

Powers of department through attorney general.

(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, in those instances where one parent is deceased, absent or unable for any reason to institute legal proceedings to obtain the necessary support from the other parent.

(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 mother of a depend-

Support of dependent children. Powers of department through attorney general.

Proviso.

ent child or children on whose behalf public assistance is being provided, when so requested by her, for the purpose of assisting her 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 mother is without funds to employ private counsel. If the mother 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, or

(d) 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.

New section.

SEC. 8. There is added to chapter 322, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows:

Any married woman with minor or legally adopted children who are receiving public assistance may apply to the superior court of the county in which she resides or in which her husband may be found for an order upon her husband, if he is the natural or adoptive father of such children, to provide for her support and the support of her minor children by filing in such county a petition setting forth the facts and circumstances upon which she relies for such order. If it appears to the satisfaction of the court that such woman is without funds to employ counsel, the state department of public assistance through the attorney general may file such petition on her behalf. If satisfied that a just cause exists, the court shall direct that a citation issue to the husband requiring him to appear at a time set by the court to show cause why an order of support should not be entered in the matter.

Petition for support order by married woman with children receiving public assistance.

SEC. 9. There is added to chapter 322, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows:

New section.

(1) After the hearing of the petition for an order of support the court shall make an order granting or denying it and fixing, if allowed, the terms and amount of the support. (2) The court has the same power to compel the attendance of witnesses and the production of testimony as in actions and suits, to make such decree or orders as are equitable in view of the circumstances of both parties and to punish violations thereof as other contempts are punished.

—Order—
Powers of
court.

SEC. 10. There is added to chapter 322, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows:

New section.

The court may, upon satisfactory showing that the petitioner is without funds to pay the filing fee, order that the petition and other papers be filed without payment of the fee.

—Waiver of
filing fees.

New section.

SEC. 11. There is added to chapter 322, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows:

Support of dependent children. Statement by parent whose absence is basis of application for public assistance—Penalty.

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 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 until such time as the child is no longer receiving such assistance. Failure to comply with this section shall constitute a misdemeanor.

New section.

SEC. 12. There is added to chapter 322, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows:

Scale of suggested minimum contributions.

The state department of public assistance 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 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. 13. There is added to chapter 322, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows: New section.

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. Central administrative unit—
Cooperation enjoined—
Availability of records.

To effectuate the purposes of this section, the director 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 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

Support of dependent children. Availability of records.

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.

New section.

SEC. 14. There is added to chapter 322, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows:

Reimbursement of public assistance payments parental responsibility—Compromise of claims.

If any payment of public assistance is made to or for the benefit of any dependent child or children by the state department of public assistance because of the failure of the responsible parent or parents to provide adequate support without lawful excuse, such parent or parents shall be liable to the state department of public assistance to the extent of all the public assistance so paid. The director may, with the approval of the attorney general, compromise any claim for public assistance payments owed by such parent in any case where collection of the full claim would result in insolvency of the parent or impose undue hardship upon him.

New section.

SEC. 15. There is added to chapter 322, Laws of 1959 and to chapter 74.20 RCW a new section to read as follows:

Department exempt from fees.

No filing or recording fees, court fees, or fees for service of process shall be required from the state department of public assistance by any county clerk, county auditor, sheriff or other county officer for the filing of any actions or documents authorized by this chapter, or for the service of any summons or other process in any action or proceeding authorized by this chapter.

Repeal.

SEC. 16. Section 4, chapter 322, Laws of 1959 and RCW 74.20.030; section 6, chapter 322, Laws of 1959 and RCW 74.20.050; section 8, chapter 322, Laws of

1959 and RCW 74.20.070; section 9, chapter 322, Laws of 1959 and RCW 74.20.080; section 10, chapter 322, Laws of 1959 and RCW 74.20.090; section 12, chapter 322, Laws of 1959 and RCW 74.20.110; section 13, chapter 322, Laws of 1959 and RCW 74.20.120; section 14, chapter 322, Laws of 1959 and RCW 74.20.130; section 15, chapter 322, Laws of 1959 and RCW 74.20.140; section 16, chapter 322, Laws of 1959 and RCW 74.20.150; section 18, chapter 322, Laws of 1959 and RCW 74.20.170; section 19, chapter 322, Laws of 1959 and RCW 74.20.180; section 20, chapter 322, Laws of 1959 and RCW 74.20.190; section 21, chapter 322, Laws of 1959 and RCW 74.20.200; section 22, chapter 322, Laws of 1959 and RCW 74.20.900 are each hereby repealed.

Passed the Senate March 13, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 207.

[S. B. 370.]

ELECTRICIANS AND ELECTRICAL INSTALLATIONS— ELECTRICAL ADVISORY BOARD.

AN ACT relating to electricians and electrical installations; creating an electrical advisory board; amending section 1, chapter 169, Laws of 1935, and RCW 19.28.010; amending section 4, chapter 169, Laws of 1935, as amended by section 1, chapter 325, Laws of 1959, and RCW 19.28.120; amending section 8, chapter 169, Laws of 1935, as amended by section 2, chapter 325, Laws of 1959, and RCW 19.28.210; amending section 3, chapter 325, Laws of 1959 and RCW 19.28.360; adding new sections to chapter 169, Laws of 1935, and to chapter 19.28 RCW; and making an effective date.

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

SECTION 1. Section 1, chapter 169, Laws of 1935 and RCW 19.28.010 are each amended to read as follows:

RCW 19.28.010
amended.

Electricians,
electrical in-
stallations.
Electrical
wiring
requirements
—General.

From and after the taking effect of this chapter all wires and equipment, and installation thereof, to convey electric current and installations of apparatus to be operated by said current, in, on, or about buildings, or structures, except for telephone and telegraph, radio and television wires and equipment, and television antenna installations, signal strength amplifiers and coaxial installations pertaining thereto shall be in strict conformity with the provisions of this chapter, the statutes of the state of Washington, the rules and regulations issued by the department of labor and industries under the authority of the state statutes, and shall be in conformity with approved methods of construction for safety to life and property. The regulations as laid down in the national electrical code, as approved by the American Standards Association, and in the national electrical safety code, as approved by the American Standards Association, and other installation and safety regulations approved by the American Standards Association shall be prima facie evidence of such approved methods; and all materials, devices, appliances and equipment used in such installation shall be of a type which shall conform to any applicable standards established by the national bureau of standards of the U. S. Department of Commerce, or to the standards of the Underwriters' Laboratories, Inc.; or other equivalently recognized authority: *Provided*, That this chapter shall not limit the authority or power of any city or town to enact and enforce under power and authority given by law, any ordinance rule or regulation requiring an equal, a higher or better standard of construction and equal, higher or better standard of materials, devices, appliances and equipment than that required by this chapter, but in such city or town having such equal, higher or better standard such installations and materials,

Proviso.

devices, appliances and equipment shall be in accordance with the ordinance, rule, or regulation of such city or town: *Provided*, That nothing in this chapter shall be construed as requiring or permitting the connection of any conductor of any electric circuit with a pipe, which is connected with or designed to be connected with a waterworks piping system, without the consent of the person or persons legally responsible for the operation and maintenance of such waterworks piping system. Proviso.

SEC. 2. Section 4, chapter 169, Laws of 1935, as amended by section 1, chapter 325, Laws of 1959, and RCW 19.28.120 are each amended to read as follows: RCW 19.28.120
amended.

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

Electricians,
electrical in-
stallations.
License
required—
Application
—Bond.

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

bond shall be conditioned further that the principal will pay for all labor and material furnished or used upon such work and all damages that may be sustained by any person, firm or corporation due to a failure of the principal to make such installation in accordance with the provisions of this chapter, or any ordinance, building code or regulation applicable thereto.

SEC. 3. Section 8, chapter 169, Laws of 1935, as amended by section 2, chapter 325, Laws of 1959, and RCW 19.28.210 are each amended to read as follows:

RCW 19.28.210
amended.

The director of labor and industries, through the inspector, assistant inspector, or deputy inspector, is hereby empowered to inspect, and shall inspect, all wiring, appliances, devices and equipment to which this chapter applies. Upon request, electrical inspections will be made by the electrical inspection department within forty-eight hours, excluding holidays, Saturdays and Sundays. If the electrical inspector fails to make an electrical inspection within twenty-four hours upon written request, the serving utility may immediately connect thereto, providing the necessary electrical safe wiring label is displayed. Whenever the installation of any such wiring, device, appliance or equipment is not in accordance with the requirements of this chapter, or is in such a condition as to be dangerous to life or property, the person, firm or corporation owning, using or operating the same shall be notified by the director of labor and industries and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger therefrom to life or property and to make the same conform to the provisions of this chapter. The director of labor and industries through such inspector, assistant inspector or any deputy inspector, is hereby empow-

Inspections—
Notice to
repair and
change—
Disconnection
—Entry—
Concealment
—Connection
to utility—
Labels, fees.

Electricians,
electrical in-
stallations.
Inspections—
Disconnection
—Entry—
Concealment
—Connection
to utility—
Labels, fees.

ered to disconnect or order the discontinuance of electrical service to such conductors or apparatus as is found to be in a dangerous or unsafe condition and not in accordance with the provisions of this chapter. Upon making such disconnection he shall attach thereto a notice stating that such conductors have been found dangerous to life or property or not in accordance with the requirements of this chapter; and it shall be unlawful for any person to reconnect such defective conductors or apparatus without the approval of the director of labor and industries, and until the same have been placed in a safe and secure condition, and in such condition as to comply with the requirements of this chapter. The director of labor and industries, through the electrical inspector, assistant inspector, or any deputy inspector, shall have the right during reasonable hours to enter into and upon any building or premises in the discharge of his official duties or for the purpose of making any inspection or test of the installation of electrical wiring, electrical devices, equipment or material contained thereon or therein. No electrical wiring or equipment subject to the requirements of this chapter shall be concealed until an inspection is applied for under this chapter and an inspection made and the work therein approved by the inspector making such inspection. It shall be the responsibility of those persons making electrical installations to obtain inspection and approval from an authorized representative of the director of labor and industries as required by this chapter, prior to requesting the electric utility to connect to said installation. Electric utilities may connect such said installations if approval is clearly indicated by certification of the safe wiring label required to be affixed to each installation or by equivalent means, except that, increased or relocated services may be reconnected immediately, at the discre-

tion of the utility, before approval, provided a safe wiring label is displayed. The labels shall be furnished upon payment to the department of labor and industries a fee in accordance with the following schedule: single family residence, not more than one thousand square feet, five dollars; seven dollars for such wiring in excess of one thousand square feet but not more than two thousand square feet; and nine dollars for such wiring in excess of two thousand square feet. Multiple occupancy, commercial and industrial installations of one hundred amperes or less, five dollars; fifteen dollars for electrical installations in excess of one hundred amperes but not more than two hundred amperes; twenty dollars for such electrical installations in excess of two hundred amperes but not more than four hundred amperes; and thirty-five dollars for such electrical installations in excess of four hundred amperes. For temporary service for lighting and power, two dollars. Signs and outline lighting, two dollars. New circuits, circuit alterations and circuit extensions, two dollars. Alterations requiring the increase or relocation of an existing service as follows: residential, two dollars; commercial or industrial, fifty percent of the fee for new work. Applications for labels shall be in writing and signed by the applicant; and labels when used by a licensed contractor shall bear the signature or seal of such contractor.

SEC. 4. Section 3, chapter 325, Laws of 1959, and RCW 19.28.360 are each amended to read as follows: RCW 19.28.360 amended.

The provisions of RCW 19.28.210 shall not apply: Chapter inapplicable, where.

(1) Within the corporate limits of any incorporated city or town which has heretofore adopted and enforced or subsequently adopts and enforces an ordinance requiring an equal, higher or better standard of construction and of materials, devices, appliances and equipment than is required by this chapter. (2) Within the service area of an electricity supply

Electricians,
electrical in-
stallations.
Exemptions.

agency owned and operated by a city or town which is supplying electricity and enforcing a standard of construction and materials outside its corporate limits at the time this act takes effect: *Provided*, Such city, town or agency shall henceforth enforce by inspection within its service area outside its corporate limits the same standards of construction and of materials, devices, appliances and equipment as is enforced by the department of labor and industries under the authority of this chapter and provided fees charged henceforth in connection with such enforcement shall not exceed those established in RCW 19.28.210.

Proviso.

New section.

SEC. 5. There is added to chapter 169, Laws of 1935, and to chapter 19.28 RCW, a new section to read as follows:

Electrical
advisory
board. Created
—Members—
Terms—
Officers—
Expenses.

There is hereby created an electrical advisory board, consisting of seven members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including, but not limited to standards of electrical installation, minimum inspection procedures, the adoption of rules and regulations pertaining to the electrical inspection division: *Provided, however*, That no rules or regulations shall be amended or repealed until the electrical advisory board has first had an opportunity to consider any proposed amendments or repeals and had an opportunity to make recommendations to the director relative thereto. The members of the electrical advisory board shall be selected and appointed as follows: One member shall be an employee or officer of a corporation or public agency generating or distributing electric power; one member shall be an employee or officer of a corporation or firm engaged in the business of making electrical installations; one

Proviso.

member shall be an employee, or officer, or representative of a corporation or firm engaged in the business of manufacturing or distributing electrical materials, equipment or devices; one member shall be a person not related to the electrical industry to represent the public; one member shall be a recognized electrician; one member shall be a licensed professional engineer qualified to do business in the state of Washington; and one member shall be the state chief electrical inspector. Each of the members except the public member and the chief electrical inspector shall be appointed by the governor from among a list of individuals nominated by nonprofit organizations or associations representing individuals, corporations, or firms engaged in the business classification from which such member shall be selected. The regular term of each member shall be four years: *Provided, however,* The original board shall be appointed for the following terms: The first term of the member representing a corporation or public agency generating or distributing electric power shall serve four years; the member representing the installer of electrical equipment or appliances shall serve three years; the member representing a manufacturer or distributor of electrical equipment or devices shall serve three years; the member representing the public shall serve two years; the member selected as the recognized electrician shall serve for two years; the member selected as the licensed professional electrical engineer shall serve for one year. Thereafter, the governor shall appoint or reappoint board members for terms of four years and to fill vacancies created by the completion of the terms of the original members. The governor shall also fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in

Proviso.

Electrical ad-
visory Board.
Officers—
Expenses.

making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. Any person acting as the chief electrical inspector shall serve as secretary of the board during his tenure as chief state inspector. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall be paid a per diem of ten dollars for each day or portion thereof that the board is in session and each member shall receive in addition thereto his necessary and reasonable traveling expenses recognized by the state of Washington which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

New section.

SEC. 6. There is added to chapter 169, Laws of 1935, and to chapter 19.28 RCW, a new section to read as follows:

Effective date.

This act shall take effect on July 1, 1963.

Passed the Senate March 13, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 208.

[S. B. 419.]

SCHOOL DISTRICTS—ANNEXATION.

AN ACT relating to school district annexations; and amending section 5, chapter 266, Laws of 1947 as amended by section 1, chapter 49, Laws of 1953 and RCW 28.57.150.

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

SECTION 1. Section 5, chapter 266, Laws of 1947 and RCW 28.57.150 are each amended to read as follows:

RCW 28.57.150 amended.

Except as otherwise provided for herein in certain cases involving school districts affected by extensions of the limits of a city or town, each incorporated city or town in the state shall be comprised in one school district: *Provided*, That nothing in this section shall be construed: (1) To prevent the extension of the boundaries of a school district beyond the limits of the city or town contained therein, or (2) to prevent the inclusion of two or more incorporated cities or towns in a single school district, or (3) to change or disturb the boundaries of any school district organized prior to the incorporation of any city or town, except in case of the extension of the limits of a city or town beyond the boundaries of the school district in which it is situated, or the incorporation of a city or town containing territory lying in two or more school districts organized prior to the incorporation of such city or town, or the uniting of two or more cities or towns not located in the same school district.

School districts, organization. City or town districts.

Proviso.

In case all or any part of a school district that operates a school or schools on one site only or operates elementary schools only on two or more sites and is not a component district within a union high school district, is included in an incorporated

School dis-
tricts, organi-
zation. City or
town districts.

city or town through the extension of the limits of such city or town in the manner provided by law, the county superintendent shall: (1) Declare the territory so included to be a part of the school district containing the city or town, and (2) whenever a part of a district so included contains a school building of the district, present to the county committee a proposal for the disposition of any part or all of the remaining territory of the district.

In case of the extension of the limits of a city or town to include (1) territory lying in a school district that operates on more than one site one or more elementary schools and one or more junior high schools or high schools, or (2) territory lying in a nonhigh school district that is a component district within a union high school district and operates two or more elementary schools on separate sites, the county committee shall, in its discretion, prepare a proposal or proposals for annexation to the school district in which the city or town is located any part or all of the territory aforesaid which has been included in the city or town and for annexation to the school district in which the city or town is located or to some other school district or districts any part or all of the remaining territory of the school district affected by extension of the

Proviso.

limits of the city or town: *Provided*, That where no school or school site is located within the territory annexed to the city or town and not less than seventy-five percent of the heads of families residing within the annexed territory present a petition in writing for annexation and transfer of said territory to the school district in which the city or town is located, the county superintendent shall declare the territory so included to be a part of the school district containing said city or town:

Proviso.

Provided further, That territory approved for annexation to a city or town by a vote of the electors

residing therein prior to January 12, 1953, shall not be subject to the provisions herein respecting annexation to a school district or school districts: *Provided further*, That the provisions and procedural requirements of chapter 28.57 not in conflict with or inconsistent with the provisions hereinabove stated shall apply in the case of any proposal or proposals (1) for the alteration of the boundaries of school districts through and by means of annexation of territory as aforesaid, and (2) for the adjustment of the assets and liabilities of the school districts involved or affected thereby. Proviso.

In case of the incorporation of a city or town containing territory lying in two or more school districts or of the uniting of two or more cities or towns not located in the same school district, the county superintendent shall: (1) Order and declare to be established in each such case a single school district comprising all of the school districts involved, and (2) designate each such district by name and by a number different from that of any component thereof or of any other district in existence in the county.

The county superintendent may, if he deems such action advisable fix as the effective date of any declaration or order required under this section the first day of July next succeeding the date of the issuance of such declaration or order.

Passed the Senate March 7, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 209.

[S. B. 496.]

STATE AUDITOR—MUNICIPAL FISCAL PROCEDURES—
MUNICIPAL REVOLVING FUND.

AN ACT relating to the division of municipal corporations; amending sections 6, 7, 10 and 11, chapter 76, Laws of 1909 and section 1, chapter 30, Laws of 1911 and section 1, chapter 119, Laws of 1919 and RCW 43.09.240, 43.09.250, 43.09.270 and 43.09.280; creating a municipal revolving fund.

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

SECTION 1. Sections 6, 7, 10 and 11, chapter 76, Laws of 1909, section 1, chapter 30, Laws of 1911 and section 1, chapter 119, Laws of 1919, (heretofore combined and codified as RCW 43.09.240, 43.09.250, 43.09.270 and 43.09.280) are divided and amended to read as set forth in sections 2 through 5 of this amendatory act.

RCW 43.09.240 amended. Public employees—Penalty for failure to keep accounts, make reports—Deposit of collections.

SEC. 2. (RCW 43.09.240) Every public officer and employee shall keep all accounts of his office in the form prescribed and make all reports required by the state auditor. Any public officer or employee who refuses or wilfully neglects to perform such duties shall be subject to removal from office in an appropriate proceeding for that purpose brought by the attorney general or by any prosecuting attorney.

Every public officer and employee, whose duty it is to collect or receive payments due or for the use of the public shall deposit such moneys collected or received by him with the treasurer of the taxing district once every twenty-four consecutive hours.

In case a public officer or employee collects or receives funds for the account of a taxing district of which he is an officer or employee, he shall, on Saturday of each week, pay to the proper officer of

the taxing district for the account of which the collection was made or payment received, the full amount collected or received during the current week for the account of the district.

SEC. 3. (RCW 43.09.250) After the auditor has formulated and installed the system of uniform accounting in any or all classes of public offices, he may appoint additional assistants as required, who shall be known as state examiners.

RCW 43.09.250 amended without change.

SEC. 4. (RCW 43.09.270) The expense of maintaining and operating the division shall be paid out of the state general fund: *Provided*, That those expenses directly related to the prescribing of accounting systems, and field audit supervision, shall be considered as expenses of auditing public accounts within the meaning of RCW 43.09.280, and shall be prorated for that purpose equally among all entities directly affected by such service.

RCW 43.09.270 amended. Division of municipal corporations—Expenses, how paid.

SEC. 5. (RCW 43.09.280) 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

RCW 43.09.280 amended. Expense of auditing taxing district's accounts, how paid.

Proviso.

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.

Municipal revolving fund.
Created—Custodian—Use.

SEC. 6. To facilitate the collection and expenditure of funds for auditing municipal corporations there is hereby created a fund entitled the municipal revolving fund. The state treasurer shall be custodian of the fund. All moneys received by the division of municipal corporations or by any officer or employee thereof shall be deposited with the state treasurer, to be credited to the municipal revolving fund. Such fund shall be administered by the division of municipal corporations and shall be used for payment of the expenses of auditing public accounts.

Passed the Senate March 8, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 210.

[S. B. 497.]

STATE EMPLOYEES' RETIREMENT—LIQUOR AGENCY VENDORS.

AN ACT relating to the state employees' retirement system; excluding agency vendors appointed after April 1, 1963, by the liquor control board from membership; and amending section 13, chapter 274, Laws of 1947 as last amended by section 2, chapter 231, Laws of 1957 and RCW 41.40.120 and declaring an emergency.

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

RCW 41.40.120
amended.

SECTION 1. Section 13, chapter 274, Laws of 1947 as last amended by section 2, chapter 231, Laws of 1957 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption, with the following exceptions:

State employees' retirement. Membership.

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: *Provided*, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such membership may become effective at the start of the initial or successive terms of office held by the person at the time application is made: *And provided further*, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority;

Proviso.

Proviso.

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency or the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: *Provided, however*, In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed member-

Proviso.

State em-
ployees' re-
tirement.
Membership.

ship rights should the agreement so provide: *And provided further*, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.290;

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an employer or serving in an institution operated by an employer, primarily as an incident to and in furtherance of their education or training;

(8) Employees of the University of Washington and the Washington State University during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession;

(10) Persons appointed after April 1, 1963 by the liquor control board as agency vendors pursuant to RCW 66.08.050 (2).

Note: See also section 2, chapter 225, Laws of 1963.

Emergency.

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

Passed the Senate March 5, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 211.

[S. B. 525.]

PUBLIC ASSISTANCE—MEDICAL ASSISTANCE
TO THE AGED.

AN ACT relating to public assistance; adding new sections to chapter 26, Laws of 1959 and to chapter 74.09 RCW; repealing section 74.08.295, chapter 26, Laws of 1959 and RCW 74.08.295; and declaring an emergency.

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

SECTION 1. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows: New section.

There is hereby created a new category of federal aid assistance to be known as medical assistance to the aged to be administered by the state department of public assistance. Medical assistance to the aged. Created—Administration.

SEC. 2. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows: New section.

Medical assistance to the aged shall be awarded to any applicant: —Qualifications for.

- (1) Who is in need;
- (2) Who has not made a voluntary assignment of property or cash for the purpose of qualifying for an assistance grant;
- (3) Who is not an inmate of a public institution except as a patient in a medical institution and who is not a patient in an institution for mental disease or tuberculosis;
- (4) Who is sixty-five years of age or over;
- (5) Who is a resident of the state of Washington; and
- (6) Who is not a recipient of old age assistance.

SEC. 3. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows: New section.

Medical as-
sistance to the
aged. Includes.

For the purposes of this 1963 amendatory act, the term "medical assistance to the aged" may include the payment of any part or all of the cost of the following care and services for individuals sixty-five years of age or older who are not recipients of old age assistance but whose income and resources are insufficient to meet all of such cost:

- (1) Inpatient hospital services;
- (2) Skilled nursing home services;
- (3) Physicians' services;
- (4) Outpatient hospital or clinic services;
- (5) Home health care services;
- (6) Private duty nursing services;
- (7) Physical therapy and related services;
- (8) Dental services;
- (9) Laboratory and x-ray services;
- (10) Prescribed drugs, eyeglasses, dentures, and prosthetic devices;
- (11) Diagnostic, screening, and preventive services;
- (12) Any other medical care or remedial care recognized under state law; except that such term does not include any such payments with respect to:
 - (a) Care or services for any individual who is an inmate of a public institutions (except as a patient in a medical institution) or any individual who is a patient in an institution for tuberculosis or mental diseases; or
 - (b) Care or services for any individual, who is a patient in a medical institution as a result of a diagnosis of tuberculosis or psychosis, with respect to any period after the individual has been a patient in such an institution, as a result of such diagnosis, beyond the period prescribed by the regulations of the director of the department of public assistance.

SEC. 4. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows: New section.

Nursing home services shall be provided for persons who are eligible for or receiving federal aid assistance, and who are otherwise eligible for medical assistance to the aged, pursuant to the provisions of this 1963 amendatory act exclusively: *Provided*, That the director may provide nursing home services for recipients of federal aid assistance other than medical assistance to the aged for a period of not to exceed thirty days. —Nursing home services included.
Proviso.

SEC. 5. There is added to chapter 26, Laws of 1959 and to chapter 74.09 RCW a new section to read as follows: New section.

The determination of eligibility of recipients for medical assistance to the aged shall be the responsibility of the department of public assistance. The department shall establish reasonable standards of assistance 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: *Provided*, That notwithstanding any other provision of Title 74, the department may provide funds to meet the additional needs of recipients of medical assistance to the aged from any other category of public assistance for which such recipient may be eligible excluding old age assistance. —Eligibility determination.
Proviso.

SEC. 6. Section 74.08.295, chapter 26, Laws of 1959 and RCW 74.08.295 are each hereby repealed. Repeal.

Note: See also section 31, chapter 228, Laws of 1963.

SEC. 7. This act is necessary for the immediate preservation of the public peace, health and safety, Emergency.

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 2, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 212.

[S. B. 544.]

PUBLIC LANDS—SHORE, BEACH AND TIDE LANDS.

AN ACT relating to shore, beach and tide lands; and adding new sections to chapter 79.16 RCW.

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

New section.

SECTION 1. There is added to chapter 79.16 RCW a new section to read as follows:

Declaration of public recreation area.

That portion of the public highway as established by chapter 54, Laws of 1935, chapter 105, Laws of 1901, and chapter 110, Laws of 1901, lying between the line of vegetation and the line of mean high tide, as such lines now are or may hereafter be, is hereby declared a public recreation area and is hereby set aside and forever reserved for the use of the public.

New section.

SEC. 2. There is added to chapter 79.16 RCW a new section to read as follows:

Acquisition of property authorized.

The department of natural resources may acquire by purchase, gift, exchange, or condemnation any lands, property, or interest therein from any political subdivision of the state, municipal corporation, the federal government or person for the purpose of expanding, improving, or facilitating the use of lands herein reserved for such public highway and recreation purposes.

Passed the Senate March 13, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 213.

[S. B. 589.]

JUSTICE COURTS—COURTROOMS AND
OFFICE SPACE.

AN ACT relating to justice courts; adding a new section to chapter 299, Laws of 1961 and to chapter 3.38 RCW; and amending section 109, chapter 299, Laws of 1961 and RCW 3.62-.050; and amending section 104, chapter 299, Laws of 1961 and RCW 3.58.050.

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

SECTION 1. There is added to chapter 299, Laws of 1961 and to chapter 3.38 RCW a new section to read as follows:

New section.

The districting plan may provide that the offices and courtrooms of more than one justice court district may be in the same building: *Provided*, That no office or courtroom of any district shall be located further than two miles outside the boundary of the district which it serves.

Justice court districts.
Offices and court rooms.
Proviso.

SEC. 2. Section 109, chapter 299, Laws of 1961 and RCW 3.62.050 are each amended to read as follows:

RCW 3.62.050 amended.

Quarterly, the county treasurer shall determine the difference between the amount deposited to the current expense or salary fund by all of the justice courts of the county and the total expenditures of such justice courts, including the cost of providing courtroom and office space. The treasurer shall then charge each governmental unit fund entitled to share in the receipts of the courts its proportionate share of such unreimbursed difference of expenditures incurred during the quarter and make the appropriate treasurer's remittance to the current expense or salary fund. The proportionate share charged against such fund shall be determined by the relationship between the unreimbursed expendi-

Court income
—Quarterly disbursements.

tures and the total credits of the courts to each fund as required by RCW 3.62.020. Balances remaining in governmental funds shall then be remitted as provided by law.

RCW 3.58.050
amended.

SEC. 3. Section 104, chapter 299, Laws of 1961 and RCW 3.58.050 are each amended to read as follows:

Justice courts
—Facilities to
be furnished.

The county commissioners shall furnish all necessary facilities for the justice courts, including suitable courtrooms, furniture, books, stationery, postage, office equipment, heat, light and telephone and may lease or construct courtrooms and offices for such purpose: *Provided*, That the county commissioners shall not be required to furnish courtroom space in any place other than as provided in the districting plan.

Proviso.

Passed the Senate March 13, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 214.

[S. B. 160.]

PROPERTY TAXES—REFORESTATION LANDS.

AN ACT relating to revenue and taxation; providing for the assessment and taxation of reforestation lands; amending sections 84.28.005, 84.28.010, and 84.28.020, chapter 15, Laws of 1961 and RCW 84.28.005, 84.28.010 and 84.28.020; amending section 84.28.050, chapter 15, Laws of 1961 and RCW 84.28.050; amending sections 84.28.060, 84.28.080, 84.28.090, 84.28.100, 84.28.110, 84.28.140, and 84.28.160, chapter 15, Laws of 1961, and RCW 84.28.060, 84.28.080, 84.28.090, 84.28.100, 84.28.110, 84.28.140, and 84.28.160; adding new sections to chapter 15, Laws of 1961 and to chapter 84.28 RCW; and repealing section 84.28.130, chapter 15, Laws of 1961 and RCW 84.28.130.

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

SECTION 1. Section 84.28.005, chapter 15, Laws of 1961 and RCW 84.28.005 are each amended to read as follows:

Public welfare demands that steps be taken to encourage reforestation and to protect and promote the growth of new forests on lands chiefly valuable for that purpose in order that they may be restored to the economic and industrial life of the state. To accomplish that end it is necessary that a system of taxation and assessment be devised for such lands, which will encourage the growth of new and immature forests on lands chiefly valuable for that purpose, and which will enable the owners thereof to bear the burden of taxation on such lands over the period of years necessary to produce forests of commercial value. Therefore, the state of Washington, through its legislature, hereby exercising its police and sovereign power, declares and enacts that all logged-off or selectively harvested lands and all unforested lands chiefly valuable for the production and growth of forests and all lands growing immature forests and forests of no commercial value

Reforestation
lands, taxing
of. Purpose.

shall not be assessed or taxed at a rate which will discourage or hamper the growth of forests on such lands, but shall be assessed and taxed at such rate and in such manner that owners of such lands may be encouraged to reforest, protect and grow forests of commercial value on such lands.

New section.

SEC. 2. There is added to chapter 15, Laws of 1961 and to chapter 84.28 RCW a new section to read as follows:

Reforestation lands, taxing of. Definitions.

For the purposes of this chapter:

- (1) "Department" shall mean the state department of natural resources;
- (2) "Commission" shall mean the state tax commission.
- (3) The term selectively harvested lands as used in this act shall mean lands devoted to reforestation as set forth and defined in Article 7, Section 1 of the Constitution of the state of Washington, as amended.

RCW 84.28.010 amended.

SEC. 3. Section 84.28.010, chapter 15, Laws of 1961 and RCW 84.28.010 are each amended to read as follows:

Lands to be classified.

All lands lying west of the summit of the Cascade range of mountains which are unforested or upon which the forest crop is not mature in merchantable quantities and which by reason of location, topography and geological formation are chiefly valuable for the purpose of developing and growing forests may be classified as reforestation lands as hereinafter provided, and shall thereupon be taxed and assessed as in this chapter provided, and not otherwise.

All lands lying east of the summit of the Cascade range of mountains which by reason of location, topography and geological formation are chiefly valuable for and devoted to the growing of forests may be classified as reforestation lands as hereinafter provided and shall thereupon be taxed and assessed as in this chapter provided, and not otherwise, and

such lands may include lands upon which a present forest crop is being grown, which have been logged off in whole or selectively harvested leaving a residual stand and making provision for the continuous production of forest products consistent with sound forestry practices.

No land shall be classified as reforestation land hereunder which was valued and assessed for its forest growth on the 1930 tax rolls, without approval of the board of county commissioners of the county in which said land is located, or until after said lands have been cut over and the timber cut and removed in western Washington, or which have been logged off in whole or selectively harvested in eastern Washington as provided in the two preceding paragraphs set forth in this section.

SEC. 4. Section 84.28.020, chapter 15, Laws of 1961 and RCW 84.28.020 are each amended to read as follows:

RCW 84.28.020 amended.

The owner of any lands eligible for classification under this chapter may apply in writing to the department of natural resources for the classification of any such lands as reforestation lands. The application shall contain a list of such lands by county, giving the legal description thereof by government legal subdivision, in tracts not smaller than a forty acre tract or government lot. At the time of filing the application with the department, the owner shall also file a copy thereof with the assessor of each county wherein such lands are situated along with a list of such lands described in the application. Within one hundred and twenty days following the filing of the application, a hearing on the proposed classification shall be held by the department at the court house in the county seat in each county of the state wherein any lands proposed for classification are situated. Notice of the hearing shall be given by the department by publication of a notice in at

Classification procedure—
Review by tax commission.

Reforestation
lands, taxing
of. Classifica-
tion procedure
—Review by
tax commis-
sion.

least two issues of a newspaper published and having general circulation in the county wherein such hearing is to be held. The notice shall specify the time, place and general purpose of the hearing and shall advise that a list of the lands proposed for classification as reforestation lands, with the legal description and the names of the owners, has been filed with the county assessor. The last publication of such notice shall be at least fifteen days prior to the date fixed for the hearing. The department shall, on or before the date of the last publication of the notice, mail a copy thereof to the applicant, the county commissioners and the county assessor. At the hearing, the department shall hear objections to, and arguments for and against the proposed classification as to all, or any particular lands described on the list. Following the hearing the department shall reconsider the proposed list and classification and shall strike from the list any lands it determines are not suitable as reforestation lands and shall forward a list of such rejected lands to the land owner. The department shall, within thirty days following the conclusion of the hearing, file with the state tax commission and forward to the land owner and assessor a list of the lands by the respective counties determined by it to be qualified for classification as reforestation lands, with description by government legal subdivisions, and names and addresses of respective owners.

The commission shall hold said list for a period of two weeks, during which time any taxpayer, or the county assessor, of the county in which the lands are located shall be entitled to file written objections with it to the classification as reforestation lands of any particular lands on such list. If any objection is filed the commission shall within thirty days after the receipt of the objection fix a date and hold a hearing thereon, and shall in writing notify

the objector, the department, the assessor and the owner of the lands of the date fixed for the hearing and send a copy of the written objections to the department, land owner and assessor. At the hearing the commission shall hear and consider evidence offered by the department, owner, assessor or objector as to the nature and character of such lands, and from such evidence shall determine whether the lands shall be classified as reforestation lands; and if the commission determines that the lands are not suitable for reforestation and should not be classified as reforestation lands, it shall cause such lands to be stricken from the list. If no objections are filed to the classification of any lands on such list or if objections are filed and after hearing are overruled, the commission shall forthwith enter an order approving the list as filed; and if, following a hearing on objections to classification as to any particular lands on the list, the commission determines that the particular lands are not properly classified as reforestation lands, it shall within thirty days after the close of the hearing enter an order to that effect and shall strike such lands from the list, and enter an order approving the list with such lands stricken therefrom. Upon entry of the order the commission shall, within a period of ten days, at its expense, cause a certified copy thereof, together with the approved list to be recorded in the office of the auditor of the county in which the lands are situated, and shall forward one certified copy thereof, together with the approved list, to the assessor of the county wherein the lands are situated, one copy to the department, and one copy of its order to the owner, with a list only of lands in which he has an interest; and thereupon the lands described on such list shall be classified as reforestation lands.

RCW 84.28.050 amended.

SEC. 5. Section 84.28.050, chapter 15, Laws of 1961 and RCW 84.28.050 are each amended to read as follows:

Reforestation lands, taxing of. Removal from classification—Petition of department or county assessor—Hearing.

Whenever the department or county assessor of the county in which classified lands are situated believes that any lands classified as reforestation lands are not being protected as provided by law, or the lands become more valuable for some other purpose, or are not being used primarily for forest crop production, the department or county assessor may petition the commission to remove such lands from classification as reforestation lands. The petition shall describe the lands by government legal subdivisions and shall set forth the name of the owner thereof, and the grounds and reasons for which such removal is sought. The commission shall within sixty days after filing of the petition fix a time and place and shall hold a hearing on the petition and shall mail a copy of the notice thereof, together with a copy of the petition, to the owner at his address as shown by the records of the county treasurer's office at least thirty days prior to the date set for the hearing. At the time and place fixed for the hearing the commission shall hold a hearing on the petition and shall receive evidence offered by the owner, the department or county assessor for and against the petition. Upon the conclusion of the hearing the commission shall within fifteen days thereafter determine whether such lands shall be removed from classification as reforestation lands, and shall enter an order accordingly. Within ten days after issuance of the order, one certified copy of such order shall be forwarded by the commission to the county assessor of the county in which the lands are situated, one to the owner and one to the department, and the commission shall, at its own expense, cause a certified copy of such order, together with a list of the lands

covered thereby, to be recorded in the office of the auditor of the county in which the lands are situated.

SEC. 6. Section 84.28.060, chapter 15, Laws of 1961 and RCW 84.28.060 are each amended to read as follows:

RCW 84.28.060
amended.

Whenever any lands previously classified as reforestation lands shall be or become more valuable for some other purpose and twenty-five taxpayers of the county in which the lands are situated file a petition with the commission, alleging such to be the case, the commission shall fix a date for hearing on the petition and shall in writing notify the taxpayers by mailing notice thereof directed to the taxpayers at the address shown on the petition; and shall likewise, at least thirty days prior to the hearing date, notify the department, the assessor and the owners of the lands involved, by mailing a notice of the hearing with a copy of the petition to them directed to their respective addresses. At the hearing the petitioners, the department, the assessor and the owners shall be entitled to offer evidence bearing upon the question of the value of such lands for reforestation and other purposes. The commission from the evidence shall determine whether the lands are more valuable for some other purpose than for reforestation; and if it so determines it shall enter an order to that effect and thereupon the lands shall be removed from classification as reforestation lands. Upon entry of an order by the commission, as provided for in this section, the commission shall, at its own expense, cause a certified copy thereof, together with a list of the lands covered thereby, to be recorded in the office of the auditor of the county in which the lands are situated and a certified copy thereof shall also be mailed to the owner.

—Petition of
taxpayers—
Hearing.

SEC. 7. There is added to chapter 15, Laws of 1961 and to chapter 84.28 RCW a new section to read as follows:

New section.

Reforestation lands, taxing of. Removal from classification—Petition of owner.

The owner may at any time cause any of his lands classified under this chapter to be removed from such classification by filing written notice to that effect with the county assessor of the county in which such lands are situate, which notice shall describe the lands to be removed, giving the legal description thereof by government legal subdivision. Copy of such notice shall also be filed with the department, the commission and the county auditor of the county in which the lands are situated. Upon receipt from the county treasurer of evidence of payment of the yield taxes imposed by section 8 of this act, the commission shall issue an order removing said lands from classification, and such lands shall thereby be removed from classification as reforestation lands as of the first day of January next following the date of issuance of such order, and shall cease to be assessed and taxed as such and shall be free from any lien for unpaid taxes due or assessable under this chapter except as provided in section 8 of this act.

New section.

SEC. 8. There is added to chapter 15, Laws of 1961 and to chapter 84.28 RCW a new section to read as follows:

Taxation upon removal of land from classification—Effective date of classification and removal orders.

Whenever any land is removed from classification as reforestation land it shall thereafter be assessed and taxed without regard to the provisions of this chapter, and there shall thereupon become due and owing to the county in which such land is situated the taxes set forth in this section.

Proviso.

(a) A yield tax equal to twelve and one-half percent of the value of the timber or forest crop remaining on the land, based upon full current stumpage rates fixed by the assessor: *Provided*, That whenever, within a period of twelve years following the classification of any lands as reforestation lands, any such lands shall be removed from classification, the owner thereof shall be required to pay a yield tax

upon the timber of one percent for each year that has expired from the date of such classification until such removal from classification.

(b) A sum of money equivalent to the amount, if any, by which the tax paid on the land and forest crop because of classification under this chapter is less than the tax paid during the same period on similar land and forest crop that was not classified.

The assessor shall prepare a roll of lands to be removed from classification and shall extend against such lands the taxes computed as provided in this section, and shall forthwith transmit to the county treasurer a record of such taxes; and the county treasurer shall thereupon enter the amount of such taxes upon his records against such lands and their owner; and such taxes shall thereupon become a lien against such lands and timber and also against any forest material that may be cut thereon and against any other real or personal property owned by such owner. Such taxes shall become delinquent on the fifteenth day of March next following the effective date of the commission's order. The lien of such taxes shall be superior, and shall be enforceable, in the same manner and to the same effect as provided in RCW 84.28.140 for collection of yield taxes on materials removed from classified lands: *Provided*, That payment of such taxes shall be a condition precedent to issuance of an order removing lands from classification pursuant to provisions of section 7 of this act: *Provided further*, That an order classifying lands or removing lands from classification shall not be retroactive, but the effective date of such order shall not be earlier than the first day of January next following the date of issuance of such order.

Proviso.

Proviso.

SEC. 9. Section 84.28.080, chapter 15, Laws of 1961 and RCW 84.28.080 are each amended to read as follows:

RCW 84.28.080 amended.

Whenever the department or the commission shall

Court review.

Reforestation
lands, taxing
of. Court
review.

enter an order or decision with respect to classification or declassification of forest lands under this chapter, the owner of such lands, the department, the county assessor of the county in which such lands are located, or the taxpayers in a case arising under RCW 84.28.060, may, within thirty days following the entry of such order or decision, appeal to the superior court of the county within which such lands are situated for a review of the order or decision of the department or of the commission. The appeal shall be perfected in the same manner as is provided by law for appeals from decisions of the commission. Upon such appeal, the superior court shall sit without a jury, shall receive evidence de novo and shall determine the correct classification of the lands involved in accordance with the requirements of this chapter. The decision of the superior court shall be subject to appeal and review in the supreme court in the same manner and by the same procedure as appeals are taken and perfected to that court in civil actions at law. Upon appeal from any order or decisions of the department or the commission and pending the dismissal or final determination of such appeal, the lands involved shall be assessed and taxed in the same manner as they were assessed and taxed prior to the effective date of such order or decision.

RCW 84.28.090
amended.

SEC. 10. Section 84.28.090, chapter 15, Laws of 1961 and RCW 84.28.090 are each amended to read as follows:

Basis of as-
sessment
prescribed.

All lands classified as reforestation lands as provided in this chapter and lying west of the summit of the Cascade range of mountains in the state of Washington shall, after the date of such classification, be assessed for purposes of taxation at two dollars per acre, which is hereby declared to be the assessed value thereof; and all lands so classified lying east of the summit of the Cascade range of

mountains shall be assessed for purposes of taxation at one dollar per acre, which is hereby declared to be the assessed value thereof. The above values shall apply as the actual basis for taxation of such lands, without regard to any percentages of value which may apply for taxation of other classes of property; and the taxation of such lands on the basis herein provided shall be separate and distinct from and in addition to the cost of protecting such lands from fire as provided under the laws of Washington.

SEC. 11. Section 84.28.100, chapter 15, Laws of 1961 and RCW 84.28.100 are each amended to read as follows:

RCW 84.28.100
amended.

The owner or owners of lands classified and taxed as reforestation lands under this chapter, desiring to harvest any forest crop, or to remove or cause to be removed any forest growth therefrom shall in writing notify the county assessor of the county in which the lands are situated of such desire. The county assessor shall thereupon issue a permit authorizing the cutting and removal of such forest crop. The permit shall describe by legal subdivisions, or fractions thereof, areas on which cutting will be permitted. The permit shall expire at the end of each calendar year but shall be renewed for another year upon written application of the owner. The county assessor shall upon issuance of each original or renewal cutting permit estimate the stumpage rates upon the timber or forest crops to be harvested thereunder and shall forward a copy of the estimated stumpage rates along with the cutting permit to the permittee. Before any forest growth is cut or removed from such lands the permittee shall file with the county treasurer of the county in which such lands are situated a good and sufficient surety company bond payable to the county in form prescribed by the county prosecuting attorney, and which before filing shall be approved by the judge of the superior court of

Permit to
remove forest
crop—Esti-
mated stump-
age rates—
Bond or
deposit.

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of. Permit to
remove forest
crop—Bond
or deposit.

such county, or make a cash deposit with such treasurer, in lieu of such bond, in such amount as the county assessor shall fix, the bond to be conditioned to pay to the county in question the yield tax to which the county will be entitled upon the cutting of the forest growth from such lands. In case a cash deposit is made in lieu of the bond the same shall be applied in payment of the yield tax provided in RCW 84.28.110, but such deposit shall not relieve an owner from payment of any additional amounts due for said yield tax nor of right of refund of any sum deposited in excess of the amount due on said tax. In event collection is made on the bond, either with or without suit, the amount collected shall be applied in payment of the yield tax due.

RCW 84.28.110
amended.

SEC. 12. Section 84.28.110, chapter 15, Laws of 1961 and RCW 84.28.110 are each amended to read as follows:

Report of
cutting—Yield
tax—Rates—
Action to re-
cover tax.

Whenever the whole or any part of the forest crop shall be cut upon any lands classified and assessed as reforestation lands under the provisions of this chapter, the owner of such lands shall, on or before the fifteenth day of February of each year, report under oath to the assessor of the county in which such lands are located, the amount of such timber or other forest crop cut during the preceding twelve months, in units of measure in conformity with the usage for which the cutting was made, together with a description, by government legal subdivisions, of the lands upon which the same were cut. If no such report of cutting is made, or if the assessor shall believe the report to be inaccurate, incorrect or mistaken, the assessor may by such methods as shall be deemed advisable, determine the amount of timber or other forest product cut during such period. As soon as the report is filed, if the assessor is satisfied with the accuracy of the report, or if dissatisfied, as soon as the assessor shall

have determined the amount of timber or forest crop cut as herein provided, the assessor shall determine the full current stumpage rates for the timber or forest crop cut and shall thereupon compute, and there shall become due and payable from the owner, a yield tax equal to twelve and one-half percent of the market value of the timber or forest crop so cut, based upon the full current stumpage rates so fixed by the assessor: *Provided*, Whenever within the period of twelve years following the classification of any lands as reforestation lands, any forest material shall be cut on such lands, the owner thereof shall be required to pay a yield tax of one percent for each year that has expired from the date of such classification until such cutting: *Provided, further*, That no yield tax need be paid on any forest material cut for domestic use of the owner of such lands, or on materials necessarily used in harvesting the forest crop.

Proviso.

Proviso.

Whenever the owner is dissatisfied with the determination of the amount cut as made by the assessor, or with the full current stumpage rates as fixed by the assessor, and shall pay the tax based thereon under protest, such owner may maintain an action in the superior court of the county in which the lands are located for recovery of the amount of the tax paid in excess of what the owner alleges the tax would be if based upon a cutting or stumpage rate which the owner alleges to be correct. In any such action the county involved and the county assessor of the county, shall be joined as parties defendant, but in case a recovery is allowed, judgment shall be entered against the county only, to be charged against the funds to which the collected tax was paid. In such action the court shall determine, in accordance with the issues, the true and correct amount of timber and forest crop which has been cut, and if an issue in the case, the true and correct

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full current stumpage rates, and shall enter judgment accordingly, either dismissing the action, or allowing recovery based upon its determination of the amount of timber or forest crop cut and if in issue, the full current stumpage rate. The judgment of the superior court shall be subject to appeal to the supreme court in the same manner and by the same procedure as appeals are taken and perfected to that court in civil actions at law.

RCW 84.28.140
amended.

SEC. 13. Section 84.28.140, chapter 15, Laws of 1961 and RCW 84.28.140 are each amended to read as follows:

Collection of
yield tax—
Delinquency—
Lien.

Upon receipt of a report of cutting or upon determination of the amount cut as provided in this chapter the county assessor shall assess and tax against the owner of such lands the amount of yield tax due on account of such cutting; and shall forthwith transmit to the county treasurer a record of such tax; and the county treasurer shall thereupon enter the amount of such yield tax on his records against such lands and their owner; and such yield tax shall thereupon become a lien against such lands and also against the forest material cut thereon and against any other real or personal property owned by such owner, which shall become delinquent unless paid on or before the fifteenth day of March following the date when such report is made, or should have been made. The lien of such tax shall be superior and paramount to all other liens, taxes, assessments and encumbrances, and if not paid before the same becomes delinquent, may be collected by seizure and sale of such forest material, or any other personal property of such owner, in the same manner as personal property is seized and sold for delinquent taxes under the general tax laws; and the lien of said tax against the lands from which such forest materials are cut, or any other real property of such owner, may be foreclosed and said lands sold, in the same

manner as liens for taxes are foreclosed and land sold for delinquent taxes under the general tax laws of the state. Said tax, if not otherwise collected, may be collected by means of an action instituted in the superior court of the county in which are situated the lands from which such forest materials are cut, against such owner by the prosecuting attorney in behalf of the county, in which the lands are situated from which such forest materials are cut. Any person, firm, or corporation buying any forest material on which the yield tax herein provided has not been paid shall be liable for the payment of said tax and the amount thereof may be collected from such person, firm or corporation by seizure and sale of any real or personal property belonging to such person, firm or corporation in the same manner in which real or personal property, respectively is seized and sold for delinquent taxes under the general tax laws of the state; and said tax, if not otherwise collected, may be collected by means of an action instituted in the superior court of the county in which are situated the lands from which such forest materials are cut, against such person, firm or corporation, by the prosecuting attorney in behalf of the county in which the lands are situated from which such forest materials are cut. All taxes collected under the provisions of this chapter shall be paid to the county treasurer of the county in which the lands are situated from which such forest materials are cut, and shall be paid into the same fund and distributed by the county treasurer in the same proportions as the general taxes on other property in the same taxing district are paid and distributed in the year in which such payment or collection is made.

SEC. 14. Section 84.28.160, chapter 15, Laws of 1961 and RCW 84.28.160 are each amended to read as follows:

RCW 84.28.160
amended.

Reforestation lands, taxing of. Rules, regulations authorized.

The department and the commission, respectively, shall have power to make such rules and regulations as they shall deem necessary or advisable in the exercise of the powers and performance of the duties imposed upon them by this chapter.

Repeal.

SEC. 15. Section 84.28.130, chapter 15, Laws of 1961 and RCW 84.28.130 are each repealed.

Passed the Senate March 11, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 215.

[S. B. 240.]

STATE DEPARTMENT OF PERSONNEL—SERVICE FUND.

AN ACT relating to the state department of personnel; and amending section 28, chapter 1, Laws of 1961 and RCW 41.06.280.

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

RCW 41.06.280 amended.

SECTION 1. Section 28, chapter 1, Laws of 1961 and RCW 41.06.280 are each amended to read as follows:

Department of personnel service fund—Created—Charges to agencies, payment—Use, disbursement.

There is hereby created a fund within the state treasury, designated as the "Department of Personnel 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. An amount not to exceed one percent of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this chapter, except the institutions of higher learning and the department of highways, shall be charged to the operations appropriations of each agency and credited to the department of personnel service fund as

such allotments are approved pursuant to chapter 328, Laws of 1959 [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 director from time to time which, together with income derived from services rendered under RCW 41.06.080, will provide the department with funds to meet its anticipated expenditures during the allotment period.

The director of personnel shall fix the terms and charges for services rendered by the department of personnel pursuant to RCW 41.06.080, which amounts shall be credited to the department of personnel service fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis; payment for services so rendered under RCW 41.06.080 shall be made on a quarterly basis to the state treasurer and by him deposited in the department of personnel service fund.

Moneys from the department of personnel service fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the board.

Passed the Senate February 15, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 216.

[S. B. 409.]

UNIVERSITY OF WASHINGTON—INCOME—BOND
RETIREMENT.

AN ACT relating to the University of Washington; allocating the income derived from lands granted for university purposes to the University of Washington bond retirement fund; and declaring an emergency.

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

Moneys to go into U. of Wash. bond retirement fund.

SECTION 1. All moneys received from the lease or rental of lands set apart by the enabling act for university purposes; all interest or income arising from the proceeds of the sale of such lands or of the timber, fallen timber, stone, gravel, or other valuable material thereon; and all moneys received as interest on deferred payments on contracts for the sale of such lands shall be deposited in the "University of Washington bond retirement fund" to be expended for the purposes set forth in RCW 28.77.540.

Emergency.

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

Passed the Senate March 8, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 217.

[S. B. 511.]

BOILERS AND UNFIRED PRESSURE VESSELS—FEES.

AN ACT relating to boilers and unfired pressure vessels; and amending section 32, chapter 32, Laws of 1951, and RCW 70.79.330.

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

SECTION 1. Section 32, chapter 32, Laws of 1951, and RCW 70.79.330 are each amended to read as follows:

RCW 70.79.330 amended.

The owner or user of a boiler or pressure vessel required by this chapter to be inspected by the chief inspector, or his deputy inspector, shall pay directly to the chief inspector, upon completion of inspection, fees in accordance with the following schedule:

Boilers and unfired pressure vessels. Inspection fees—Schedule.

Certificates \$2.00—this includes:

- 1 year for power boilers
- 2 years for low pressure boilers
- 2 years for unfired pressure vessels, or for any extension granted.

Inspections:

Power boilers

50 horsepower or less—internal:	\$10.00
external:	5.00
Over 50 horsepower—internal:	20.00
external:	10.00

Heating boilers

Not to exceed 500 square feet heating surface (small)—internal:	7.00
Over 500 square feet heating surface (large)—internal:	12.00
external:	5.00

Unfired pressure vessels

Not to exceed 50 square feet area (small) internal or external:	5.00
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Boilers and unfired pressure vessels. Inspection fees—Schedule.

Over 50 square feet area (large)
 internal or external:..... 5.00 base
 For each additional 100 square feet
 area 10.00
 Maximum one vessel 45.00

Shop Inspections:

One half day \$25.00 plus expenses
 One full day 40.00 plus expenses
 One half day: Not to exceed 2 hours on site
 plus travel time.
 One full day: Not to exceed 6 hours plus travel
 time.

Passed the Senate March 9, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 218.

[S. B. 519.]

COUNTY PARK AND RECREATION SERVICE AREAS.

AN ACT relating to and authorizing the creation of county park and recreation service areas.

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

Parks and recreation service areas. Authorized—Purposes—Taxing districts.

SECTION 1. Any class AA, A, first or second class county shall have the power to create county park and recreation service areas for the purpose of financing the acquisition, construction, improvement, maintenance or operation of neighborhood park and recreational facilities which shall be owned by the county and administered as other county parks. The service districts created as hereinafter set forth may finance any of the following park purposes: Acquisition of park sites and buildings; construction of improvements upon county park allocated lands which will promote leisure time and recreational activities

of county residents on a neighborhood basis, including but not limited to the construction of field houses, swimming pools, tennis courts, playfields, and other facilities; the maintenance of any county-owned park or recreational facility, including the purchase of athletic equipment and supplies and the upkeep of park buildings, grounds and facilities; and to finance the costs of engaging custodial, recreational and park program personnel at any county-owned park or recreational facility. Local service areas shall be "taxing districts" within the meaning of section 2, Article 7 of the Constitution as amended by Amendment 17.

SEC. 2. Local service areas may be initiated in any unincorporated area of a class AA, A or first class county by resolution adopted by the board of county commissioners or by a petition signed by ten percent of the registered voters within the proposed service area.

Initiated by
resolution or
petition.

SEC. 3. Any resolution or petition initiating a local service area shall set forth the boundaries of the service district with certainty, describe the purpose or purposes for which the service area is to be formed, contain an estimate of the initial cost of any capital improvements or services to be authorized in the service area.

Resolution or
petition—
Contents.

"Initial costs" as used herein shall include the estimated cost during the first year of operation of:

- (1) Land to be acquired for county neighborhood park purposes by the service area to establish a park or park facility specified in the resolution or petition;
- (2) Capital improvements specified in the objectives or purposes of the service area;
- (3) Forming the service area; and
- (4) Personnel, maintenance or operation of any

county park facility within the service area as specified by the resolution or petition.

Parks and recreation service areas.—Petitions—Verification of signatures.

SEC. 4. Petitions shall be submitted to the county auditor who shall verify the signatures thereon to determine that the petition has been signed by the requisite number of persons who are registered voters within the proposed service area. If the petition is found not to have the requisite number of signatures, it shall be returned to the petitioners. If the petition is found to be sufficient, the auditor shall so certify and transmit the same to the board of county commissioners.

Feasibility and cost studies—Public hearing—Notice.

SEC. 5. Upon accepting a petition to form a local service area, or upon passage of a resolution to establish such a service area, the board of county commissioners shall order a full investigation for the purpose or purposes of the proposed service area to determine the feasibility of forming the same and to determine the estimated initial costs involved in obtaining the objectives set forth in the petition or resolution. The board shall require that the reports on the feasibility and the cost of the proposed service area be made available to the board and that copies of such reports be filed with the clerk of the board not more than eighty days after the board first directs that the studies and reports be undertaken. The board shall also provide by resolution that within twenty days after receiving the reports a public hearing shall be held at the county seat or at some convenient location within the proposed service area. At least five days before the hearing, the board shall give notice of the hearing not less than twice in a legal newspaper of general circulation in the county. The notice shall describe the boundaries of the proposed service area, the purpose or purposes of the proposed service area, the estimated initial costs, indicate that the reports and other materials

prepared at the order of the board are available in the office of the clerk of the board for the study and review of any interested party, and set the time, date and place of the hearing.

SEC. 6. At the hearing, the board of county commissioners shall first provide for an explanation of the objectives of the proposed service area and the estimated initial costs thereof. The board shall permit any resident or property owner of the service area to appear and be heard, and may permit property owners in contiguous areas to include their property within the service area in the event that they make their request for inclusion in writing. The board shall examine all reports on the feasibility of the proposed area and its initial costs and may, if they deem it necessary, recess the hearing for not more than twenty days to obtain any additional information necessary to arrive at the findings provided for in section 3 of this act.

Hearing procedure—
Inclusion of property—
Examination of reports—
Recess.

SEC. 7. At the conclusion of a hearing, the board of county commissioners shall make the following findings:

Findings of county commissioners.

(1) Whether or not the service area's objectives fit within the general framework of the county's comprehensive park plan and general park policies.

(2) The exact boundaries of the service area: The board shall be empowered to modify the boundaries as originally defined in the petition or resolution initiating the proposed service area: *Provided*, That the boundaries of the service area may not be enlarged unless the property owners within the area to be added consent to their inclusion in writing; or unless the board gives the property owners of the area to be added, written notice, mailed to their regular permanent residences as shown on the latest records of the county auditor, five days prior

Proviso.

Park and recreation service areas. Findings of county commissioners—Dismissal of proceedings, limitation on subsequent initiation.

to a regular or continued hearing upon the formation of the proposed service area.

(3) A full definition or explanation of the nature of improvements or services to be financed by the proposed service area.

(4) Whether or not the objectives of the service area are feasible.

(5) The number or name of the service area.

If satisfactory findings cannot be made by the board, the petition or resolution shall be dismissed, and no petition or resolution embracing the same area may be accepted or heard for at least two years.

Resolution ordering election.

SEC. 8. Upon making findings under the provisions of section 7 of this act, the board of county commissioners shall, by resolution, order an election of the property owners or voters of the district to determine if the service area shall be formed. The commissioners shall in their resolution direct the county auditor to set the date of the election, the date to be not more than sixty days following the conclusion of the hearing and the making of findings as provided for in sections 3 and 7 of this act; describe the purposes of the service area; set forth the estimated cost of any initial improvements or services to be financed by the service area should it be formed; describe the method of financing the initial improvements or services described in the resolution or petition; and order that notice of election be published in a newspaper of general circulation in the county at least twice prior to the election date.

Election procedure—Formation—Special levy or bond issue.

SEC. 9. If the petition or resolution initiating the formation of the proposed service area proposes that the initial improvements of services are to be financed by a special levy, a special election for that purpose shall be conducted within the boundaries of the service area. All registered voters within the service area shall be eligible to vote on the proposi-

tion. The county auditor, for the purpose of the special election, may combine or divide precincts in order to provide the greatest convenience to voters of the service area.

The county auditor, in submitting the issue to the voters for their approval or rejection, shall submit and express two propositions on the ballot in substantially the following form:

(1) FORMATION OF LOCAL SERVICE AREA

Shall a county service area be established for the area described in a resolution of the board of commissioners of county, adopted on the day of19....., to provide financing for neighborhood park facilities, improvements and services?

Yes..... No.....

(2) SPECIAL LEVY (SPECIAL BOND ISSUE)

Shall the county commissioners, for the purposes of “..... local service area No. or “(name of district) local service area of county”, levy a general tax of mills for one year upon taxable property within said service area in excess of the forty mill tax limit for authorized purposes of the service area?

OR shall the county commissioners for the purposes of local park service area No. issue dollars of general obligation bonds for a period of not to exceed twenty years and levy a tax of approximately mills upon all taxable property in said service area to pay the interest on and to retire said bonds; said levy to be excess of the forty mill tax limit?

Yes..... No.....

SEC. 10. In order for the service area to be established and the special tax levy proposition or bond retirement levy proposition to be approved, voters exceeding in number at least sixty percent of the number of voters who cast ballots for the office of

—Vote required.

Park and recreation service areas. Election—Vote required.

county commissioner within the proposed service area in the last preceding general election of county commissioners must cast ballots at the service area election and on the tax levy proposition, and of all the votes cast at the election at least sixty percent of said votes must favor the establishment of the service area and the levy of the special one-year tax or the special levy for the retirement of the specified bond issue.

Resolution declaring formation—Treasurer—Disbursement procedure.

SEC. 11. If the formation of the service area is approved by the voters of the area under the provisions of sections 9 and 10 of this act, the county commissioners shall by resolution declare the service area to be formed and direct the county treasurer to be the treasurer of the service area. Expenditures of the service area shall be made upon warrants drawn by the county auditor pursuant to vouchers approved by the board of county commissioners.

Local service area fund.

SEC. 12. If the service area is formed, there shall be created in the office of the county treasurer a local service area fund with such accounts as the treasurer may find convenient, or as the state auditor may direct, into which shall be deposited all revenues received by the service area from tax levy, from gifts or donations, and from service or admission charges. Such fund shall be designated “(name of county) service area No. fund.” Or “(name of district) service area fund.” Special accounts shall be established within the fund for the deposit of the proceeds of each bond issue made for the construction of a specified project or improvement, and there shall also be established special accounts, within the fund for the deposit of revenues raised by special levy or derived from other specific revenues, to be used exclusively for the retirement of an outstanding bond issue or for paying the interest or service charges on any bond issue.

SEC. 13. A service area shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the service district in the manner prescribed for cities for the purpose of exceeding the limitations established by section 2, Article 7 as amended by Amendment 17 of the Constitution and by RCW 84.52.052.

Tax levies,
bond issues.

The special voted levy may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

A service area may issue general obligations bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness, equal to one and one-half percent of the assessed valuation of the taxable property within the district, and may provide for the retirement thereof by levies in excess of millage in accordance with the provisions of RCW 84.52.056: *Provided*, That such districts may issue bonds equal to five percent of the taxable property within the district when such bonds are approved by the voters of the district at a special election called for the purpose.

Proviso.

SEC. 14. The board of county commissioners shall annually compile a budget for each service area in a form prescribed by the state division of municipal corporations for the ensuing calendar year which shall, to the extent that anticipated income is actually realized, constitute the appropriations for the service area. The budget may include an amount to accumulate a reserve for a stated capital purpose. In compiling the budget, all available funds and anticipated income shall be taken into consideration, including contributions or contractual payments from school districts, cities, or towns, county or any other governmental entity, gifts and donations, special tax

Budgets—Appropriations
—Accumulations of reserves.

levy, fees and charges, proceeds of bond issues, and cumulative reserve funds.

Park and recreation service areas. Employees.

SEC. 15. All employees, whether their salary is paid in whole or in part from funds raised by levies of the service area, shall be employees of the county and shall be subject to all rules and benefits which are applicable to other county employees.

Admission fees and charges.

SEC. 16. The county commissioners may establish admission fees or other direct charges to be paid by persons using county park facilities, as hereinafter defined, which have been financed in whole or in part by a service area. Such direct charges to users may be made for the use of or admission to swimming pools, field houses, tennis and handball courts, bathhouses, swimming beaches, boat launching, storage or moorage facilities, ski lifts, picnic areas and other similar recreation facilities, and for parking lots used in conjunction with such facilities. All funds collected under the provisions of this section shall be deposited to the fund of the service area established in the office of the county treasurer, to be disbursed under the service area budget as approved by the board.

Concessions.

Proviso.

SEC. 17. The board may, as with other county park properties and facilities, grant concessions for food and other services: *Provided*, That the proceeds from any concessions accruing to the county from park or park facilities which have been financed in part or wholly from service area funds shall be deposited to the fund of the service area in the office of the county treasurer to be disbursed under the service area budget as approved by the board.

Use of funds — Purchases.

SEC. 18. The board may reimburse from service funds any charge incurred by the county current expense fund which is properly an expense of the service area, including reasonable administrative costs

incurred by the offices of county treasurer and the county auditor in providing accounting, clerical or other services for the benefit of the service area. The board may provide for the payment of any personnel engaged in activities financed by service area funds from current expense or salary funds, and reimburse current expense or salary funds from service area funds. The board shall, where a county purchasing department has been established, provide for the purchase of all supplies and equipment through the department.

SEC. 19. Any park facility or park acquired, improved or otherwise financed in whole or in part by local service area funds shall be owned by the county. The county may make expenditures from current expense funds budgeted for park purposes for the maintenance, operation or capital improvement of any county park or park facility.

Ownership of parks and facilities—Expenditure of park purpose funds.

SEC. 20. The purpose of this act shall be to provide a higher level of park services and shall not in any way diminish the right of a county to provide a general park program financed from current expense funds.

Purpose.

SEC. 21. The county may exercise any of the powers enumerated in chapter 67.20 RCW with respect to any park and recreation facility financed in whole or part from local service funds.

Powers in chapter 67.20 RCW available.

Passed the Senate March 14, 1963.

Passed the House March 14, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 219.

[H. B. 253.]

PUBLIC ASSISTANCE—SURPLUS COMMODITIES.

AN ACT relating to public assistance and the distribution of surplus commodities; amending section 1, chapter 112, Laws of 1961 and RCW 74.04.380 and adding a new section to chapter 26, Laws of 1959 and to chapter 74.04 RCW; and prescribing a penalty.

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

RCW 74.04.380 amended.

SECTION 1. Section 1, chapter 112, Laws of 1961 and RCW 74.04.380 are each amended to read as follows:

Federal surplus food commodities. Agreements—Personnel—Facilities—Discontinuance of program.

The director of the state department of public assistance, 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 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 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 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. 2. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows: New section.

It shall be unlawful for any recipient of federal or other surplus commodities received under this act 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 unless he has been certified as eligible to receive, possess and use such commodities by the state department of public assistance. Unlawful acts
—Penalty.

Violation of the provisions of this act 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.

Passed the House February 25, 1963.

Passed the Senate March 10, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 220.

[H. B. 35.]

UNIFORM CODE OF MILITARY JUSTICE.

AN ACT relating to the militia and enacting a uniform code of military justice; amending sections 12, 82, 81, 84, 52 and 94, chapter 130, Laws of 1943 and RCW 38.04.010, 38.32.010, 38.32.020, 38.32.070, 38.32.120, and 38.32.130; repealing sections 83, 56, 57, 58, 59, 60, 63, 64, 85, 67, 68, 79, 88, 94, 65, 66, 69, 70, 71, 72, 73, 74, 75, 76 and 77, chapter 130, Laws of 1943 and RCW 38.04.050, 38.28.010, 38.28.020, 38.28.030, 38.28.040, 38.28.050, 38.28.060, 38.28.070, 38.28.080, 38.32.040, 38.32.050, 38.32.060, 38.32.110, 38.32.130, 38.36.010, 38.36.020, 38.36.030, 38.36.040, 38.36.050, 38.36.060, 38.36.070, 38.36.080, 38.36.090, 38.36.100 and 38.36.110; repealing section 62, chapter 130, Laws of 1943 as amended by section 1, chapter 81, Laws of 1953 and RCW 38.32.150; providing penalties; and making an effective date.

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

PART I—GENERAL PROVISIONS

Uniform code of military justice. Definitions.

SECTION 1. *Definitions.* In this amendatory act, unless the context otherwise requires:

(1) "State military forces" means the national guard of the state, as defined in section 101(3) of Title 32, United States Code, the organized naval militia of the state, and any other military force organized under the laws of the state of Washington and shall be analogous to "organized militia" as defined in RCW 38.04.010.

(2) "Officer" means commissioned or warrant officer.

(3) "Commissioned officer" includes a commissioned warrant officer.

(4) "Commanding officer" includes only commissioned officers.

(5) "Superior commissioned officer" means a commissioned officer superior in rank and command.

(6) "Enlisted member" means a person in an enlisted grade.

(7) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

(8) "Rank" means the order of precedence among members of the state military forces.

(9) "Active state duty" means full-time duty in the active military service of the state under an order of the governor issued under authority vested in him by law, and includes travel to and from such duty.

(10) "Duty status other than active state duty" means and includes any periods of drill and such other training and service not requiring the entire time of the organization or person as may be required under state or federal laws, regulations or orders, and includes travel to and from such duty.

(11) "Military court" means a court martial, a court of inquiry, or a provost court.

(12) "Law officer" means an official of a general court martial detailed in accordance with section 28 of this amendatory act.

(13) "Law specialist" means a commissioned officer of the organized naval militia of the state designated for special duty (law).

(14) "Legal officer" means any commissioned officer of the organized naval militia of the state designated to perform legal duties for a command.

(15) "State judge advocate" means the commissioned officer responsible for supervising the administration of the military justice in the state military forces.

(16) "Accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused.

Uniform code of military justice. Definitions.

(17) "Military" refers to any or all of the armed forces.

(18) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command.

(19) "May" is used in a permissive sense. The words "no person may . . ." mean that no person is required, authorized, or permitted to do the act prescribed.

(20) "Shall" is used in an imperative sense.

(21) "Code" means sections 1 through 132 of this amendatory act.

Persons subject to.

SEC. 2. *Persons subject to this code.* This code applies to all members of the state military forces who are not in federal service.

Vetoed.

Sec. 3. *JURISDICTION TO TRY CERTAIN PERSONNEL.* (1) *Each person discharged from the state military forces who is later charged with having fraudulently obtained his discharge is, subject to section 45 of this amendatory act, subject to trial by court martial on that charge and is after apprehension subject to this code while in the custody of the military for that trial. Upon conviction of that charge he is subject to trial by court martial for all offenses under this code committed before the fraudulent discharge.*

Jurisdiction to try certain personnel.

(2) No person who has deserted from the state military forces may be relieved from amenability to the jurisdiction of this code by virtue of a separation from any later period of service.

Dismissal of commissioned officer.

SEC. 4. *Dismissal of commissioned officer.* (1) If any commissioned officer, dismissed by order of the governor, makes a written application for trial by court martial, setting forth, under oath, that he has been wrongfully dismissed, the governor, as soon as practicable, shall convene a general court martial

to try that officer on the charges on which he was dismissed. A court martial so convened has jurisdiction to try the dismissed officer on those charges, and he shall be considered to have waived the right to plead any statute of limitations applicable to any offense with which he is charged. The court martial may, as part of its sentence, adjudge the affirmance of the dismissal, but if the court martial acquits the accused or if the sentence adjudged, as finally approved or affirmed, does not include dismissal, the chief of staff to the governor or adjutant general shall substitute for the dismissal ordered by the governor a form of discharge authorized for administrative issue.

(2) If the governor fails to convene a general court martial within six months from the presentation of an application for trial under this code, the chief of staff to the governor or adjutant general shall substitute for the dismissal ordered by the governor a form of discharge authorized for administrative issue.

(3) If a discharge is substituted for a dismissal under this code, the governor alone may reappoint the officer to such commissioned grade and with such rank as, in the opinion of the governor, that former officer would have attained had he not been dismissed. The reappointment of such a former officer may be made only if a vacancy is available under applicable tables of organization. All time between the dismissal and the reappointment shall be considered as actual service for all purposes.

(4) If an officer is discharged from the organized militia by administrative action or by board proceedings under law, or is dropped from the rolls by order of governor, he has no right to trial under this section.

SEC. 5. *Territorial Applicability of the Code.* (1) This code applies throughout the state. It also ap-

Territorial
applicability.

Uniform code
of military
justice.
Territorial
applicability.

plies to all persons otherwise subject to this code while they are serving outside the state, and while they are going to and returning from such service outside the state, in the same manner and to the same extent as if they were serving inside the state.

(2) Courts martial and courts of inquiry may be convened and held in units of the state military forces while those units are serving outside the state with the same jurisdiction and powers as to persons subject to this code as if the proceedings were held inside the state, and offenses committed outside the state may be tried and punished either inside or outside the state.

Judge adv-
cates and
legal officers.

SEC. 6. *Judge advocates and legal officers.* (1) The governor, on the recommendation of the adjutant general, shall appoint an officer of the state military forces as state judge advocate. To be eligible for appointment, an officer must be a member of the bar of the highest court of the state and must have been a member of the bar of the state for at least five years.

(2) The adjutant general may appoint as many assistant state judge advocates as he considers necessary. To be eligible for appointment, assistant state judge advocates must be officers of the state military forces and members of the bar of the highest court of the state.

(3) The state judge advocate or his assistants shall make frequent inspections in the field in supervision of the administration of military justice.

(4) Convening authorities shall at all times communicate directly with their staff judge advocates or legal officer in matters relating to the administration of military justice; and the staff judge advocate or legal officer of any command is entitled to communicate directly with the staff judge advocate or legal officer of a superior or subordinate command, or with the state judge advocate.

(5) No person who has acted as member, law officer, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who has been a witness for either the prosecution or defense, in any case may later act as staff judge advocate or legal officer to any reviewing authority upon the same case.

PART II — APPREHENSION AND RESTRAINT

SEC. 7. *Apprehension.* (1) Apprehension is the Apprehension.
taking of a person into custody.

(2) Any person authorized by this code, or by regulations issued under it, to apprehend persons subject to this code, any marshal of a court martial appointed pursuant to the provisions of this code, and any peace officer authorized to do so by law, may do so upon reasonable belief that an offense has been committed and that the person apprehended committed it.

(3) Commissioned officers, warrant officers, petty officers and noncommissioned officers have authority to quell quarrels, frays, and disorders among persons subject to this code and to apprehend persons subject to this code who take part therein.

SEC. 8. *Apprehension of deserters.* Any civil officer having authority to apprehend offenders under the laws of the United States or of a state, territory, commonwealth, or possession, or the District of Columbia may summarily apprehend a deserter from the state of Washington military forces and deliver him into the custody of the state of Washington military forces. If an offender is apprehended outside of the state of Washington, his return to the area must be in accordance with normal extradition procedures or reciprocal agreement. Apprehension of deserters.

SEC. 9. *Imposition of restraint.* (1) Arrest is Imposition of restraint.
the restraint of a person by an order, not imposed

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of military
justice. Imposi-
tion of
restraint.

as a punishment for an offense, directing him to remain within certain specified limits. Confinement is the physical restraint of a person.

(2) An enlisted member may be ordered into arrest or confinement by any commissioned officer by an order, oral or written, delivered in person or through other persons subject to this code or through any person authorized by this code to apprehend persons. A commanding officer may authorize warrant officers, petty officers, or noncommissioned officers to order enlisted members of his command or subject to his authority into arrest or confinement.

(3) A commissioned officer or a warrant officer may be ordered apprehended or into arrest or confinement only by a commanding officer to whose authority he is subject, by an order, oral or written, delivered in person or by another commissioned officer. The authority to order such persons apprehended or into arrest or confinement may not be delegated.

(4) No person may be ordered apprehended or into arrest or confinement except for probable cause.

(5) This section does not limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.

Restraint of
persons
charged with
offenses.

SEC. 10. *Restraint of persons charged with offenses.* Any person subject to this code charged with an offense under this code shall be ordered into arrest or confinement, as circumstances may require; but when charged only with an offense normally tried by a summary court martial, such person shall not ordinarily be placed in confinement. When any person subject to this code is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform him of the specific wrong of which he is accused and to try him or to dismiss the charges and release him.

SEC. 11. *Confinement in jails.* Persons confined other than in a guard house, whether before, during or after trial by a military court, shall be confined in civil jails, penitentiaries, or prisons designated by the governor or by such person as he may authorize to act.

Confinement
in jails.

SEC. 12. *Reports and receiving of prisoners.* (1) No provost marshal, commander of a guard, master at arms, warden, keeper, or officer of a city or county jail or any other jail, penitentiary, or prison designated under section 11 of this amendatory act, may refuse to receive or keep any prisoner committed to his charge, when the committing person furnishes a statement, signed by him, of the offense charged against the prisoner.

Reports and
receiving of
prisoners.

(2) Every commander of a guard, master at arms, warden, keeper, or officer of a city or county jail or of any other jail, penitentiary, or prison designated under section 11 of this amendatory act, to whose charge a prisoner is committed shall, within twenty-four hours after that commitment or as soon as he is relieved from guard, report to the commanding officer of the prisoner the name of the prisoner, the offense charged against him, and the name of the person who ordered or authorized the commitment.

SEC. 13. *Punishment prohibited before trial.* Subject to section 59 of this amendatory act, no person, while being held for trial or the result of trial, may be subjected to punishment or penalty other than arrest or confinement upon the charges pending against him, nor shall the arrest or confinement imposed upon him be any more rigorous than the circumstances require to insure his presence, but he may be subjected to minor punishment during that period for infractions of discipline.

Punishment
prohibited be-
fore trial.

SEC. 14. *Delivery of offenders to civil authorities.* (1) Under such regulations as may be prescribed

Delivery to
civil
authorities.

Uniform code of military justice. Delivery of offenders to civil authorities.

under this code a person subject to this code who is on active state duty who is accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

(2) When delivery under this section is made to any civil authority of a person undergoing sentence of a court martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court martial, and the offender after having answered to the civil authorities for his offense shall, upon the request of competent military authority, be returned to military custody for the completion of his sentence.

PART III — NONJUDICIAL PUNISHMENT

Commanding officer's non-judicial punishment.

SEC. 15. *Commanding officer's nonjudicial punishment.* (1) Under such regulations as the governor may prescribe any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one of the following disciplinary punishments for minor offenses without the intervention of a court martial:

(a) Upon officer of his command:

(i) Withholding of privileges for not more than two consecutive weeks;

(ii) Restriction to certain specified limits, with or without suspension from duty, for not more than two consecutive weeks; or

(iii) If imposed by the governor, the commanding officer of a force of the state military forces, or the commanding general of a division, a fine or forfeiture of pay and allowances of not more than seventy-five dollars;

(b) Upon other military personnel of his command:

(i) Withholding of privileges for not more than two consecutive weeks;

(ii) Restriction to certain specified limits, with

or without suspension from duty, for not more than two consecutive weeks;

(iii) Extra duties for not more than fourteen days, which need not be consecutive, and for not more than two hours per day, holidays included;

(iv) Reduction to next inferior grade if the grade from which demoted was established by the command or an equivalent or lower command;

(v) If imposed upon a person attached to or embarked in a vessel, confinement for not more than seven consecutive days; or

(vi) If imposed by an officer exercising special court martial jurisdiction over the offender, a fine or forfeiture of pay and allowances of not more than ten dollars.

(2) The governor may, by regulation, place limitations on the powers granted by this section with respect to the kind and amount of punishment authorized and the categories of commanding officers authorized to exercise those powers.

(3) An officer in charge may, for minor offenses, impose on enlisted members assigned to the unit of which he is in charge, such of the punishments authorized to be imposed by commanding officers as the governor may by regulation specifically prescribe, as provided in subsections (1) and (2) of this section.

(4) A person punished under this section who considers his punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The officer who imposes the punishment, his successor in command, and superior authority may suspend, set aside, or remit any part or amount of the punishment and restore all rights, privileges and property affected.

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officer's non-
judicial
punishment.

(5) The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(6) Whenever a punishment of forfeiture of pay and allowances is imposed under this section, the forfeiture may apply to pay or allowances accruing on or after the date that punishment is imposed and to any pay and allowances accrued before that date.

PART IV — COURTS MARTIAL JURISDICTION

Court martial
of state forces
not in federal
service—Com-
position—Jur-
isdiction—
Powers and
proceedings.

SEC. 16. *Courts martial of state military forces not in federal service—Composition—Jurisdiction—Powers and proceedings.* (1) In the state military forces not in federal service, there are general, special, and summary courts martial constituted like similar courts of the armed forces of the United States. They have the jurisdiction and powers, except as to punishments, and shall follow the forms and procedures provided for those courts.

(2) The three kinds of courts martial are:

(a) General courts martial, consisting of a law officer and not less than five members;

(b) Special courts martial, consisting of not less than three members; and

(c) Summary courts martial, consisting of one commissioned officer.

Jurisdiction of
courts martial
in general.

SEC. 17. *Jurisdiction of courts martial in general.* Each force of the state military forces has court martial jurisdiction over all persons subject to this code. The exercise of jurisdiction by one force over per-

sonnel of another force shall be in accordance with regulations prescribed by the governor.

SEC. 18. *Jurisdiction of general courts martial.* Jurisdiction of general courts martial.
 Subject to section 17 of this amendatory act, general courts martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the governor may prescribe, adjudge any of the following punishments:

- (1) A fine of not more than two hundred dollars;
- (2) Forfeiture of pay and allowances;
- (3) A reprimand;
- (4) Dismissal or dishonorable discharge;
- (5) Reduction of a noncommissioned officer to the ranks; or
- (6) Any combination of these punishments.

SEC. 19. *Jurisdiction of Special Courts Martial.* Jurisdiction of special courts martial.
 Subject to section 17 of this amendatory act, special courts martial have jurisdiction to try persons subject to this code for any offense for which they may be punished under this code. A special court martial has the same powers of punishment as a general court martial, except that a fine imposed by a special court martial may not be more than one hundred dollars for a single offense.

SEC. 20. *Jurisdiction of summary courts martial.* Jurisdiction of summary courts martial.
 (1) Subject to section 17 of this amendatory act, summary courts martial have jurisdiction to try persons subject to this code, except officers for any offense made punishable by this code.

(2) No person with respect to whom summary courts martial have jurisdiction may be brought to trial before a summary court martial if he objects thereto, unless under section 15 of this amendatory act he has been permitted and has elected to refuse punishment under that section. If objection to trial by summary court martial is made by an accused

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courts martial.

who has been permitted to refuse punishment under section 15 of this amendatory act, trial shall be ordered by special or general court martial, as may be appropriate.

(3) A summary court martial may sentence to a fine of not more than twenty-five dollars for a single offense, to forfeiture of pay and allowances, and to reduction of a noncommissioned officer to the ranks.

Sentences to
be approved
by governor.

SEC. 21. *Sentences of dismissal or dishonorable discharge to be approved by the governor.* In the organized militia not in federal service, no sentence of dismissal or dishonorable discharge may be executed until it is approved by the governor.

Complete
records for
certain judge-
ments.

SEC. 22. *Complete record of proceedings and testimony if dishonorable discharge, bad conduct discharge or dismissal adjudged.* A dishonorable discharge, bad conduct discharge or dismissal may not be adjudged by any court martial unless a complete record of the proceedings and testimony before the court has been made.

Confinement
instead of fine.

SEC. 23. *Confinement instead of fine.* In the state military forces not in federal service, a court martial may, instead of imposing a fine, sentence to confinement for not more than one day for each dollar of the authorized fine.

PART V — APPOINTMENT AND COMPOSITION OF COURTS MARTIAL

Who may
convene gen-
eral courts
martial.

SEC. 24. *Who may convene general courts martial.* In the state military forces not in federal service, general courts martial may be convened by the president or by the governor, or by the commanding general of the national guard of the District of Columbia.

Special courts
martial—Who
may convene.

SEC. 25. *Special courts martial of state military forces not in federal service—Who may convene.* (1) In the state military forces not in federal service, the

commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command, may convene special courts martial. Special courts martial may also be convened by superior authority. When any such officer is an accuser, the court shall be convened by superior competent authority.

(2) A special court martial may not try a commissioned officer.

SEC. 26. *Summary courts martial of state military forces not in federal service—Who may convene.*

Summary courts martial of state forces not in federal service—Who may convene.

(1) In the state military forces not in federal service, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment, may convene a summary court martial consisting of one commissioned officer. The proceedings shall be informal.

(2) When only one commissioned officer is present with a command or detachment he shall be the summary court martial of that command or detachment and shall hear and determine all summary court martial cases brought before him. Summary courts martial may, however, be convened in any case by superior competent authority when considered desirable by him.

SEC. 27. *Who may serve on courts martial.* (1) Any commissioned officer of or on duty with the state military forces is eligible to serve on all courts martial for the trial of any person who may lawfully be brought before such courts for trial.

Who may serve on courts martial.

(2) Any warrant officer of or on duty with the state military forces is eligible to serve on general and special courts martial for the trial of any person,

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courts martial.

other than a commissioned officer, who may lawfully be brought before such courts for trial.

(3) (a) Any enlisted member of the state military forces who is not a member of the same unit as the accused is eligible to serve on general and special courts martial for the trial of any enlisted member who may lawfully be brought before such courts for trial, but he shall serve as a member of a court only if, before the convening of the court, the accused personally has requested in writing that enlisted members serve on it. After such a request, the accused may not be tried by a general or special court martial the membership of which does not include enlisted members in a number comprising at least one-third of the total membership of the court, unless eligible members cannot be obtained on account of physical conditions or military exigencies. If such members cannot be obtained, the court may be convened and the trial held without them, but the convening authority shall make a detailed written statement, to be appended to the record, stating why they could not be obtained.

(b) In this section, the word "unit" means any regularly organized body of the state military forces not larger than a company, a squadron, a division of the naval militia, or a body corresponding to one of them.

(4) (a) When it can be avoided, no person subject to this code may be tried by a court martial any member of which is junior to him in rank or grade.

(b) When convening a court martial, the convening authority shall detail as members thereof such members as, in his opinion, are best qualified for the duty by reason of age, education, training, experience, length of service, and judicial temperament. No member is eligible to serve as a member of a general or special court martial when he is the accuser or a witness for the prosecution or has acted

as investigating officer or as counsel in the same case. If within the command of the convening authority there is present and not otherwise disqualified a commissioned officer who is a member of the bar of the highest court of the state and of appropriate rank and grade, the convening authority shall appoint him as president of a special court martial. Although this requirement is binding on the convening authority, failure to meet it in any case does not divest a military court of jurisdiction.

SEC. 28. *Law officer of a general court martial.*

Law officer of
a general
court martial.

(1) The authority convening a general court martial shall detail as law officer thereof a commissioned officer who is a member of the bar of the highest court of the state, or a member of the bar of a federal court, and who is certified to be qualified for such duty by the state judge advocate. No person is eligible to act as law officer in a case if he is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case.

(2) The law officer may not consult with the members of the court, other than on the form of the findings as provided in section 41 of this amendatory act, except in the presence of the accused, trial counsel, and defense counsel, nor may he vote with the members of the court.

SEC. 29. *Detail of trial counsel and defense counsel.*

Detail of trial
counsel and
defense
counsel.

(1) For each general and special court martial the authority convening the court shall detail trial counsel and defense counsel, and such assistants as he considers appropriate. No person who has acted as investigating officer, law officer, or court member in any case may act later as trial counsel, assistant trial counsel, or, unless expressly requested by the accused, as defense counsel or assistant defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for

Uniform code of military justice. Detail of trial counsel and defense counsel.

the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.

(2) Trial counsel or defense counsel detailed for a general court martial:

(a) Must be a person who is a member of the bar of the highest court of the state, or a member of the bar of a federal court; and

(b) Must be certified as competent to perform such duties by the state judge advocate.

(3) In the case of a special court martial:

(a) If the trial counsel is qualified to act as counsel before a general court martial, the defense counsel detailed by the convening authority must be a person similarly qualified; and

(b) If the trial counsel is a member of the bar of the highest court of the state, the defense counsel detailed by the convening authority must be one of the foregoing.

Detail or employment of reporters and interpreters.

SEC. 30. *Detail or employment of reporters and interpreters.* Under such regulations as the governor may prescribe, the convening authority of a general or special court martial or court of inquiry shall detail or employ qualified court reporters, who shall record the proceedings of and testimony taken before that court. Under like regulations the convening authority of a military court may detail or employ interpreters who shall interpret for the court.

Absent and additional members.

SEC. 31. *Absent and additional members.* (1) No member of a general or special court martial may be absent or excused after the accused has been arraigned except for physical disability or as the result of a challenge or by order of the convening authority for good cause.

(2) Whenever a general court martial is reduced below five members, the trial may not proceed unless the convening authority details new members suf-

ficient in number to provide not less than five members. When the new members have been sworn, the trial may proceed after the recorded testimony of each witness previously examined has been read to the court in the presence of the law officer, the accused, and counsel.

(3) Whenever a special court martial is reduced below three members, the trial may not proceed unless the convening authority details new members sufficient in number to provide not less than three members. When the new members have been sworn, the trial shall proceed as if no evidence has previously been introduced, unless a verbatim record of the testimony of previously examined witnesses or a stipulation thereof is read to the court in the presence of the accused and counsel.

PART VI—PRE-TRIAL PROCEDURE

SEC. 32. *Charges and Specifications.* (1) Charges and specifications shall be signed by a person subject to this code under oath before a person authorized by this code to administer oaths and shall state:

Charges and specifications.

(a) That the signer has personal knowledge of, or has investigated, the matters set forth therein; and

(b) That they are true in fact to the best of his knowledge and belief.

(2) Upon the preferring of charges, the proper authority shall take immediate steps to determine what disposition should be made thereof in the interest of justice and discipline, and the person accused shall be informed of the charges against him as soon as practicable.

SEC. 33. *Compulsory self-incrimination prohibited.* (1) No person subject to this code may compel any person to incriminate himself or to answer any question the answer to which may tend to incriminate him.

Compulsory self-incrimination prohibited.

Uniform code of military justice. Compulsory self-incrimination prohibited.

(2) No person subject to this code may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing him of the nature of the accusation and advising him that he does not have to make any statement regarding the offense of which he is accused or suspected and that any statement made by him may be used as evidence against him in a trial by court martial.

(3) No person subject to this code may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade him.

(4) No statement obtained from any person in violation of this section, or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against him in a trial by court martial.

Investigation.

SEC. 34. *Investigation.* (1) No charge or specification may be referred to a general court martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline.

(2) The accused shall be advised of the charges against him and of his right to be represented at that investigation by counsel. Upon his own request he shall be represented by civilian counsel if provided by him, or military counsel of his own selection if such counsel is reasonably available, or by counsel detailed by the officer exercising general court martial jurisdiction over the command. At that investigation full opportunity shall be given to the accused to cross-examine witnesses against him if they are

available and to present anything he may desire in his own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

(3) If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (2) hereof, no further investigation of that charge is necessary under this section unless it is demanded by the accused after he is informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in his own behalf.

(4) The requirements of this section are binding on all persons administering this code but failure to follow them does not divest a military court of jurisdiction.

SEC. 35. *Forwarding of charges.* When a person is held for trial by general court martial the commanding officer shall, within eight days after the accused is ordered into arrest or confinement, if practicable, forward the charges, together with the investigation and allied papers, to the governor. If that is not practicable, he shall report in writing to the governor the reasons for delay.

Forwarding
of charges.

SEC. 36. *Advice of state judge advocate and reference for trial.* (1) Before directing the trial of any charge by general court martial, the convening authority shall refer it to the state judge advocate for consideration and advice. The convening authority

Advice of
state judge
advocate and
reference for
trial.

Uniform code of military justice. Advice of state judge advocate and reference for trial.

may not refer a charge to a general court martial for trial unless he has found that the charge alleges an offense under this code and is warranted by evidence indicated in the report of the investigation.

(2) If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections, and such changes in the charges and specifications as are needed to make them conform to the evidence may be made.

Service of charges.

SEC. 37. *Service of charges.* The trial counsel to whom court martial charges are referred for trial shall cause to be served upon the accused a copy of the charges upon which trial is to be had. In time of peace no person may, against his objection, be brought to trial before a general court martial within a period of five day after the service of the charges upon him, or before a special court martial within a period of three days after the service of the charges upon him.

PART VII—TRIAL PROCEDURE

Governor may prescribe rules.

SEC. 38. *Governor may prescribe rules.* The procedure, including modes of proof, in cases before military courts and other military tribunals may be prescribed by the governor by regulations, which shall, so far as he considers practicable, apply the principles of law and the rules of evidence generally recognized in the trial of criminal cases in the courts of the state, but which may not be contrary to or inconsistent with this code.

Unlawfully influencing action of court.

SEC. 39. *Unlawfully influencing action of court.* No authority convening a general, special, or summary court martial nor any other commanding officer, or officer serving on the staff thereof, may censure, reprimand, or admonish the court or any member, law officer, or counsel thereof, with respect

to the findings or sentence adjudged by the court, or with respect to any other exercise of its or his functions in the conduct of the proceeding. No person subject to this code may attempt to coerce or, by any unauthorized means, influence the action of the court material or any other military tribunal or any member thereof, in reaching the findings or sentence in any case, or the action of any convening, approving, or reviewing authority with respect to his judicial acts.

SEC. 40. *Duties of trial counsel and defense counsel.* (1) The trial counsel of a general or special court martial shall prosecute in the name of the state, and shall, under the direction of the court, prepare the record of the proceedings.

Duties of trial
counsel and
defense
counsel.

(2) The accused has the right to be represented in his defense before a general or special court martial by civilian counsel if provided by him, or by military counsel of his own selection if reasonably available, or by the defense counsel detailed under section 29 of this amendatory act. Should the accused have counsel of his own selection, the defense counsel, and assistant defense counsel, if any, who were detailed, shall, if the accused so desires, act as his associate counsel; otherwise they shall be excused by the president of the court.

(3) In every court material proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters he feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he considers appropriate.

(4) An assistant trial counsel of a general court martial may, under the direction of the trial counsel or when he is qualified to be a trial counsel as required by section 29 of this amendatory act, perform any duty imposed by law, regulation, or the custom

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fense counsel.

of the service upon the trial counsel of the court. An assistant trial counsel of a special court martial may perform any duty of the trial counsel.

(5) An assistant defense counsel of a general or special court martial may, under the direction of the defense counsel or when he is qualified to be the defense counsel as required by section 29 of this amendatory act, perform any duty imposed by law, regulation, or the custom of the service upon counsel for the accused.

Sessions.

SEC. 41. *Sessions.* Whenever a general or special court martial deliberates or votes, only the members of the court may be present. After a general court martial has finally voted on the findings, the court may request the law officer and the reporter to appear before the court to put the findings in proper form, and those proceedings shall be on the record. All other proceedings, including any other consultation of the court with counsel or the law officer, shall be made a part of the record and shall be in the presence of the accused, the defense counsel, the trial counsel, and in general court martial cases, the law officer.

Continuances.

SEC. 42. *Continuances.* A court martial may, for reasonable cause, grant a continuance to any party for such time, and as often, as may appear to be just.

Challenges.

SEC. 43. *Challenges.* (1) Members of a general or special court martial and the law officer of a general court martial may be challenged by the accused or the trial counsel for cause stated to the court. The court shall determine the relevancy and validity of challenges for cause, and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

(2) Each accused and the trial counsel is entitled

to one peremptory challenge, but the law officer may not be challenged except for cause.

SEC. 44. *Oaths.* (1) The law officer, interpreters, and, in general and special courts martial, members, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, and reporters shall take an oath or affirmation in the presence of the accused to perform their duties faithfully. Oaths.

(2) Each witness before a military court shall be examined on oath or affirmation.

SEC. 45. *Statute of limitations.* (1) A person charged with desertion or absence without leave in time of war, or with aiding the enemy or with mutiny may be tried and punished at any time without limitation. Statute of limitations

(2) Except as otherwise provided in this section, a person charged with desertion in time of peace or with the offense punishable under section 115 of this amendatory act is not liable to be tried by court martial if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising summary court martial jurisdiction over the command.

(3) Except as otherwise provided in this section, a person charged with any offense is not liable to be tried by court martial or punished under section 15 of this amendatory act if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court martial jurisdiction over the command or before the imposition of punishment under section 15 of this amendatory act.

(4) Periods in which the accused was absent from territory in which the state has the authority to apprehend him, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded

in computing the period of limitation prescribed in this section.

Uniform code of military justice. Former jeopardy.

SEC. 46. *Former jeopardy.* (1) No person may, without his consent, be tried a second time in any military court of the state for the same offense.

(2) No proceeding in which an accused has been found guilty by a court martial upon any charge or specification is a trial in the sense of this section until the finding of guilty has become final after review of the case has been fully completed.

(3) A proceeding which, after the introduction of evidence but before a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused is a trial in the sense of this section.

Pleas of the accused.

SEC. 47. *Pleas of the accused.* If an accused arraigned before a court martial makes an irregular pleading, or after a plea of guilty sets up matter inconsistent with the plea, or if it appears that he has entered the plea of guilty improvidently or through lack of understanding of its meaning and effect, or if he fails or refuses to plead, a plea of not guilty shall be entered in the record, and the court shall proceed as though he had pleaded not guilty.

Opportunity to obtain witnesses and other evidence.

SEC. 48. *Opportunity to obtain witnesses and other evidence.* (1) The trial counsel, the defense counsel, and the court martial shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the governor may prescribe.

(2) The president of a court martial or a summary court officer may:

(a) Issue a warrant for the arrest of any accused person who having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;

(b) Issue subpoenas duces tecum and other subpoenas;

(c) Enforce by attachment the attendance of witnesses and the production of books and papers; and

(d) Sentence for refusal to be sworn or to answer, as provided in actions before civil courts of the state.

(3) Process issued in court martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall run to any part of the state and shall be executed by civil officers as prescribed by the laws of the state.

SEC. 49. *Refusal to appear or testify.* (1) Any person not subject to this code who: Refusal to appear or testify.

(a) Has been duly subpoenaed to appear as a witness or to produce books and records before a military court or before any military or civil officer designated to take a deposition to be read in evidence before such a court;

(b) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the superior court of the state; and

(c) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpoenaed to produce; is guilty of an offense against the state and a military court may punish him in the same manner as the civil courts of the state.

SEC. 50. *Contempts.* A military court may punish Contempts. for contempt any person who uses any menacing word, sign, or gesture in its presence, or who disturbs its proceedings by any riot or disorder. The punishment may not exceed confinement for thirty days or a fine of one hundred dollars, or both.

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of military
justice.
Depositions.

SEC. 51. *Depositions.* (1) At any time after charges have been signed, as provided in section 32 of this amendatory act, any party may take oral or written depositions unless an authority competent to convene a court martial for the trial of those charges forbids it for good cause. If a deposition is to be taken before charges are referred for trial, such an authority may designate commissioned officers to represent the prosecution and the defense and may authorize those officers to take the deposition of any witness.

(2) The party at whose instance a deposition is to be taken shall give to every other party reasonable written notice of the time and place for taking the deposition.

(3) Depositions may be taken before and authenticated by any military or civil officer authorized by the laws of the state or by the laws of the place where the deposition is taken to administer oaths.

(4) A duly authenticated deposition taken upon reasonable notice to the other parties, so far as otherwise admissible under the rules of evidence, may be read in evidence before any court martial or in any proceeding before a court of inquiry, if it appears:

(a) That the witness resides or is beyond the state in which the court martial or court of inquiry is ordered to sit, or beyond the distance of one hundred miles from the place of trial or hearing;

(b) That the witness by reason of death, age, sickness, bodily infirmity, imprisonment, military necessity, nonamenability to process, or other reasonable cause, is unable or refuses to appear and testify in person at the place of trial or hearing; or

(c) That the present whereabouts of the witness is unknown.

Admissibility
of records of
courts of
inquiry.

SEC. 52. *Admissibility of records of courts of inquiry.* (1) In any case not extending to the dismis-

sal of a commissioned officer, the sworn testimony, contained in the duly authenticated record of proceedings of a court of inquiry, of a person whose oral testimony cannot be obtained, may, if otherwise admissible under the rules of evidence, be read in evidence by any party before a court martial if the accused was a party before the court of inquiry and if the same issue was involved or if the accused consents to the introduction of such evidence.

(2) Such testimony may be read in evidence only by the defense in cases extending to the dismissal of a commissioned officer.

(3) Such testimony may also be read in evidence before a court of inquiry or a military board.

SEC. 53. *Voting and rulings.* (1) Voting by members of a general or special court martial upon questions of challenge, on the findings, and on the sentence shall be by secret written ballot. The junior member of the court shall in each case count the votes. The count shall be checked by the president, who shall forthwith announce the result of the ballot to the members of the court.

Voting and
rulings.

(2) The law officer of a general court martial and the president of a special court martial shall rule upon interlocutory questions, other than challenge, arising during the proceedings. Any such ruling made by the law officer of a general court martial or by the president of a special court martial upon any interlocutory question other than a motion for a finding of not guilty, or the question of the accused's sanity, is final and constitutes the ruling of the court. However, the law officer or president may change the ruling at any time during the trial except a ruling on a motion for a finding of not guilty that was granted. Unless the ruling is final, if any member objects thereto, the court shall be cleared and closed and the question decided by a voice vote as provided

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in section 54 of this amendatory act beginning with the junior in rank.

(3) Before a vote is taken on the findings, the law officer of a general court martial and the president of a special court martial shall, in the presence of the accused and counsel, instruct the court as to the elements of the offense and charge the court:

(a) That the accused must be presumed to be innocent until his guilt is established by legal and competent evidence beyond reasonable doubt;

(b) That in the case being considered, if there is a reasonable doubt as to the guilt of the accused, the doubt must be resolved in favor of the accused and he must be acquitted;

(c) That, if there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree as to which there is no reasonable doubt; and

(d) That the burden of proof of establishing the guilt of the accused beyond reasonable doubt is upon the state.

Number of
votes required.

SEC. 54. *Number of votes required.* (1) No person may be convicted of an offense, except by the concurrence of two-thirds of the members present at the time the vote is taken.

(2) All sentences shall be determined by the concurrence of two-thirds of the members present at the time that the vote is taken.

(3) All other questions to be decided by the members of a general or special court martial shall be determined by a majority vote. A tie vote on a challenge disqualifies the member challenged. A tie vote on a motion for a finding of not guilty or on a motion relating to the question of the accused's sanity is a determination against the accused. A tie vote on any other question is a determination in favor of the accused.

SEC. 55. *Court to announce action.* A court martial shall announce its findings and sentence to the parties as soon as determined.

Court to announce action.

SEC. 56. *Record of trial.* (1) Each court martial shall keep a separate record of the proceedings of the trial of each case brought before it and the record shall be authenticated by the signatures of the president and the law officer. If the record cannot be authenticated by either the president or the law officer, by reason of his death, disability, or absence, it shall be signed by a member in lieu of him. If both the president and the law officer are unavailable, the record shall be authenticated by two members. A record of the proceedings of a trial in which the sentence adjudged includes a bad conduct discharge or is more than that which could be adjudged by a special court martial shall contain a verbatim account of the proceedings and testimony before the court. All other records of trial shall contain such matter and be authenticated in such manner as the governor may by regulation prescribe.

Record of trial.

(2) A copy of the record of the proceedings of each general and special court martial shall be given to the accused as soon as it is authenticated. If a verbatim record of trial by general court martial is not required by subsection (1) hereof, but has been made, the accused may buy such a record under such regulations as the governor may prescribe.

PART VIII — SENTENCES

SEC. 57. *Cruel and unusual punishments prohibited.* Punishment by flogging, or by branding, marking or tattooing on the body, or any other cruel or unusual punishment, may not be adjudged by any court martial or inflicted upon any person subject to this code. The use of irons, single or double, except for the purpose of safe custody, is prohibited.

Cruel and unusual punishments prohibited.

Uniform code of military justice. Maximum limits of punishment.

SEC. 58. *Maximum limits.* The punishment which a court martial may direct for an offense may not exceed limits prescribed by this code.

Effective date of sentences.

SEC. 59. *Effective date of sentences.* (1) Whenever a sentence of a court martial as lawfully adjudged and approved includes a forfeiture of pay or allowances in addition to confinement not suspended, the forfeiture may apply to pay or allowances becoming due on or after the date the sentence is approved by the convening authority. No forfeiture may extend to any pay or allowances accrued before that date.

(2) Any period of confinement included in a sentence of a court martial begins to run from the date the sentence is adjudged by the court martial but periods during which the sentence to confinement is suspended shall be excluded in computing the service of the term of confinement. Regulations prescribed by the governor may provide that sentences of confinement may not be executed until approved by designated officers.

(3) All other sentences of courts martial are effective on the date ordered executed.

Execution of confinement.

SEC. 60. *Execution of confinement.* (1) A sentence of confinement adjudged by a military court, whether or not the sentence includes discharge or dismissal, and whether or not the discharge or dismissal has been executed, may be carried into execution by confinement in any place of confinement under the control of any of the forces of the state military forces or in any jail, penitentiary, or prison designated for that purpose. Persons so confined in a jail, penitentiary, or prison are subject to the same discipline and treatment as persons confined or committed to the jail, penitentiary, or prison by the courts of the state or of any political subdivision thereof.

(2) The omission of the words "hard labor" from any sentence or punishment of a court martial adjudging confinement does not deprive the authority executing that sentence or punishment of the power to require hard labor as a part of the punishment.

(3) The keepers, officers, and wardens of city or county jails and of other jails, penitentiaries, or prisons designated by the governor, or by such person as he may authorize to act under section 11 of this amendatory act, shall receive persons ordered into confinement before trial and persons committed to confinement by a military court and shall confine them according to law. No such keeper, officer, or warden may require payment of any fee or charge for so receiving or confining a person.

PART IX — REVIEW OF COURTS MARTIAL

SEC. 61. *Execution of sentence — Suspension of sentence.* Except as provided in sections 22 and 67 of this amendatory act, a court martial sentence, unless suspended, may be ordered executed by the convening authority when approved by him. He shall approve the sentence or such part, amount, or commuted form of the sentence as he sees fit, and may suspend the execution of the sentence as approved by him.

Execution of sentence—
Suspension of sentence.

SEC. 62. *Initial action on the record.* After a trial by court martial the record shall be forwarded to the convening authority, as reviewing authority, and action thereon may be taken by the person who convened the court, a commissioned officer commanding for the time being, a successor in command, or by the governor.

Initial action on the record.

SEC. 63. *Same — General court martial records.* The convening authority shall refer the record of each general court martial to the staff judge advocate, who shall submit his written opinion thereon

—General court martial records.

to the convening authority. If the final action of the court has resulted in an acquittal of all charges and specifications, the opinion shall be limited to questions of jurisdiction.

Uniform code
of military
justice. Courts
martial. Re-
consideration
and revision.

SEC. 64. *Reconsideration and revision.* (1) If a specification before a court martial has been dismissed on motion and the ruling does not amount to a finding of not guilty, the convening authority may return the record to the court for reconsideration of the ruling and any further appropriate action.

(2) Where there is an apparent error or omission in the record or where the record shows improper or inconsistent action by a court martial with respect to a finding or sentence which can be rectified without material prejudice to the substantial rights of the accused, the convening authority may return the record to the court for appropriate action. In no case, however, may the record be returned:

(a) For reconsideration of a finding of not guilty, or a ruling which amounts to a finding of not guilty;

(b) For reconsideration of a finding of not guilty of any charge, unless the record shows a finding of guilty under a specification laid under that charge, which sufficiently alleges a violation of some section of this code; or

(c) For increasing the severity of the sentence unless the sentence prescribed for the offense is mandatory.

Rehearings.

SEC. 65. *Rehearings.* (1) If the convening authority disapproves the findings and sentence of a court martial he may, except where there is lack of sufficient evidence in the record to support the findings, order a rehearing. In such a case he shall state the reasons for disapproval. If he disapproves the findings and sentence and does not order a rehearing, he shall dismiss the charges.

(2) Each rehearing shall take place before a court martial composed of members not members

of the court martial which first heard the case. Upon a rehearing the accused may not be tried for any offense of which he was found not guilty by the first court martial, and no sentence in excess of or more severe than the original sentence may be imposed, unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings, or unless the sentence prescribed for the offense is mandatory.

SEC. 66. *Approval by the convening authority.* In acting on the findings and sentence of a court martial, the convening authority may approve only such findings of guilty, and the sentence or such part or amount of the sentence, as he finds correct in law and fact and as he in his discretion determines should be approved. Unless he indicates otherwise, approval of the sentence is approval of the findings and sentence.

Approval by
the convening
authority.

SEC. 67. *Review of records—Disposition.* (1) If the convening authority is the governor, his action on the review of any record of trial is final.

Review of
records—
Disposition.

(2) In all other cases not covered by subsection (1), if the sentence of a special court martial as approved by the convening authority includes a bad conduct discharge, whether or not suspended, the entire record shall be sent to the appropriate staff judge advocate or legal officer of the state force concerned to be reviewed in the same manner as a record of trial by general court martial. The record and the opinion of the staff judge advocate or legal officer shall then be sent to the state judge advocate for review.

(3) All other special and summary court martial records shall be sent to the law specialist or legal officer of the appropriate force of the state military forces and shall be acted upon, transmitted, and disposed of as may be prescribed by regulations prescribed by the governor.

Uniform code
of military
justice. Courts
martial. Re-
view of rec-
ords—Dispo-
sition.

(4) The state judge advocate shall review the record of trial in each case sent to him for review as provided under subsection (1). If the final action of the court martial has resulted in an acquittal of all charges and specifications, the opinion of the state judge advocate is limited to questions of jurisdiction.

(5) The state judge advocate shall take final action in any case reviewable by him.

(6) In a case reviewable by the state judge advocate under this section, the state judge advocate may act only with respect to the findings and sentence as approved by the convening authority. He may affirm only such findings of guilty, and the sentence or such part or amount of the sentence, as he finds correct in law and fact and determines, on the basis of the entire record, should be approved. In considering the record, he may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact, recognizing that the trial court saw and heard the witnesses. If the state judge advocate sets aside the findings and sentence, he may, except where the setting aside is based on lack of sufficient evidence in the record to support the findings, order a rehearing. If he sets aside the findings and sentence and does not order a rehearing, he shall order that the charges be dismissed.

(7) In a case reviewable by the state judge advocate under this section, he shall instruct the convening authority to act in accordance with his decision on the review. If he has ordered a rehearing but the convening authority finds a rehearing impracticable, he may dismiss the charges.

(8) The state judge advocate may order one or more boards of review each composed of not less than three commissioned officers of the state military forces, each of whom must be a member of the bar of the highest court of the state. Each board of re-

view shall review the record of any trial by special court martial, including a sentence to a bad conduct discharge, referred to it by the state adjudge advocate. Boards of review have the same authority on review as the state judge advocate has under this section.

SEC. 68. *Error of law—Lesser included offense.*

Error of law—
Lesser in-
cluded offense.

(1) A finding or sentence of a court martial may not be held incorrect on the ground of an error of law unless the error materially prejudices the substantial rights of the accused.

(2) Any reviewing authority with the power to approve or affirm a finding of guilty may approve or affirm so much of the finding as includes a lesser included offense.

SEC. 69. *Review counsel.* (1) Upon the final review of a sentence of a general court martial or of a sentence to a bad conduct discharge, the accused has the right to be represented by counsel before the reviewing authority, before the staff judge advocate or legal officer, as the case may be, and before the state judge advocate.

Review
counsel.

(2) Upon the request of an accused entitled to be so represented, the state judge advocate shall appoint a lawyer who is a member of the state military forces and who has the qualifications prescribed in section 29 of this amendatory act, if available, to represent the accused before the reviewing authority, before the staff judge advocate or legal officer, as the case may be, and before the state judge advocate, in the review of cases specified in subsection (1) of this section.

(3) If provided for by him, an accused entitled to be so represented may be represented by civilian counsel before the reviewing authority, before the staff judge advocate or legal officer, as the case may be, and before the state judge advocate.

Uniform code
of military
justice. Courts
martial.
Vacation of
suspension.

SEC. 70. *Vacation of suspension.* (1) Before the vacation of the suspension of a special court martial sentence which as approved includes a bad conduct discharge, or of any general court martial sentence, the officer having special court martial jurisdiction over the probationer shall hold a hearing on the alleged violation of probation. The probationer shall be represented at the hearing by counsel if he so desires.

(2) The record of the hearing and the recommendation of the officer having special court martial jurisdiction shall be sent for action to the governor in cases involving a general court martial sentence and to the commanding officer of the force of the state military forces of which the probationer is a member in all other cases covered by subsection (1) of this section. If the governor or commanding officer vacates the suspension, any unexecuted part of the sentence except a dismissal shall be executed.

(3) The suspension of any other sentence may be vacated by any authority competent to convene, for the command in which the accused is serving or assigned, a court of the kind that imposed the sentence.

Petition for a
new trial.

SEC. 71. *Petition for a new trial.* At any time within two years after approval by the convening authority of a court martial sentence which extends to dismissal, dishonorable or bad conduct discharge, the accused may petition the governor for a new trial on ground of newly discovered evidence or fraud on the court martial.

Remission and
suspension.

SEC. 72. *Remission and suspension.* (1) A convening authority may remit or suspend any part or amount of the unexecuted part of any sentence, including all uncollected forfeitures.

(2) The governor may, for good cause, substitute an administrative form of discharge for a dis-

charge or dismissal executed in accordance with the sentence of a court martial.

SEC. 73. *Restoration.* (1) Under such regulations Restoration. as the governor may prescribe, all rights, privileges, and property affected by an executed part of a court martial sentence which has been set aside or disapproved, except an executed dismissal or discharge, shall be restored unless a new trial or rehearing is ordered and such executed part is included in a sentence imposed upon a new trial or rehearing.

(2) If a previously executed sentence of dishonorable or bad conduct discharge is not imposed on a new trial, the governor shall substitute therefor a form of discharge authorized for administrative issuance unless the accused is to serve out the remainder of his enlistment.

(3) If a previously executed sentence of dismissal is not imposed on a new trial, the governor shall substitute therefor a form of discharge authorized for administrative issue, and the commissioned officer dismissed by that sentence may be reappointed by the governor alone to such commissioned grade and with such rank as in the opinion of the governor that former officer would have attained had he not been dismissed. The reappointment of such a former officer may be made if a position vacancy is available under applicable tables of organization. All time between the dismissal and reappointment shall be considered as service for all purposes.

SEC. 74. *Finality of proceedings, findings and sentences.* The proceedings, findings and sentences of courts martial as reviewed and approved, as required by this code, and all dismissals and discharges carried into execution under sentences by courts martial following review and approval, as required by this code, are final and conclusive. Orders publishing the proceedings of courts martial and all action Finality of proceedings, findings and sentences.

taken pursuant to those proceedings are binding upon all departments, courts, agencies, and officers of the state, subject only to action upon a petition for a new trial as provided in section 71 of this amendatory act.

PART X — PUNITIVE ARTICLES

Uniform code of military justice—Punitive articles. Persons tried or punished.

SEC. 75. *Persons to be tried or punished.* No person may be tried or punished for any offense provided for in sections 76 through 119 of this amendatory act, unless it was committed while he was in a duty status.

Principals.

SEC. 76. *Principals.* Any person subject to this code who:

(1) Commits an offense punishable by this code, or aids, abets, counsels, commands, or procures its commission; or

(2) Causes an act to be done which if directly performed by him would be punishable by this code; is a principal.

Accessory after the fact.

SEC. 77. *Accessory after the fact.* Any person subject to this code who, knowing that an offense punishable by this code has been committed, receives, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment shall be punished as a court martial may direct.

Conviction of lesser included offense.

SEC. 78. *Conviction of lesser included offense.* An accused may be found guilty of an offense necessarily included in the offense charged or of an attempt to commit either the offense charged or an offense necessarily included therein.

Attempts.

SEC. 79. *Attempts.* (1) An act, done with specific intent to commit an offense under this code, amounting to more than mere preparation and tending, even though failing to effect its commission, is an attempt to commit that offense.

(2) Any person subject to this code who attempts to commit any offense punishable by this code shall be punished as a court martial may direct, unless otherwise specifically prescribed.

(3) Any person subject to this code may be convicted of an attempt to commit an offense although it appears on the trial that the offense was consummated.

SEC. 80. *Conspiracy.* Any person subject to this code who conspires with any other person to commit an offense under this code shall, if one or more of the conspirators does an act to effect the object of the conspiracy, be punished as a court martial may direct. Conspiracy.

SEC. 81. *Solicitation.* (1) Any person subject to this code who solicits or advises another or others to desert in violation of section 84 of this amendatory act or mutiny in violation of section 93 of this amendatory act shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, he shall be punished as a court martial may direct. Solicitation.

(2) Any person subject to this code who solicits or advises another or others to commit an act of misbehavior before the enemy in violation of section 98 of this amendatory act or sedition in violation of section 93 of this amendatory act shall, if the offense solicited or advised is committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed, he shall be punished as a court martial may direct.

SEC. 82. *Fraudulent enlistment, appointment or separation.* Any person who: Fraudulent enlistment, appointment.

(1) Procures his own enlistment or appointment

Uniform code of military justice—Punitive articles. Fraudulent enlistment, appointment, separation.

in the state military forces by knowingly false representation or deliberate concealment as to his qualifications for that enlistment or appointment and receives pay or allowances thereunder; or

(2) Procures his own separation from the state military forces by knowingly false representation or deliberate concealment as to his eligibility for that separation;

shall be punished as a court martial may direct.

Unlawful enlistment, appointment, separation.

SEC. 83. *Unlawful enlistment, appointment, or separation.* Any person subject to this code who effects an enlistment or appointment in or a separation from the state military forces of any person who is known to him to be ineligible for that enlistment, appointment, or separation because it is prohibited by law, regulation, or order shall be punished as a court martial may direct.

Desertion.

SEC. 84. *Desertion.* (1) Any member of the state military forces who:

(a) Without authority goes or remains absent from his unit, organization, or place of duty with intent to remain away therefrom permanently;

(b) Quits his unit, organization or place of duty with intent to avoid hazardous duty or to shirk important service; or

(c) Without being regularly separated from one of the state military forces enlists or accepts an appointment in the same or another one of the state military forces, or in one of the armed forces of the United States, without fully disclosing the fact that he has not been regularly separated; is guilty of desertion.

(2) Any commissioned officer of the state military forces who, after tender of his resignation and before notice of its acceptance, quits his post or proper duties without leave and with intent to re-

main away therefrom permanently is guilty of desertion.

(3) Any person found guilty of desertion or attempt to desert shall be punished as a court martial may direct.

SEC. 85. *Absence without leave.* Any person subject to this code who, without authority: Absence without leave.

(1) Fails to go to his appointed place of duty at the time prescribed;

(2) Goes from that place; or

(3) Absents himself or remains absent from his unit, organization, or place of duty at which he is required to be at the time prescribed; shall be punished as a court martial may direct.

SEC. 86. *Missing movement.* Any person subject to this code who through neglect or design misses the movement of a ship, aircraft, or unit with which he is required in the course of duty to move shall be punished as a court martial may direct. Missing movement.

SEC. 87. *Contempt towards officials.* Any person subject to this code who uses contemptuous words against the president, the governor, or the governor of any other state, territory, commonwealth, or possession in which that person may be serving, shall be punished as a court martial may direct. Contempt towards officials.

SEC. 88. *Disrespect towards superior commissioned officer.* Any person subject to this code who behaves with disrespect towards his superior commissioned officer shall be punished as a court martial may direct. Disrespect towards superior commissioned officer.

SEC. 89. *Assaulting or willfully disobeying superior commissioned officer.* Any person subject to this code who: Assaulting, willfully disobeying superior commissioned officer.

(1) Strikes his superior commissioned officer or draws or lifts up any weapon or offers any violence

against him while he is in the execution of his office;
or

(2) Willfully disobeys a lawful command of his superior commissioned officer; shall be punished as a court martial may direct.

Uniform code of military justice—Punitive articles. Insubordinate conduct toward warrant, non-commissioned or petty officer.

SEC. 90. *Insubordinate conduct toward warrant officer, noncommissioned officer, or petty officer.* Any warrant officer or enlisted member who:

(1) Strikes or assaults a warrant officer, non-commissioned officer or petty officer, while that officer is in the execution of his office;

(2) Willfully disobeys the lawful order of a warrant officer, noncommissioned officer, or petty officer;
or

(3) Treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of his office; shall be punished as a court martial may direct.

Failure to obey order or regulation.

SEC. 91. *Failure to obey order or regulation.* Any person subject to this code who:

(1) Violates or fails to obey any lawful general order or regulation;

(2) Having knowledge of any other lawful order issued by a member of the state military forces which it is his duty to obey, fails to obey the order; or

(3) Is derelict in the performance of his duties; shall be punished as a court martial may direct.

Cruelty and maltreatment.

SEC. 92. *Cruelty and maltreatment.* Any person subject to this code who is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders shall be punished as a court martial may direct.

Mutiny or sedition.

SEC. 93. *Mutiny or sedition.* (1) Any person subject to this code who:

(a) With intent to usurp or override lawful mili-

tary authority refuses, in concert with any other person, to obey orders or otherwise do his duty or creates any violence or disturbance is guilty of mutiny;

(b) With intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person, revolt, violence, or other disturbance against that authority is guilty of sedition;

(c) Fails to do his utmost to prevent and suppress a mutiny or sedition being committed in his presence, or fails to take all reasonable means to inform his superior commissioned officer or commanding officer of a mutiny or sedition which he knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

(2) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished as a court martial may direct.

SEC. 94. *Resistance, breach of arrest, and escape.* Any person subject to this code who resists apprehension or breaks arrest or who escapes from physical restraint lawfully imposed shall be punished as a court martial may direct.

Resistance,
breach of ar-
rest, escape.

SEC. 95. *Releasing prisoner without proper authority.* Any person subject to this code who, without proper authority, releases any prisoner committed to his charge, or who through neglect or design suffers any such prisoner to escape, shall be punished as a court martial may direct, whether or not the prisoner was committed in strict compliance with law.

Releasing
prisoner with-
out proper
authority.

SEC. 96. *Unlawful detention of another.* Any person subject to this code who, except as provided by law or regulation, apprehends, arrests, or confines

Unlawful
detention of
another.

any person shall be punished as a court martial may direct.

Uniform code of military justice—Punitive articles. Non-compliance with procedural rules.

SEC. 97. *Noncompliance with procedural rules.* Any person subject to this code who:

(1) Is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this code; or

(2) Knowingly and intentionally fails to enforce or comply with any provision of this code regulating the proceedings before, during, or after trial of an accused;

shall be punished as a court martial may direct.

Misbehavior before the enemy.

SEC. 98. *Misbehavior before the enemy.* Any person subject to this code who before or in the presence of the enemy:

(1) Runs away;

(2) Shamefully abandons, surrenders, or delivers up any command, unit, place, or military property which it is his duty to defend;

(3) Through disobedience, neglect, or intentional misconduct endangers the safety of any such command, unit, place, or military property;

(4) Casts away his arms or ammunition;

(5) Is guilty of cowardly conduct;

(6) Quits his place of duty to plunder or pillage;

(7) Causes false alarms in any command, unit, or place under control of the armed forces of the United States or the state military forces;

(8) Willfully fails to do his utmost to encounter, engage, capture, or destroy any enemy troops, combatants, vessels, aircraft, or any other thing, which it is his duty so to encounter, engage, capture, or destroy; or

(9) Does not afford all practicable relief and assistance to any troops, combatants, vessels, or aircraft of the armed forces belonging to the United

States or their allies, to the state, or to any other state, when engaged in battle; shall be punished as a court martial may direct.

SEC. 99. *Subordinate compelling surrender.* Any person subject to this code who compels or attempts to compel the commander of any of the state military forces of the state, or of any other state, to give it up to an enemy or to abandon it, or who strikes the colors or flag to an enemy without proper authority, shall be punished as a court martial may direct.

Subordinate compelling surrender.

SEC. 100. *Improper use of countersign.* Any person subject to this code who in time of war discloses the parole or countersign to any person not entitled to receive it, or who gives to another who is entitled to receive and use the parole or countersign a different parole or countersign from that which, to his knowledge, he was authorized and required to give, shall be punished as a court martial may direct.

Improper use of countersign.

SEC. 101. *Forcing a safeguard.* Any person subject to this code who forces a safeguard shall be punished as a court martial may direct.

Forcing a safeguard.

SEC. 102. *Captured or abandoned property.* (1) All persons subject to this code shall secure all public property taken from the enemy for the service of the United States, and shall give notice and turn over to the proper authority without delay all captured or abandoned property in their possession, custody, or control.

Captured or abandoned property.

(2) Any person subject to this code who:

(a) Fails to carry out the duties prescribed in subsection (1) hereof;

(b) Buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he receives or expects any profit, benefit, or advantage to himself or another directly or indirectly connected with himself; or

(c) Engages in looting or pillaging;
shall be punished as a court martial may direct.

Uniform code
of military
justice—
Punitive
articles. Aid-
ing the enemy.

SEC. 103. *Aiding the enemy.* Any person subject to this code who:

(1) Aids, or attempts to aid, the enemy with arms, ammunition, supplies, money, or other things;
or

(2) Without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the enemy, either directly or indirectly; shall be punished as a court martial may direct.

Misconduct
of a prisoner.

SEC. 104. *Misconduct of a prisoner.* Any person subject to this code who, while in the hands of the enemy in time of war:

(1) For the purpose of securing favorable treatment by his captors acts without proper authority in a manner contrary to law, custom, or regulation, to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners;
or

(2) While in a position of authority over such persons maltreats them without justifiable cause; shall be punished as a court martial may direct.

False official
statements.

SEC. 105. *False official statements.* Any person subject to this code who, with intent to deceive, signs any false record, return, regulation, order, or other official document, knowing it to be false, or makes any other false official statement knowing it to be false, shall be punished as a court martial may direct.

Military prop-
erty—Loss,
damage, de-
struction,
wrongful
disposition.

SEC. 106. *Military property—Loss, damage, destruction, or wrongful disposition.* Any person subject to this code who, without proper authority:

(1) Sells or otherwise disposes of;

(2) Willfully or through neglect damages, destroys, or loses; or

(3) Willfully or through neglect suffers to be damaged, destroyed, sold or wrongfully disposed of; any military property of the United States or of the state shall be punished as a court martial may direct.

SEC. 107. *Property other than military property—Waste, spoilage, or destruction.* Any person subject to this code who, while in a duty status, willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States or of the state shall be punished as a court martial may direct.

Property other than military
—Waste, spoilage, destruction.

SEC. 108. *Improper hazarding of vessel.* (1) Any person subject to this code who willfully and wrongfully hazards or suffers to be hazarded any vessel of the armed forces of the United States or of the state military forces shall be punished as a court martial may direct.

Improper hazarding of vessel.

(2) Any person subject to this code who negligently hazards or suffers to be hazarded any vessel of the armed forces of the United States or of the state military forces shall be punished as a court martial may direct.

SEC. 109. *Drunken or reckless driving.* Any person subject to this code who operates any vehicle while drunk, or in a reckless or wanton manner, shall be punished as a court martial may direct.

Drunken or reckless driving.

SEC. 110. *Drunk on duty—Sleeping on post—Leaving post before relief.* Any person subject to this code who is found drunk on duty or sleeping upon his post, or who leaves his post before he is regularly relieved, shall be punished as a court martial may direct.

Drunk on duty—Sleeping on post—Leaving post before relief.

SEC. 111. *Dueling.* Any person subject to this code who fights or promotes, or is concerned in or connives at fighting a duel, or who, having knowl-

Dueling.

edge of a challenge sent or about to be sent, fails to report the fact promptly to the proper authority, shall be punished as a court martial may direct.

Uniform code of military justice—Punitive articles. Malingering.

SEC. 112. *Malingering.* Any person subject to this code who for the purpose of avoiding work, duty or service in the state military forces:

(1) Feigns illness, physical disablement, mental lapse or derangement; or

(2) Intentionally inflicts self-injury; shall be punished as a court martial may direct.

Riot, breach of peace.

SEC. 113. *Riot or breach of peace.* Any person subject to this code who causes or participates in any riot or breach of the peace shall be punished as a court martial may direct.

Provoking speeches, gestures.

SEC. 114. *Provoking speeches or gestures.* Any person subject to this code who uses provoking or reproachful words or gestures toward any other person subject to this code shall be punished as a court martial may direct.

Perjury.

SEC. 115. *Perjury.* Any person subject to this code who in a judicial proceeding or in a course of justice conducted under this code willfully and corruptly gives, upon a lawful oath or in any form allowed by law to be substituted for an oath, any false testimony material to the issue or matter of inquiry is guilty of perjury and shall be punished as a court martial may direct.

Frauds against the government.

SEC. 116. *Frauds against the government.* Any person subject to this code:

(1) Who, knowing it to be false or fraudulent:

(a) Makes any claim against the United States, the state, or any officer thereof; or

(b) Presents to any person in the civil or military service thereof, for approval or payment any claim against the United States, the state, or any officer thereof;

(2) Who, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States, the state, or any officer thereof:

(a) Makes or uses any writing or other paper knowing it to contain any false or fraudulent statements;

(b) Makes any oath to any fact or to any writing or other paper knowing the oath to be false; or

(c) Forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged or counterfeited;

(3) Who, having charge, possession, custody, or control of any money, or other property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, knowingly delivers to any person having authority to receive it, any amount thereof less than that for which he receives a certificate or receipt; or

(4) Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States or the state;

shall, upon conviction, be punished as a court martial may direct.

SEC. 117. *Larceny and wrongful appropriation.*

(1) Any person subject to this code who wrongfully takes, obtains, or withholds, by any means, from the possession of the owner or of any other person any money, personal property, or article of value of any kind:

(a) With intent permanently to deprive or defraud another person of the use and benefit of prop-

Larceny and
wrongful ap-
propriation.

Uniform code
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Larceny and
wrongful ap-
propriation.

erty or to appropriate it to his own use or the use of any person other than the owner, steals that property and is guilty of larceny; or

(b) With intent temporarily to deprive or defraud another person of the use and benefit of property or to appropriate it to his own use or the use of any person other than the owner, is guilty of wrongful appropriation.

(2) Any person found guilty of larceny or wrongful appropriation shall be punished as a court martial may direct.

Conduct un-
becoming an
officer,
gentleman.

SEC. 118. *Conduct unbecoming an officer and a gentleman.* Any commissioned officer who is convicted of conduct unbecoming an officer and a gentleman shall be punished as a court martial may direct.

General
article.

SEC. 119. *General article.* Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the state military forces, of which persons subject to this code may be guilty, shall be taken cognizance of by a general, special or summary court martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court. However, cognizance may not be taken of, and jurisdiction may not be extended to, the crimes of murder, manslaughter, rape, robbery, maiming, sodomy, arson, extortion, assault, burglary, or housebreaking, jurisdiction of which is reserved to civil courts.

PART XI — MISCELLANEOUS PROVISIONS

Courts of
inquiry.

SEC. 120. *Courts of inquiry.* (1) Courts of inquiry to investigate any matter may be convened by the governor or by any other person designated by the governor for that purpose, whether or not the persons involved have requested such an inquiry: *Provided*, That upon the request of the officer involved

such an inquiry shall be instituted as hereinabove set forth.

(2) A court of inquiry consists of three or more commissioned officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

(3) Any person subject to this code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this code or employed in the division of military and naval affairs, who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(4) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(5) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

(6) Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts martial.

(7) Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

(8) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

Uniform code
of military
justice.
Authority to
administer
oaths.

SEC. 121. *Authority to administer oaths.* (1) The following members of the state military forces may administer oaths for the purposes of military administration, including military justice, and affidavits may be taken for those purposes before persons having the general powers of a notary public:

(a) The state judge advocate and all assistant state judge advocates.

(b) All law specialists.

(c) All summary courts martial.

(d) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants.

(e) All commanding officers of the naval militia.

(f) All legal officers.

(g) The president, law officer, trial counsel, and assistant trial counsel for all general and special courts martial.

(h) The president and the counsel for the court of any court of inquiry.

(i) All officers designated to take a deposition.

(j) All persons detailed to conduct an investigation; and

(k) All other persons designated by regulations of the governor.

(2) Officers of the state military forces may not be authorized to administer oaths as provided in this section unless they are on active duty in or with those forces under orders of the governor as prescribed in this code.

(3) The signature without seal of any such person, together with the title of his office, is prima facies evidence of his authority.

Sections to be
explained.

SEC. 122. *Sections to be explained.* Sections 2, 3, 7 through 15, 27, 29, 39, 57, 75 through 117 and 122 through 125 of this amendatory act shall be carefully explained to every enlisted member at the time of his enlistment or transfer or induction into, or at the time of his order to duty in or with any of the

state military forces or within thirty days thereafter. They shall also be explained annually to each unit of the state military forces. A complete text of this code and of the regulations prescribed by the governor thereunder shall be made available to any member of the state military forces, upon his request, for his personal examination.

SEC. 123. *Complaints of wrongs.* Any member of the state military forces who believes himself wronged by his commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the governor or adjutant general.

Complaints
of wrongs.

SEC. 124. *Redress of injuries to property.* (1) Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that his property has been wrongfully taken by members of the state military forces, he may, subject to such regulations as the governor may prescribe, convene a board to investigate the complaint. The board shall consist of from one to three commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and in the amount approved by him shall be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized is conclusive, except as provided in subsection (3) hereof, on any disbursing officer for the payment by him to the injured parties of the damages so assessed and approved.

Redress of
injuries to
property.

(2) If the offenders cannot be ascertained, but the organization or detachment to which they belong

Uniform code
of military
justice.
Redress of
injuries to
property.

is known, charges totaling the amount of damages assessed and approved may be paid to the injured parties from the military funds of the units of the state military forces to which the offenders belonged.

(3) Any person subject to this code who is accused of causing willful damage to property has the right to be represented by counsel, to summon witnesses in his behalf, and to cross-examine those appearing against him. He has the right of appeal to the next higher commander.

Execution of
process and
sentence.

SEC. 125. *Execution of process and sentence.* In the state military forces not in federal service, the processes and sentences of its courts martial shall be executed by the civil officers prescribed by the laws of the state.

Process of
military
courts.

SEC. 126. *Process of military courts.* (1) Military courts may issue any process or mandate necessary to carry into effect their powers. Such a court may issue subpoenas and subpoenas duces tecum and enforce by attachment attendance of witnesses and production of books and records, when it is sitting within the state and the witnesses, books and records sought are also so located.

(2) Process and mandates may be issued by summary courts martial, provost courts, or the president of other military courts and may be directed to and may be executed by the marshals of the military court or any peace officer and shall be in such form as may be prescribed by regulations issued under this code.

(3) All officers to whom process or mandates may be so directed shall execute them and make return of their acts thereunder according to the requirements of those documents. Except as otherwise specifically provided in this code, no such officer may demand or require payment of any fee or charge for receiving, executing, or returning such a process

or mandate or for any service in connection therewith.

SEC. 127. *Payment of fines and disposition thereof.* Fines imposed by a military court may be paid to it or to an officer executing its process. The amount of such a fine may be noted upon any state roll or account for pay of the delinquent and deducted from any pay or allowance due or thereafter to become due him, until the fine is liquidated. Any sum so deducted shall be turned in to the military court which imposed the fine. Notwithstanding any other law, the officer collecting a fine or penalty imposed by a military court upon an officer or enlisted man shall pay it within thirty days to the state treasurer. Such a fine becomes a part of, is credited to, and may be spent from, the military fund of the organization or detachment to which the officer or enlisted man who paid the fine belonged. The treasurer of the state shall then report the amount thereof designating the organization or detachment to which it belongs, to the adjutant general of the state, and shall pay it over to the organization or detachment on request of its commanding officer.

Payment of
fines and
disposition
thereof.

SEC. 128. *Immunity for action of military courts.* No accused may bring an action or proceeding against the convening authority or a member of a military court or officer or person acting under its authority or reviewing its proceedings because of the approval, imposition, or execution of any sentence or the imposition or collection of a fine or penalty, or the execution of any process or mandate of a military court.

Immunity
for action of
military
courts.

SEC. 129. *Presumption of jurisdiction.* The jurisdiction of the military courts and boards established by this code shall be presumed and the burden of proof rests on any person seeking to oust those courts or boards of jurisdiction in any action or proceeding.

Presumption
of
jurisdiction.

Uniform code of military justice. Delegation of authority by governor.

SEC. 130. *Delegation of authority by the governor.* The governor may delegate any authority vested in him under this code, and may provide for the sub-delegation of any such authority, except the power given him by sections 21 and 24 of this amendatory act.

Uniformity of interpretation.

SEC. 131. *Uniformity of interpretation.* Sections 1 through 132 of this amendatory act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it and, so far as practical, to make that law uniform with the law of the United States.

Short title.

SEC. 132. *Short title.* Sections 1 through 132 of this amendatory act may be cited as the "Washington code of military justice."

RCW 38.04.010 amended.

SEC. 133. Section 12, chapter 130, Laws of 1943 and RCW 38.04.010 are each amended to read as follows:

Militia and military affairs. General definitions.

When used in this act, the following words, terms, phrases shall have the following meaning:

The word "militia" shall mean the military forces provided for in the Constitution and laws of the state of Washington.

The term "organized militia" shall be the general term to include both state and national guard and whenever used applies equally to all such organizations and shall be analogous to "state military forces" as defined in section 1 of this amendatory act.

The term "national guard" shall mean that part of the military force of the state that is organized, equipped and federally recognized under the provisions of the national defense act of the United States, and shall also include the "Washington state guard" or any temporary organization set up in times of emergency to replace either the "national guard" or "state guard" while in actual service.

The term "active service" shall be construed to

be any service on behalf of the state, or at encampments whether ordered by state or federal authority or any other duty requiring the entire time of any organization or person except when called or drafted into the federal service by the president of the United States and shall be analogous to "active state duty" as defined in section 1 of this amendatory act.

The term "on active duty" shall include periods of drill and such other training and service not requiring the entire time of the organization or person, as may be required under state or federal laws, regulations, or orders, including travel to and from such duty and shall be analogous to "duty status other than active state duty" as defined in section 1 of this amendatory act.

The terms "in service of United States" and "not in service of United States" as used herein shall be understood to mean the same as such terms when used in the national defense act of congress and amendments thereto.

The term "military" refers to any or all of the armed forces.

SEC. 134. Section 82, chapter 130, Laws of 1943 and RCW 38.32.010 are each amended to read as follows:

RCW 38.32.010 amended.

Any officers and men of the organized militia on duty status as provided in section 75 of this amendatory act, or within state armories, committing offenses against the laws of the state, shall be promptly arrested by the military authorities and turned over to the civil authorities of the county or city in which the offense was committed.

Military offenses, how punished.

SEC. 135. Section 81, chapter 130, Laws of 1943 and RCW 38.32.020 are each amended to read as follows:

RCW 38.32.020 amended.

Offenses under sections 1 through 132 of this

Uniform code of military justice. Offenses punishable under sections 1 through 132, when.

amendatory act committed while on active duty as defined in section 133 of this amendatory act may be tried and punished as provided under sections 1 through 132 of this amendatory act after this active duty has terminated, and if found guilty the accused shall be punished accordingly. Any officers and men of the organized militia on "active service," as defined in section 133 of this amendatory act, committing any offense under sections 1 through 132 of this amendatory act, where the offense charged is also made an offense by the civil law of this state, may, in the discretion of the officer whose duty it is to approve the charge, be turned over to the proper civil authorities for trial.

Any officers and men of the organized militia on "active service," as defined in section 133 of this amendatory act, committing any offense under sections 1 through 132 of this amendatory act, may, if such offense is committed upon a military reservation of the United States within this state, be turned over to the civil authorities for trial as provided by federal law.

RCW 38.32.070 amended.

SEC. 136. Section 84, chapter 130, Laws of 1943 and RCW 38.32.070 are each amended to read as follows:

Request for discharge.

If any soldier is known to have removed from the state, and through ignorance or neglect, has failed to apply for discharge, his discharge may be requested by his immediate commanding officer.

RCW 38.32.120 amended.

SEC. 137. Section 52, chapter 130, Laws of 1943 and RCW 38.32.120 are each amended to read as follows:

Authority of commanding officer.

The commanding officer at any drill, parade, encampment or other duty may place in arrest for the time of such drill, parade, encampment or other duty any person or persons who shall trespass on the camp grounds, parade grounds, rifle range or armory,

or in any way or manner interrupt or molest the orderly discharge of duty of those on duty, or who shall disturb or prevent the passage of troops going to or returning from any regularly ordered tour of duty; and he may prohibit and prevent the sale or use of all spirituous liquors, wines, ale or beer, or holding of huckster or auction sales, and all gambling therein, and remove disorderly persons beyond the limits of such parade or encampment, or within a distance of two miles therefrom, and he shall have full authority to abate as common nuisances all disorderly places, and bar all unauthorized sales within such limits. Any person violating any of the provisions of this section, or any order issued in pursuance thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or by both such fine and imprisonment.

No license or renewal thereof shall be issued or granted to any person, firm or corporation for the sale of intoxicating or spirituous liquors within a distance of three hundred feet from any armory used by the state of Washington for military purposes, without the approval of the adjutant general.

SEC. 138. Section 94, chapter 130, Laws of 1943 and RCW 38.32.130 are each amended to read as follows:

RCW 38.32.130 amended.

On conviction of any offense hereunder for which no specific penalty has been prescribed or for which no penalty is prescribed under sections 1 through 132 of this amendatory act, the punishment shall not exceed thirty days imprisonment or one hundred dollars fine, or both such fine and imprisonment.

Punishment for offenses.

Note: See also section 139, chapter 220, Laws of 1963.

SEC. 139. The following acts or parts of acts are hereby repealed:

Repeal.

(1) Sections 83, 56, 57, 58, 59, 60, 63, 64, 85, 67, 68, 79, 88, 94, 65, 66, 69, 70, 71, 72, 73, 74, 75, 76 and

Uniform code
of military
justice.
Repeal.

77, chapter 130, Laws of 1943 and RCW 38.04.050, 38.28.010, 38.28.020, 38.28.030, 38.28.040, 38.28.050, 38.28.060, 38.28.070, 38.28.080, 38.32.040, 38.32.050, 38.32.060, 38.32.110, 38.32.130, 38.36.010, 38.36.020, 38.36.030, 38.36.040, 38.36.050, 38.36.060, 38.36.070, 38.36.080, 38.36.090, 38.36.100, and 38.36.110;

(2) Section 62, chapter 130, Laws of 1943 as amended by section 1, chapter 81, Laws of 1953 and RCW 38.32.150.

Note: See also section 138, chapter 220, Laws of 1963.

Effective date.

SEC. 140. *Time of taking effect.* This act shall take effect on July 1, 1963.

Passed the House March 3, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 26, 1963, with the exception of a certain item in Section 3, subsection (1) which was vetoed.

Veto message,
excerpt.

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

"This bill enacts a uniform code of military justice for the Washington State National Guard. The provisions of this bill were prepared for the most part by the Judge Advocate section of the Department of Defense, and the provisions contained in this bill have been cleared by the Uniform Law Commissioners.

"Section 3, subsection (1), contains a provision whereby a person who has been discharged from the state military forces and has been returned to civilian status would be subjected to trial by court martial, if he be subsequently charged under this code with having obtained his original discharge fraudulently. Such person, furthermore, upon conviction on the charge of having obtained his discharge fraudulently, would be liable to be subjected to trial by court martial for all offenses committed previous to his fraudulent discharge.

"It is my considered judgment that once having been returned to civilian status, a man should be entitled to be tried for any offenses he may have committed by civilian courts. For this reason, I have vetoed the foregoing item. The remainder of House Bill No. 35 is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 221.

[Sub. H. B. 261.]

IRRIGATION AND REHABILITATION DISTRICTS.

AN ACT relating to irrigation districts; permitting certain districts to become irrigation and rehabilitation districts; amending sections 6 and 7, chapter 226, Laws of 1961 and RCW 87.84.050 and 87.84.060; amending section 2, chapter 226, Laws of 1961 and RCW 87.84.010; adding new sections to chapter 226, Laws of 1961 and to chapter 87.84 RCW; and providing penalties.

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

SECTION 1. There is added to chapter 226, Laws of 1961 and to chapter 87.84 RCW a new section to read as follows:

New section.

The growing population of the state of Washington, coupled with increasing amounts of available leisure time have greatly expanded the need for and use of the larger lakes in the state of Washington, both by Washington state residents and guests from other states and countries. In order to make the use of such larger lakes safer, and more beneficial to all concerned, the state of Washington to further the health, safety, recreation and welfare of its citizens has authorized the conversion of certain irrigation districts to irrigation and rehabilitation districts.

Irrigation and rehabilitation districts.
Purpose—
Authorization.

SEC. 2. Section 2, chapter 226, Laws of 1961 and RCW 87.84.010 are each amended to read as follows:

RCW 87.84.010 amended.

Any irrigation district having the major portion of an inland navigable body of water within its exterior boundaries and which has filed with the supervisor of water resources and been granted a water right certificate for fifty thousand acre feet of water or more shall be eligible to become an irrigation and rehabilitation district as provided in this chapter.

Eligibility.

SEC. 3. Section 6, chapter 226, Laws of 1961 and RCW 87.84.050 are each amended to read as follows:

RCW 87.84.050 amended.

Irrigation and
rehabilitation
districts.
Purpose.

In addition to the purposes for which irrigation districts may be organized under RCW 87.03.010, an irrigation and rehabilitation district may also be organized or maintained to further the recreational potential of the area and to further the rehabilitation or improvement of inland lakes and shore lines and the modification or improvement of existing or planned control structures located in the district in order to further the health, recreation, and welfare of the residents in the area.

RCW 87.84.060
amended.

SEC. 4. Section 7, chapter 226, Laws of 1961 and RCW 87.84.060 are each amended to read as follows:

Directors—
Powers and
duties—Rights
of district as
to water, uses.

The directors of the irrigation and rehabilitation district shall be the same as of the irrigation district and the directors shall retain all power, rights and authority heretofore granted to them or hereafter granted to them as directors of an irrigation district under any provision of Title 87 or any amendments thereto or any authority granted to directors of irrigation districts under any other law of the state of Washington. The irrigation and rehabilitation district shall also retain all power, rights and authority heretofore or hereafter granted to irrigation districts under Title 87 or any other law or laws of the state of Washington, and use said power and authority including local improvement district provisions to further irrigation and rehabilitation district purposes and in addition shall have authority to rehabilitate or improve all or a portion of any inland body of water including adjacent shore lines located in the district and shall have the further power of modifying or improving any existing or planned water control structure located in the district in order to further the health, recreation, and welfare of the residents in the district.

All rights held by the irrigation district to water located wholly or partially in the district including but not limited to rights granted by the Washington

state supervisor of water resources shall upon formation of the irrigation and rehabilitation district immediately vest in the irrigation and rehabilitation district and in addition all water in the newly formed district as to which the prior district had any rights shall be held by the new district for all the beneficial uses and purposes for which the irrigation and rehabilitation district is formed.

SEC. 5. There is added to chapter 226, Laws of 1961 and to chapter 87.84 RCW a new section to read as follows: New section.

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. Additional rights of district to water, uses.

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*, Proviso. That the state department of health 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 by-

products, treated or untreated: *Provided*, That the state pollution control commission 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. Proviso.

(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.

SEC. 6. There is added to chapter 226, Laws of 1961 and to chapter 87.84 RCW a new section to read as follows: New section.

The directors of an irrigation and rehabilitation district shall have the authority to pass rules and regulations to accomplish district purposes. The rules and regulations shall (except in case of emergency) be published at least once in a newspaper of general circulation in the district and a public hearing shall be held prior to adoption by the directors, at a regular public meeting. Rules and regulations.

SEC. 7. The directors may enact rules and regulations, the violation of which shall be punishable as a misdemeanor, and the justices of the peace in said district shall have exclusive jurisdiction over such offenses. Penalty for violation shall not exceed a five hundred dollar fine or six months in jail: *Provided*, That where a violation is designated a misdemeanor, the directors shall submit such rules and regulations to the county commissioners of the county or counties in which the district is located Regulations if violation punishable—Approval—Penalty.

Proviso.

Irrigation and rehabilitation districts.

who shall review same and approve or disapprove thereof. Rules or regulations disapproved by county commissioners within thirty days of submission shall be of no force or effect.

New section.

SEC. 8. There is added to chapter 226, Laws of 1961 and to chapter 87.84 RCW a new section to read as follows:

Sheriff to enforce.

The sheriff's department of any county in which an irrigation and rehabilitation district is located shall enforce the rules and regulations of the district.

New section.

SEC. 9. There is added to chapter 226, Laws of 1961 and to chapter 87.84 RCW a new section to read as follows:

Powers of municipal corporation.

An irrigation and rehabilitation district shall possess all the usual powers of a municipal corporation and shall have the authority to sue and enforce its rules and regulations.

New section.

SEC. 10. There is added to chapter 226, Laws of 1961 and to chapter 87.84 RCW a new section to read as follows:

Provisions concurrent with other rights.

The provisions of this chapter shall not be construed so as to restrict the governing body of any city, town or county located on or adjacent to an inland body of water controlled by an irrigation and rehabilitation district from conducting or carrying out governmental or proprietary functions of said city, town or county: *Provided*, That nothing herein shall be deemed to amend, repeal, supersede or otherwise modify any provisions of Title 79 RCW.

Proviso.

Severability.

SEC. 11. If any section, sentence, clause, or part of this act is for any reason held to be unconstitutional, such decision shall not affect the remaining portions of this act. The legislature hereby declares that it would have passed this act and each section, sentence, clause and part thereof despite

the fact that one or more sections, clauses or parts thereof be declared unconstitutional.

Passed the House March 11, 1963.

Passed the Senate March 10, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 222.

[H. B. 128.]

CITIES—TEN THOUSAND OR MORE POPULATION—POWERS.

AN ACT relating to powers of certain cities and towns.

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

SECTION 1. 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 the same manner as cities of the first class. "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. 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 act.

Cities of 10,000 population to have powers of first class city.

Passed the House March 9, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 223.

[H. B. 181.]

ELECTIONS—SCHOOL DIRECTORS—SEPARATE POSITIONS.

AN ACT relating to school district elections; and adding new sections to chapter 28.58 RCW.

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

New section.

SECTION 1. There is added to chapter 28.58 RCW a new section to read as follows:

School director elections. Declarations of candidacy, filing—Position designation.

Candidates for the position of school director shall file their declarations of candidacy as provided in RCW 29.21.060, as it now exists or may hereafter be amended.

Not less than ten days before the time of filing such declarations of candidacy, the officer charged with the conduct of the election shall designate by lot the positions to be filled by consecutive number, commencing with one. The positions so designated for school directors in each district shall be dealt with as separate offices for all election purposes, and where more than one position is to be filled, each candidate shall file for one of the positions so designated:

Proviso.

Provided, That in school districts containing director districts, candidates shall file for such director districts.

New section.

SEC. 2. There is added to chapter 28.58 RCW a new section to read as follows:

Ballots, form.

The positions of school directors and the candidates therefor shall appear separately on the non-partisan ballot in substantially the following form:

SCHOOL DIRECTOR ELECTION BALLOT

District No.

Date

To vote for a person make a cross (X) in the square at the right of the name of the person for whom you desire to vote.

School District Directors

Position No. 1

Vote for One

.....
.....
.....

Position No. 2

Vote for One

.....
.....
.....

To Fill Unexpired Term

Position No. 3

2 (or 4) year term

Vote for One

.....
.....
.....

The names of candidates shall appear upon the ballot in order of filing for each position. There shall be no rotation of names in the printing of such ballots.

Passed the House March 12, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 224.

[H. B. 223.]

UNIVERSITY OF WASHINGTON—STUDENT FEES,
DISPOSITION.

AN ACT relating to education; amending section 3, chapter 66, Laws of 1915, as last amended by section 7, chapter 193, Laws of 1959, and RCW 28.77.040; and amending section 2, chapter 254, Laws of 1957, as last amended by section 2, chapter 193, Laws of 1959, and RCW 28.77.510.

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

RCW 28.77.040 amended.

SECTION 1. Section 3, chapter 66, Laws of 1915, as last amended by section 7, chapter 193, Laws of 1959, and RCW 28.77.040 are each amended to read as follows:

University of Washington. Disposition of general tuition fees.

Within thirty-five days from the date of collection thereof, all general tuition fees, including general tuition fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half of the general tuition fees, or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter, and thirty-seven dollars and fifty cents per each nonresident student per quarter to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings except for any sums transferred as authorized in RCW 28.77.545(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as pro-

vided by this chapter except for any sums transferred as authorized in RCW 28.77.545 (5).

SEC. 2. Section 2, chapter 254, Laws of 1957, as last amended by section 2, chapter 193, Laws of 1959, and RCW 28.77.510 are each amended to read as follows:

RCW 28.77.510
amended.

The following terms, whenever used or referred to in this chapter, shall have the following meaning, excepting in those instances where the context clearly indicates otherwise:

Financing
buildings and
facilities—
Definitions.

(1) The word "board" means the board of regents of the University of Washington.

(2) The words "general tuition fees" means the general tuition fee charged students registering at the university.

(3) The words "bond retirement fund" mean the special fund created by chapter 254, Laws of 1957, to be known as the University of Washington bond retirement fund.

(4) The word "bonds" means the bonds payable out of the bond retirement fund.

(5) The word "projects" means the construction, completion, reconstruction, remodeling, rehabilitation, or improvement of any building or other facility of the university authorized by the legislature at any time and to be financed by the issuance and sale of bonds.

Note: See also section 1, chapter 182, Laws of 1963.

Passed the House February 23, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 225.

[Sub. H. B. 299.]

STATE EMPLOYEES' RETIREMENT—LABOR ORGANIZATIONS.

AN ACT relating to the state employees' retirement system; amending section 1, chapter 274, Laws of 1947, as last amended by section 1, chapter 291, Laws of 1961, and RCW 41.40.010; amending section 13, chapter 274, Laws of 1947, as last amended by section 2, chapter 231, Laws of 1957, and RCW 41.40.120; and adding a new section to chapter 274, Laws of 1947 and to chapter 41.40 RCW.

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

RCW 41.40.010 amended.

SECTION 1. Section 1, chapter 274, Laws of 1947, as last amended by section 1, chapter 291, Laws of 1961, and RCW 41.40.010 are each amended to read as follows:

State employees' retirement. Terms defined.

As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the state employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter to administer said retirement system.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Employer" means every branch, department, agency, commission, board, and office of the state and any political subdivision of the state admitted into the retirement system; and the term shall also include any labor guild, association, or organization the membership of a local lodge or division of which is comprised of at least forty percent employees of an employer (other than such labor guild, association, or organization) within this chapter.

(5) "Member" means any employee included in

the membership of the retirement system, as provided for in RCW 41.40.120.

(6) "Original member" of this retirement system means:

(a) Any person who became a member of the system prior to April 1, 1949;

(b) Any person who becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, and prior to April 1, 1951;

(c) Any person who first becomes a member by securing employment with an employer prior to April 1, 1951, provided he has rendered at least one or more years of service to any employer prior to October 1, 1947;

(d) Any person who first becomes a member through the admission of an employer into the retirement system on or after April 1, 1951, provided, such person has been in the regular employ of the employer for at least six months of the twelve month period preceding the said admission date;

(e) Any member who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement becomes entitled to be credited with ten years or more of membership service except that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member;

(f) Any member who has been a contributor under the system for two or more years and who has restored all his contributions that may have been withdrawn by him as provided by RCW 41.40.150 and who on the effective date of his retirement has rendered eight or more years of service for the state or any political subdivision prior to the time of the admission of the employer into the system; except

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employees'
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Terms defined.

that the provisions relating to the minimum amount of retirement allowance for the member upon retirement at age seventy as found in RCW 41.40.190(4) shall not apply to the member.

(7) "New member" means a person who becomes a member on or after April 1, 1949, except as otherwise provided in this section.

(8) "Compensation earnable" means salaries or wages earned during a payroll period for personal services and where the compensation is not all paid in money maintenance compensation shall be included upon the basis of the schedules established by the member's employer.

(9) "Service" means periods of employment rendered to any employer for which compensation is paid, and includes time spent in office as an elected or appointed official of an employer. Full time work for ten days or more or an equivalent period of work in any given calendar month shall constitute one month of service. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for in this chapter. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefits. Service by a state employee officially assigned by the state on a temporary basis to assist another public agency, shall be considered as service as a state employee: *Provided*, That service to any other public agency shall not be considered service as a state employee if such service has been used to establish benefits in any other public retirement system.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) In the case of any person who first becomes a member through the admission of an employer into the retirement system on and after April 1, 1949, all service rendered after October 1, 1947;

(b) In the case of all other members, all service as a member.

(12) "Beneficiary" means any person in receipt of a retirement allowance, pension or other benefit provided by this chapter.

(13) "Regular interest" means such rate as the retirement board may determine, such rate not to be lower than one percent per annum nor more than four percent per annum compounded annually.

(14) "Accumulated contributions" means the sum of all contributions for the purchase of annuities standing to the credit of a member in his individual account together with the regular interest thereon.

(15) "Average final compensation" means the annual average of the greatest compensation earnable by a member during any consecutive five year period of service for which service credit is allowed; or if he has less than five years of service then the annual average compensation earnable during his total years of service for which service credit is allowed.

(16) "Final compensation" means the annual rate of compensation earnable by a member at the time of termination of his employment.

(17) "Annuity" means payments for life derived from accumulated contributions of a member. All annuities shall be paid in monthly installments.

(18) "Pension" means payments for life derived from contributions made by the employer. All pensions shall be paid in monthly installments.

(19) "Retirement allowance" means the sum of the annuity and the pension.

(20) "Annuity reserve" means the present value,

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employees'
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Terms defined.

computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any annuity or benefits in lieu of any annuity granted to a member under the provisions of this chapter.

(21) "Pension reserve" means the present value, computed upon the basis of such mortality, and other tables, as shall be adopted by the retirement board, of all payments to be made on account of any pension, or benefits in lieu of any pension, granted to a member under the provisions of this chapter.

(22) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(23) "Contributions for the purchase of annuities" means amounts deducted from the compensation of a member, under the provisions of RCW 41.40-.330, other than contributions to the retirement system expense fund.

(24) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality and other tables as may be adopted by the retirement board.

(25) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(26) "Eligible position" means:

(a) Any position which normally requires five or more uninterrupted months of service a year for which regular compensation is paid to the occupant thereof;

(b) Any position occupied by an elected official or person appointed directly by the governor for which compensation is paid.

(27) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (26).

(28) "Leave of absence" means the period of time

a member is authorized by the employer to be absent from service without being separated from membership.

Note: See also section 1, chapter 174, Laws of 1963.

SEC. 2. Section 13, chapter 274, Laws of 1947, as last amended by section 2, chapter 231, Laws of 1957, and RCW 41.40.120 are each amended to read as follows:

RCW 41.40.120 amended.

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers as defined in this chapter who have served at least six months without interruption, with the following exceptions:

Membership.

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: *Provided*, That such persons shall have the option of applying for membership and to be accepted by the action of the retirement board, such membership may become effective at the start of the initial or successive terms of office held by the person at the time application is made: *And provided further*, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority;

Proviso.

Proviso.

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency or the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from

State employees' retirement. Membership.

any such retirement plan: *Provided, however,* In any case where the state employees' retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: *And provided further,* That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits as secondary payee under the optional retirement allowances as provided by RCW 41.40.290;

Proviso.

(5) Patient and inmate help in state charitable, penal and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an employer or serving in an institution operated by an employer, primarily as an incident to and in furtherance of their education or training;

(8) Employees of the University of Washington and the State College of Washington during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer or contract basis or as an incident to the private practice of a profession;

Proviso.

(10) Employees of a labor guild, association, or organization: *Provided,* That elective officials of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership and to be accepted by the action of the retirement board.

Note: See also section 1, chapter 210, Laws of 1963.

New section.

SEC. 3. There is added to chapter 274, Laws of 1947 and to chapter 41.40 RCW a new section to read as follows:

Any labor guild, association or organization qualifying as an employer under this chapter and which is required to make contributions for an elective official qualifying for membership under RCW 41.40-.120(10) shall make contributions as any other employer within this chapter: *Provided*, That the retirement board shall cause an actuarial computation to be made of all prior service liability for which contributions are required from such employer to be computed on an actual dollar basis, and if the board determines that the contributions being made therefor under this chapter are insufficient to defray any cost to the state, the board shall require additional contributions from such employer in such amounts and at such times as will defray all costs to the state, such additional contributions to be completed within ten years from the date the elective official is accepted by the board.

Employer contributions when labor guild, etc.

Proviso.

Passed the House March 9, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 226.

[H. B. 351.]

PUBLIC ASSISTANCE—INCOME OF DEPENDENT CHILD.

AN ACT relating to public assistance and adding a new section to chapter 26, Laws of 1959 and to chapter 74.12 RCW.

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

SECTION 1. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows:

New section.

The department of public assistance is hereby authorized to promulgate rules and regulations in conformity with the provisions of Public Law 87-543 to

Rules for disposition of dependent child's income.

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.

Passed the House March 5, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 227.

[H. B. 493.]

LIFE INSURANCE—PROCEEDS, PAYMENT TO TRUSTEE.

AN ACT relating to life insurance.

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

Life insurance
—Payment to
trustee.
Authorized.

SECTION 1. Life insurance may be made payable to a trustee to be named as beneficiary in the policy and the proceeds of such insurance paid to such trustee shall be held and disposed of by the trustee as provided in a trust agreement or declaration of trust made by the insured during his lifetime. It shall not be necessary to the validity of any such trust agreement or declaration of trust that it have a trust corpus other than the right of the trustee to receive such insurance proceeds as beneficiary, and any such trustee may also receive assets, other than insurance proceeds, by testamentary disposition and administer them according to the terms of the trust agreement or declaration of trust as they exist at the death of the testator.

Procedure
upon proving
of will—Tax
liability
of proceeds.

SEC. 2. A policy of life insurance may designate as beneficiary a trustee or trustees named or to be named by will, if the designation is made in accordance with the provisions of the policy and the re-

quirements of the insurance company. Immediately after the proving of the will the proceeds of such insurance shall be paid to the trustee or trustees named therein to be held and disposed of under the terms of the will as they exist at the death of the testator, but if no qualified trustee makes claim to the proceeds from the insurance company within one year after the death of the insured, or if satisfactory evidence is furnished the insurance company within such one-year period showing that no trustee can qualify to receive the proceeds, payment shall be made by the insurance company to those thereafter entitled. The proceeds of the insurance as collected by the trustee or trustees shall not be subject to debts of the insured and inheritance tax to any greater extent than if such proceeds were payable to any other named beneficiary other than the estate of the insured. Enactment of this section shall not invalidate previous life insurance policy beneficiary designations naming trustees of trusts established by will.

Passed the House March 5, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 228.

[H. B. 514.]

PUBLIC ASSISTANCE.

AN ACT relating to public assistance; amending section 74.04-.005, chapter 26, Laws of 1959 as amended by section 1, chapter 235, Laws of 1961 and RCW 74.04.005; amending section 74.04.015, chapter 26, Laws of 1959 and RCW 74.04-.015; amending section 74.04.050, chapter 26, Laws of 1959 and RCW 74.04.050; amending section 74.04.055, chapter 26, Laws of 1959 and RCW 74.04.055; amending section 74.04-.330, chapter 26, Laws of 1959 and RCW 74.04.330; amending section 2, chapter 269, Laws of 1961 and RCW 74.04.390; amending section 3, chapter 269, Laws of 1961 and RCW 74.04.400; amending section 4, chapter 269, Laws of 1961 and RCW 74.04.410; amending section 5, chapter 269, Laws of 1961 and RCW 74.04.420; amending section 6, chapter 269, Laws of 1961 and RCW 74.04.430; amending section 7, chapter 269, Laws of 1961 and RCW 74.04.440; amending section 74.08.283, chapter 26, Laws of 1959 and RCW 74.08-.283; amending section 74.12.010, chapter 26, Laws of 1959 as amended by section 1, chapter 265, Laws of 1961 and RCW 74.12.010; amending section 74.12.030, chapter 26, Laws of 1959 and RCW 74.12.030; amending section 74.12-.130, chapter 26, Laws of 1959 and RCW 74.12.130; amending section 1, chapter 206, Laws of 1961 and RCW 74.12.250; adding new sections to chapter 269, Laws of 1961 and to chapter 74.04 RCW; adding new sections to chapter 26, Laws of 1959 and to chapters 74.04, 74.08 and 74.12 RCW; and repealing section 74.08.295, chapter 26, Laws of 1959 and RCW 74.08.295; providing penalties; and declaring an emergency.

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

RCW 74.04.005 amended.

SECTION 1. Section 74.04.005, chapter 26, Laws of 1959 as amended by section 1, chapter 235, Laws of 1961 and RCW 74.04.005 are each amended to read as follows:

Public assistance—General provisions. Definitions.

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, disburs-

ing orders, work relief, general assistance and federal-aid assistance.

(2) "Department" — The department of public assistance.

(3) "County office" — The administrative office for one or more counties.

(4) "Director" — The director of the state department of public assistance.

(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 for the aged, aid to families with dependent children, aid to the permanently and totally disabled persons, aid to the blind, child welfare services, medical care 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) "Community work and training" — A plan jointly entered into between the state department of public assistance and an agency, department, board

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ance—General
provisions.
Definitions.

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 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.

(9) "Applicant" — Any person who has made a request, or on behalf of whom a request has been made, to any county office for assistance.

(10) "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.

(11) "Requirement"—Items of goods and services included in the state department of public assistance standards of assistance and required by an applicant or recipient to maintain a defined standard of living.

(12) "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.

Proviso.

(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. Proviso.

(b) Household furnishings and personal clothing used and useful to the person.

(c) An automobile used and useful to the person.

(d) Cash of not to exceed two hundred dollars for a single person or four hundred dollars for a family unit, or marketable securities of such value.

(e) Life insurance having a cash surrender value not in excess of five hundred dollars for a single person or one thousand dollars for a family unit: *Provided*, That (1) The applicant enters into a written agreement with the state department of public assistance that, unless he obtains the consent of the department, he will not: Proviso.

(a) Surrender the insurance contract for its cash value; (b) Assign the insurance contract or its proceeds; (c) Change the beneficiary under the insurance contract; and (2) The beneficiary under the insurance contract enters into a written agreement with the state department of public assistance that he will pay all costs necessary to provide a decent burial for the applicant unless his designation as beneficiary under the insurance contract is changed with the consent of the department:

Provided further, That if by the terms of the policy or operation of law the applicant is unable to change the beneficiary designated in the policy, and the beneficiary refuses or is unable to agree to provide a burial for the applicant, the policy shall be considered an exempt resource, but the department by rule Proviso.

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Definitions.

and regulation shall decrease the maximum cash sur-
render value allowed by the amount of cash held by
the person or the family under (d) above.

(f) Other personal property and belongings which
are used and useful or which have great sentimental
value to the applicant or recipient.

Proviso.

Whenever such person ceases to make use of any
of the property specified in item (b), (c) and (f) of
this section, the same shall be considered as income
available to meet need: *Provided*, That the depart-
ment may by rule and regulation exempt such per-
sonal 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.

Proviso.

(g) The department shall by rule and regula-
tion 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. If an applicant
for or recipient of public assistance possesses prop-
erty 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 appli-
cant's or recipient's restoration to independence.

Proviso.

(13) "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. The department may also allow the setting aside of funds derived from earnings of a child to cover the cost of special future identifiable needs of the child: *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 twelve 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 old age assistance is entitled, the department is hereby authorized to disregard as a resource or income the first ten dollars per month of any earned income plus one-half of additional earnings up to fifty dollars of such recipient who is otherwise eligible for an old age assistance grant; but the total amount of earnings or other income so exempted shall not, when added to the amount of cash or marketable securities

Proviso.

Proviso.

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exempted under (d) of subsection (12) of this section, exceed two hundred dollars for a single person or four hundred dollars 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.

Proviso.

(14) "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.

(15) 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.

RCW 74.04.015
amended.

SEC. 2. Section 74.04.015, chapter 26, Laws of 1959 and RCW 74.04.015 are each amended to read as follows:

The director of public assistance 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 or the state board of 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.

Director responsible officer to administer federal funds, goods and services.

He shall make such reports and render such accounting as may be required by the federal agency having authority in the premises.

SEC. 3. Section 74.04.050, chapter 26, Laws of 1959 and RCW 74.04.050 are each amended to read as follows:

RCW 74.04.050 amended.

The department shall serve as the single state agency to administer public assistance. The department is hereby empowered and authorized to cooperate in the administration of such federal laws, consistent with the public assistance laws of this state, as may be necessary to qualify for federal funds for:

Department as responsible state agency.

- (1) Old age assistance;
- (2) Medical assistance to the aged;
- (3) Aid to dependent children;
- (4) Aid to the needy blind;
- (5) Child welfare services;
- (6) Aid to permanently and totally disabled;

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state agency.

(7) Any other programs of public assistance for which provision for federal grants or funds may from time to time be made.

The state hereby accepts and assents to all the present provisions of the federal law under which federal grants or funds, goods, commodities and services are extended to the state for the support of programs administered by the department, and to such additional legislation as may subsequently be enacted as is not inconsistent with the purposes of this title, authorizing public welfare and assistance activities. The provisions of this title shall be so administered as to conform with federal requirements with respect to eligibility for the receipt of federal grants or funds.

The department shall periodically make application for federal grants or funds and submit such plans, reports and data, as are required by any act of congress as a condition precedent to the receipt of federal funds for such assistance. The department shall make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of such federal grants or funds.

RCW 74.04.055
amended.

SEC. 4. Section 74.04.055, chapter 26, Laws of 1959, and RCW 74.04.055 are each amended to read as follows:

Cooperation
with federal
government—
Construction.

In furtherance of the policy of this state to cooperate with the federal government in the programs included in this title the director 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 match-

ing or other funds for the various programs of public assistance.

SEC. 5. Section 74.04.330, chapter 26, Laws of 1959 and RCW 74.04.330 are each amended to read as follows:

RCW 74.04.330 amended.

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 for the preceding year, which report shall contain:

Annual reports by assistance organizations — Penalty.

(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.

RCW 74.04.390 amended.

SEC. 6. Section 2, chapter 269, Laws of 1961 and RCW 74.04.390 are each amended to read as follows:

Public assistance. Community work and training program. Defined.

The term community work and training program shall be as defined as follows: A plan jointly entered into between the state department of public assistance 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, 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.

RCW 74.04.400 amended.

SEC. 7. Section 3, chapter 269, Laws of 1961 and RCW 74.04.400 are each amended to read as follows:

Rules and regulations.

The state department of public assistance is empowered and directed to adopt such rules and regulations as will make a community work and training program fair, efficient and workable.

RCW 74.04.410 amended.

SEC. 8. Section 4, chapter 269, Laws of 1961 and RCW 74.04.410 are each amended to read as follows:

Agreements with governmental entities for employment of eligible persons—Wages in lieu of assistance.

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 wherein and whereby the department of public assistance 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. 9. Section 5, chapter 269, Laws of 1961 and RCW 74.04.420 are each amended to read as follows: amended.

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 if such person without good cause: Denial or suspension of assistance—Grounds.

(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. 10. Section 6, chapter 269, Laws of 1961 and RCW 74.04.430 are each amended to read as follows: amended.

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: *Provided*, That the state, or federal government, county, city or mu- Approval of programs—Medical coverage. Proviso.

Public assistance. Community work and training program. Medical coverage.

nicipal 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, 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.

RCW 74.04.440 amended.

SEC. 11. Section 7, chapter 269, Laws of 1961 and RCW 74.04.440 are each amended to read as follows:

Governmental entity to furnish transportation, tools, supervision.

The state, or federal government, county, city or municipal corporation utilizing assistance applicants or recipients for work and labor shall furnish, where necessary, transportation, protective clothing and necessary tools and equipment for individuals performing such work or labor and shall take such measures as are necessary to insure that adequate supervision is provided on all such programs.

New section.

SEC. 12. There is added to chapter 269, Laws of 1961 and to chapter 74.04 RCW a new section to read as follows:

Qualifications for type of work to be performed.

The work performed on a community work and training program by a recipient of public assistance must serve a useful public purpose, must not displace regular workers or result in the performance by such persons of work that would otherwise be performed by employees of public or private agencies, institutions or organizations except in case of projects which are emergent or nonrecurring.

New section.

SEC. 13. There is added to chapter 269, Laws of 1961 and to chapter 74.04 RCW a new section to read as follows:

Work not employment under Title 50 RCW.

Work and labor performed by an applicant or recipient of public assistance on a community work

and training program shall not be deemed employment under the provisions of Title 50 RCW, and shall not deprive such person of any rights or benefits available thereunder.

SEC. 14. There is added to chapter 269, Laws of 1961 and to chapter 74.04 RCW a new section to read as follows: New section.

The state department of public assistance 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. Right to terminate program.

SEC. 15. There is added to chapter 26, Laws of 1959 and to chapter 74.04 RCW a new section to read as follows: New section.

The state department of public assistance 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. Employee leaves of absence for educational purposes—Rules for.

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 pur-

pose; (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 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.

RCW 74.08.283 amended.

SEC. 16. Section 74.08.283, chapter 26, Laws of 1959 and RCW 74.08.283 are each amended to read as follows:

Public assistance. Services to attain self-care.

The department is authorized to provide such social and related services as are reasonably necessary to the end that applicants for or recipients of public assistance are helped to attain self-care.

New section.

SEC. 17. There is added to chapter 26, Laws of 1959 and to chapter 74.08 RCW a new section to read as follows:

Departmental studies authorized.

The department of public assistance 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.

RCW 74.12.010 amended.

SEC. 18. Section 74.12.010, chapter 26, Laws of 1959 as amended by section 1, chapter 265, Laws of 1961 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 or 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 public assistance 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 was receiving an aid to families with dependent children grant for the month in which court proceedings leading to such determination were initiated as authorized by the social security act: *Provided*, That the director 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.

Aid to families with dependent children. Definitions.

Proviso.

“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.

RCW 74.12.030 amended.

SEC. 19. Section 74.12.030, chapter 26, Laws of 1959 and RCW 74.12.030 are each amended to read as follows:

Aid to families with dependent children. Eligibility.

In addition to meeting the eligibility requirements of RCW 74.08.025, an applicant for aid to families with dependent children must be a needy child:

- (1) Who has resided in the state for one year immediately preceding application; or
- (2) Who was born within the last year, and whose parent, or other relative, with whom he lives has lived in this state for a year immediately preceding his birth; or
- (3) Whose parent or other relative with whom he lives has been a resident of this state for one year immediately preceding application.

RCW 74.12.130 amended.

SEC. 20. Section 74.12.130, chapter 26, Laws of 1959 and RCW 74.12.130 are each amended to read as follows:

Child welfare services.

Child welfare services shall be defined as public social services which 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 the neglect, abuse, exploitation, or delinquency of children; (2) protecting and caring for homeless, dependent, or neglected children; (3) protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed, the provision of adequate care of children away from their homes in foster family homes or day care or other child care facilities. In carrying out its responsibilities in providing such services the department shall:

- (1) Accept custody of children and provide for

the care of children or such other children as are determined by the department to be in need of protective services, directly or through its agents, following, in general, the policy of using properly approved private agency services for the actual care and supervision of such dependent children insofar as they are available, paying for care of such dependent children as are accepted by the department as eligible for support at a reasonable rate established by the department; and

(2) Receive and expend all funds made available by the federal government, or the state for such purposes.

SEC. 21. Section 1, chapter 206, Laws of 1961 and RCW 74.12.250 are each amended to read as follows:

RCW 74.12.250 amended.

If the department, after investigation, finds that any recipient of funds under an aid to families with dependent children grant is not utilizing the grant adequately for the needs of the child or children or is otherwise dissipating such grant, or is unable to manage adequately the funds paid on behalf of said child and that to continue said payments to him would be contrary to the welfare of the child, the department may make such payments to another individual who is interested in or concerned with the welfare of such child and relative: *Provided*, That the department shall provide such counseling and other services as are available and necessary to develop greater ability on the part of the relative to manage funds in such manner as to protect the welfare of the family. Periodic review of each case shall be made by the department to determine if said relative is able to resume management of the assistance grant. If after a reasonable period of time the payments to the relative cannot be resumed, the department may request the attorney general to file a petition in the superior court for the appointment of a guardian for the child or children. Such peti-

Appointment of recipient of funds as guardian of grant—Notice, hearing, accounting.

Proviso.

tion shall set forth the facts warranting such appointment. Notice of the hearing on such petition shall be served upon the recipient and the department not less than ten days before the date set for such hearing. Such petition may be filed with the clerk of superior court and all process issued and served without payment of costs. If upon the hearing of such petition the court is satisfied that it is for the best interest of the child or children, and all parties concerned, that a guardian be appointed, he shall order the appointment, and may require the guardian to render to the court a detailed itemized account of expenditures of such assistance payments at such time as the court may deem advisable.

It is the intention of this section that the guardianship herein provided for shall be a special and limited guardianship solely for the purpose of safeguarding the assistance grants made to dependent children. Such guardianship shall terminate upon the termination of such assistance grant, or sooner on order of the court, upon good cause shown.

New section.

SEC. 22. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows:

Aid to families with dependent children. Proofs required of recipient.

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 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. 23. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows: New section.

The decision of the department that there is need for a protective payment because of the relative's inability to manage the assistance payment shall be subject to the provisions of RCW 74.08.070 and RCW 74.08.080. Appeal from departmental decision.

SEC. 24. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows: New section.

The department is hereby authorized to promulgate rules and regulations which will provide for coordination between the services provided pursuant to RCW 74.12.130 and the services provided under the aid to families with dependent children program in order to provide welfare and related services which will best promote the welfare of such children and their families and conform with the provisions of Public Law 87-543 (HR 10606). Departmental rules for coordination of services.

SEC. 25. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows: New section.

The department of public assistance 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. Eligibility—Factors to be considered.

New section.

SEC. 26. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows:

Aid to families with dependent children. Home factor.

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 and the family require to remedy the conditions.

New section.

SEC. 27. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows:

Replacement in relative's home, procedure.

When intensive efforts over a reasonable period have failed to improve the home conditions, the department shall determine if any other relatives specified by the social security act are maintaining a suitable home and are willing to take the care and custody of the child in their home. Upon an affirmative finding the department shall, if the parents or relatives with whom the child is living consent, take the necessary steps for placement of the child with such other relatives, but if the parents or relatives with whom the child lives refuse their consent to the placement then the department shall file a petition in the juvenile court for a decree adjudging the home unsuitable and placing the dependent child with such other relatives.

New section.

SEC. 28. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows:

Replacement as provided in chapter 13.04 RCW.

If a diligent search reveals no other relatives as specified in the social security act maintaining a suitable home and willing to take custody of the child, then the department may file a petition in the appropriate juvenile court for placement of the child pursuant to the provisions of chapter 13.04 RCW.

SEC. 29. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows: New section.

Notwithstanding the provisions of this act a child otherwise eligible for aid shall not be denied such assistance where a relative as specified in the social security act is unavailable or refuses to accept custody and the juvenile court fails to enter an order removing the child from the custody of the parent, relative or guardian then having custody. Aid despite other impediments.

SEC. 30. There is added to chapter 26, Laws of 1959 and to chapter 74.12 RCW a new section to read as follows: New section.

The department is authorized to promulgate rules and regulations governing the provision of day care as a part of child welfare services when the director determines that a need exists for such day care and that it is in the best interests of the child and the mother and in determining the need for such day care priority shall be given to geographical areas having the greatest need for such care and to members of low income groups in the population: *Provided*, That where the family is financially able to pay part or all of the costs of such care, fees shall be imposed and paid according to the financial ability of the family. Day care as part of child welfare services, rules for.
Proviso.

SEC. 31. Section 74.08.295, chapter 26, Laws of 1959 and RCW 74.08.295 are each repealed. Repeal.

Note: See also section 6, chapter 211, Laws of 1963.

SEC. 32. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the House March 9, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 229.

[H. B. 570.]

WOMEN—MAY PURSUE ANY CALLING OPEN TO MEN.

AN ACT relating to the employment, vocation or profession of women; and amending section 1, page 519, Laws of 1890 and RCW 49.12.200.

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

RCW 49.12.200 amended.

Women may pursue any calling open to men.

SECTION 1. Section 1, page 519, Laws of 1890 and RCW 49.12.200 are each amended to read as follows:

That hereafter in this state every avenue of employment shall be open to women; and any business, vocation, profession and calling followed and pursued by men may be followed and pursued by women, and no person shall be disqualified from engaging in or pursuing any business, vocation, profession, calling or employment or excluded from any premises or place of work or employment on account of sex.

Passed the House March 5, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 230.

[H. B. 48.]

MARRIAGE.

AN ACT relating to marriage; amending section 2380, Code of 1881 and RCW 26.04.010; amending section 3, chapter 204, Laws of 1939, and RCW 26.04.150; amending section 1, chapter 107, Laws of 1953, and RCW 26.04.180; and amending section 2391, Code of 1881 as last amended by section 3, chapter 149, Laws of 1959 and RCW 26.04.210.

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

SECTION 1. Section 2380, Code of 1881 and RCW 26.04.010 are each amended to read as follows:

RCW 26.04.110 amended.

Marriage is a civil contract which may be entered into by males of the age of twenty-one years, and females of the age of eighteen years, who are otherwise capable: *Provided*, That every marriage entered into in which either party shall not have attained the age of seventeen years shall be void except where this section has been waived by a superior court judge of the county in which the female resides on a showing of necessity.

Marriage, who may contract.

Proviso.

SEC. 2. Section 3, chapter 204, Laws of 1939 and RCW 26.04.150 are each amended to read as follows:

RCW 26.04.150 amended.

Any person may secure by mail from the county auditor of the county in the state of Washington where he intends to be married, an application, and execute and acknowledge said application before a notary public.

License application by mail.

SEC. 3. Section 1, chapter 107, Laws of 1953, and RCW 26.04.180 are each amended to read as follows:

RCW 26.04.180 amended.

The county auditor shall issue no license until the third full day following the filing of the application, exclusive of the date of filing. A marriage license issued pursuant to the provisions of this chapter shall become void if the marriage is not solemn-

Issuance of license, when—Void, when.

nized within thirty days of the date of the issuance of the license.

RCW 26.04.210 amended.

SEC. 4. Section 2391, Code of 1881 as last amended by section 3, chapter 149, Laws of 1959 and RCW 26.04.210 are each amended to read as follows:

Marriage. Affidavits required for issuance of license.

The county auditor, before a marriage license is issued, upon the payment of a license fee of two dollars, shall require each applicant therefor to make and file in his office upon blanks to be provided by the county for that purpose, an affidavit showing that such applicant is not feeble-minded, an imbecile, insane, a common drunkard, or afflicted with pulmonary tuberculosis in its advanced stages: *Provided*, That in addition, the affidavit of the male applicant for such marriage license shall show that such male is not afflicted with any contagious venereal disease. He shall also require an affidavit of some disinterested credible person showing that neither of said persons is an habitual criminal, and that the female is over the age of eighteen years and the male is over the age of twenty-one years: *Provided*, That if the consent inwriting is obtained of the father, mother, or legal guardian of the person for whom the license is required, the license may be granted in cases where the female has attained the age of seventeen years or the male has attained the age of seventeen years. Such affidavit may be subscribed and sworn to before any person authorized to administer oaths. Anyone knowingly swearing falsely to any of the statements contained in the affidavits mentioned in this section shall be deemed guilty of perjury and punished as provided by the laws of the state of Washington.

Proviso.

Proviso.

Passed the House March 14, 1963.

Passed the Senate March 14, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 231.

[H. B. 246.]

CITIES AND TOWNS—ANNEXATION OF WATER, SEWER,
AND FIRE DISTRICTS.

AN ACT relating to annexation of territory by cities and towns; amending section 22, chapter 282, Laws of 1961 and RCW 35.13.243; amending section 23, chapter 282, Laws of 1961 and RCW 35.13.246; and adding new sections to chapter 282, Laws of 1961 and to chapter 35.13 RCW.

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

SECTION 1. Section 22, chapter 282, Laws of 1961 and RCW 35.13.243 are each amended to read as follows:

RCW 35.13.243 amended.

If a portion of a water or sewer district equal to at least sixty percent of the area or sixty percent of the assessed valuation of the real property included within the district is annexed to or lies within a city or town, the city or town may:

Cities—
Annexation of
water, sewer
and fire
districts.
Disposition of
properties—
Outstanding
indebtedness.

(1) Adopt an ordinance assuming the full and complete management and control of the entire district, whereupon the provisions of RCW 35.13.220 shall be operative as to such annexation; or

(2) Adopt an ordinance assuming jurisdiction of the district's responsibilities, property, facilities and equipment within the area annexed: *Provided*, That if the annexed area contains any property, facilities or equipment which, on the date of annexation, were serving any portion of the district not annexed, the city or town shall assume full ownership, management and control of such property, facilities and equipment subject to any one of the following conditions acceptable to the district and city or town concerned:

Proviso.

(a) The city or town shall, for the economic life of such property, facilities and equipment, make such property, facilities and equipment available for

Cities—
Annexation of
water, sewer
and fire
districts.
Disposition of
properties—
Outstanding
indebtedness.

use by the district to the same extent such property, facilities and equipment served the unannexed portion of the district on the date of annexation; or

(b) The city or town shall pay to the district that proportion of the equity of the district in such property, facilities and equipment equal to the proportion the assessed valuation of all property subject to taxation situated within the area of the district not annexed bears to the total assessed valuation of all property subject to taxation situated within the district prior to annexation. For the purpose of this paragraph, assessed valuation shall be the valuation of the property as last determined by the county assessor. In determining the equity of the district for purposes of this paragraph due consideration shall be given to depreciation of the economic life of the property, facilities and equipment due to age and condition, and to replacement costs for comparable property, facilities and equipment to serve that portion of the district not annexed; or

(c) The city or town shall, for the economic life of such property, facilities and equipment, provide for continuity of service to the unannexed portion of the district served by such property, facilities and equipment on the date of annexation.

A city or town acquiring property, facilities and equipment under the provisions of subdivision (2) of this section shall acquire such property subject to the debts and obligations of the district for which such property, facilities and equipment would have been liable if no annexation had been made; and, in such cases, the annexed property, and the owners and occupants thereof, shall continue liable for payments of its and their proportionate share of any unpaid indebtedness, bonded or otherwise, with the right on the part of the district officials to make tax levies and collect charges on such property or owners

or occupants, and to enforce such collections as if the annexation had not been made.

SEC. 2. Section 23, chapter 282, Laws of 1961 and RCW 35.13.246 are each amended to read as follows:

If the portion of a water or sewer district annexed to a city or town is less than sixty percent of the area of the district and less than sixty percent of the assessed valuation of the real property within the district, the provisions of RCW 35.13.243, except subdivision (1), as now or hereafter amended, shall apply.

SEC. 3. There is added to chapter 282, Laws of 1961 and to chapter 35.13 RCW a new section to read as follows:

If a portion of a fire protection district including at least sixty percent of the assessed valuation of the real property of the district is annexed to or incorporated into a city or town, ownership of all of the assets of the district shall be vested in the city or town, upon payment in cash, properties or contracts for fire protection services to the district within one year, of a percentage of the value of said assets equal to the percentage of the value of the real property in entire district remaining outside the incorporated or annexed area.

SEC. 4. There is added to chapter 282, Laws of 1961 and to chapter 35.13 RCW a new section to read as follows:

If a portion of a fire protection district including less than sixty percent of the assessed value of the real property of the district is annexed to or incorporated into a city or town, the ownership of all assets of the district shall remain in the district and the district shall pay to the city or town within one year or within such period of time as the district continues to collect taxes in such incorporated or annexed areas, in cash, properties or contracts for

Cities—
Annexation of
fire protection
district, con-
trol in dis-
trict, when—
Obligations.

fire protection services, a percentage of the value of said assets equal to the percentage of the value of the real property in the entire district lying within the area so incorporated or annexed: *Provided*, That if less than five percent of the area of the district is affected, no payment shall be made to the city or town. The fire protection district shall provide fire protection to the incorporated or annexed area for such period as the district continues to collect taxes levied in such annexed or incorporated area.

New section.

SEC. 5. There is added to chapter 282, Laws of 1961 and to chapter 35.13 RCW a new section to read as follows:

Indebtedness
remains
obligation of
taxable
property.

When any portion of a fire protection district is annexed by or incorporated into a city or town, any outstanding indebtedness, bonded or otherwise, shall remain an obligation of the taxable property annexed or incorporated as if the annexation or incorporation had not occurred.

Passed the House March 13, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 232.

[H. B. 264.]

AGRICULTURE—COMMISSION MERCHANTS—
BENEFICIAL INSECTS—PUBLIC
LIVESTOCK MARKETS.

AN ACT relating to agriculture; amending sections 1, 17, 37 and 38, chapter 139, Laws of 1959 and RCW 20.01.010, 20.01.170, 20.01.370 and 20.01.380; repealing and re-enacting section 21, chapter 139, Laws of 1959 and RCW 20.01.210; and adding new sections to chapter 139, Laws of 1959 and to chapter 20.01 RCW; amending section 6, chapter 182, Laws of 1961 and RCW 16.65.420; and adding six new sections to Title 15 RCW and adding new sections to chapter 107, Laws of 1959 and to chapter 16.65 RCW; and providing penalties.

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

SECTION 1. Section 1, chapter 139, Laws of 1959 and RCW 20.01.010 are each amended to read as follows:

RCW 20.01.010 amended.

For the purpose of this chapter:

Commission merchants. Definitions.

(1) "Director" means the director of agriculture or his duly authorized representative.

(2) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) "Agricultural product" means any horticultural, viticultural, berry, poultry, poultry products, grain, livestock, bee or other agricultural product.

(4) "Producer" means any person engaged in the business of growing or producing any agricultural product.

(5) "Consignor" means any producer or person who sells, ships or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale or resale.

(6) "Commission merchant" means any person who shall receive on consignment for sale or process-

Commission
merchants.
Definitions.

ing and sale from the consignor thereof any agricultural product for sale on commission on behalf of such consignor, or who shall accept any farm product in trust from the consignor thereof for the purpose of resale, or who shall sell or offer for sale on commission any agricultural product, or who shall in any way handle for the account of or as an agent of the consignor thereof, any agricultural product.

(7) "Dealer" means any person other than a commission merchant or cash buyer, as defined in subsection (9) of this section, who solicits, contracts for or obtains from the consignor thereof, for reselling or processing, title, possession or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing.

(8) "Broker" means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product: *Provided*, That no broker may handle the agricultural products involved or proceeds of such sale.

Proviso.

(9) "Cash buyer" means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession or control of any agricultural product or who contracts for the title, possession or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of such agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check or bankdraft may be used for such payment.

(10) "Agent" means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, receives, contracts for or solicits any agricul-

tural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of such business at any location other than at the principal place of business of his employer.

(11) "Retail merchant" means any person operating from a bona fide or established place of business selling agricultural products: *Provided*, That any retailer may occasionally wholesale any agricultural product which he has in surplus; however, such wholesaling shall not be in excess of two percent of such retailer's gross business. Proviso.

(12) "Fixed or established place of business" for the purpose of this chapter shall mean any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business and which is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, said personnel being available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

SEC. 2. Section 17, chapter 139, Laws of 1959 and RCW 20.01.170 are each amended to read as follows: RCW 20.01.170
amended.

Commission
merchants.
Licensing
proceedings—
Subpoenas,
witnesses,
testimony.

The director may issue subpoenas to compel the attendance of witnesses, and/or the production of books or documents, anywhere in the state. The licensee or applicant shall have opportunity to make his defense, and may have such subpoenas issued as he desires. Subpoenas shall be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath which may be administered by the director. Testimony shall be recorded and may be taken by deposition under such rules as the director may prescribe. Witnesses, except complaining witnesses, shall be entitled to fees for attendance and travel, as provided for in chapter 2.40 RCW, as enacted or hereafter amended.

RCW 20.01.370
amended.

SEC. 3. Section 37, chapter 139, Laws of 1959 and RCW 20.01.370 are each amended to read as follows:

Commission
merchant's
records—
Contents—
Inspection.

Every commission merchant, having received any agricultural products for sale as such commission merchant, shall promptly make and keep a correct record showing in detail the following with reference to the handling, sale, or storage of such agricultural products:

- (1) The name and address of the consignor.
- (2) The date received.
- (3) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.
- (4) Date of such sale for account of consignor.
- (5) The terms of the sale.
- (6) An itemized statement of the charges to be paid by consignor in connection with the sale.
- (7) The names and addresses of all purchasers if said commission merchant has any financial interest in the business of said purchasers, or if said purchasers have any financial interest in the business of said commission merchant, directly or indirectly, as holder of the other's corporate stock, as copartner, as lender or borrower of money to or from the other,

or otherwise. Such interest shall be noted in said records following the name of any such purchaser.

(8) A lot number or other identifying mark for each consignment, which number or mark shall appear on all sales tags and other essential records needed to show what the agricultural products actually sold for.

(9) Any claim or claims which have been or may be filed by the commission merchant against any person for overcharges or for damages resulting from the injury or deterioration of such agricultural products by the act, neglect or failure of such person and such records shall be open to the inspection of the director and the consignor of agricultural products for whom such claim or claims are made.

SEC. 4. Section 38, chapter 139, Laws of 1959 and RCW 20.01.380 are each amended to read as follows:

RCW 20.01.380 amended.

Every dealer or cash buyer purchasing any agricultural products from the consignor thereof shall promptly make and keep for one year a correct record showing in detail the following:

Dealer's records—Copy to consignor.

(1) The name and address of the consignor.

(2) The date received.

(3) The terms of the sale.

(4) The quality and quantity delivered by the consignor, and where applicable the dockage, tare, grade, size, net weight, or quantity.

(5) An itemized statement of any charges paid by the dealer or cash buyer for the account of the consignor.

A copy of such record containing the above matters shall be forwarded to the consignor forthwith.

SEC. 5. Section 21, chapter 139, Laws of 1959 and RCW 20.01.210 are each repealed and reenacted to read as follows:

RCW 20.01.210 amended.

Before the license is issued to any commission merchant and/or dealer the applicant shall execute

Commission merchants, dealers. Bonds.

Commission
merchants,
dealers.
Bonds.

and deliver to the director a surety bond executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Such bond shall be in the sum of seven thousand five hundred dollars for a commission merchant or any dealer handling livestock, hay, grain, or straw and a bond in the sum of three thousand dollars for any other dealer. Such bond shall be of a standard form and approved by the director as to terms and conditions. Said bond shall be conditioned that the principal will not commit any fraudulent act and will comply with the provisions of this chapter and the rules and regulations adopted hereunder. Said bond shall be to the state for the benefit of every consignor of an agricultural product. The total and aggregate liability of the surety for all claims upon the bond shall be limited to the face of such bond. Every bond filed with and approved by the director shall without the necessity of periodic renewal remain in force and effect until such time as the license of the licensee is revoked for cause or otherwise canceled. All such sureties on a bond, as provided herein, shall only be released and discharged from all liability to the state accruing on such bond upon compliance with the provisions of RCW 19.72.110 concerning notice and proof of service, as enacted or hereafter amended, but this shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration period provided for in RCW 19.72.110 concerning notice and proof of service as enacted or hereafter amended, and unless the principal shall before the expiration of such period, file a new bond, the director shall forthwith cancel the principal's license.

SEC. 6. There is hereby added to chapter 139, Laws of 1959 and to chapter 20.01 RCW the following new section: New section.

If an applicant for a commission merchant's and/or dealer's license is bonded as a livestock dealer under the provisions of the Packers and Stockyards Act of 1921 (7 U.S.C. 181) as amended on the effective date of this act, and acts as a commission merchant and/or a dealer only in livestock as defined in said Packers and Stockyards Act of 1921 (7 U.S.C. 181), the director may accept such bond in lieu of the bond required in section 5 of this amendatory act as good and sufficient and issue the applicant a license limited solely to dealing in livestock: *Provided*, That the applicant shall furnish the director with a bond approved by the United States secretary of agriculture naming the director as trustee. Such bond shall be in a sum equal to or greater than the sum of the bond required in section 5 of this amendatory act, and subject to the same requirements for notice and cancellation of a bond in said section 5 of this amendatory act. It shall be a misdemeanor for the licensee to act as a commission merchant and/or dealer in any other agricultural commodity without first having notified the director and furnishing him with a bond as required under the provisions of section 5 of this amendatory act and failure to furnish the director with such bond shall be cause for the immediate suspension of the licensee's license, and revocation subject to a hearing. Bond under federal act in lieu of commission merchant or dealer's bond—Requisites.

SEC. 7. There is hereby added to chapter 139, Laws of 1959 and to chapter 20.01 RCW the following new section: New section.

Upon any bond claim being denied by the director the claimant must appeal such action to the superior court in the county where this claimant resides within sixty days after receipt of written Appeal upon denial of bond claim.

notice of such rejection or such rejection shall become final and binding upon the claimant.

New section.

SEC. 8. There is hereby added to chapter 139, Laws of 1959 and to chapter 20.01 RCW the following new section:

Vehicle weights to be obtained.

Every dealer and commission merchant dealing in hay or straw shall obtain a certified vehicle tare weight notwithstanding RCW 15.80.160, and a certified vehicle gross weight for each load hauled.

New section.

SEC. 9. There is hereby added to chapter 139, Laws of 1959 and to chapter 20.01 RCW the following new section:

Dealers in livestock, hay, grain or straw to be licensed.

Any person who deals in livestock, hay, grain or straw, other than the producer or grower thereof, shall license as a dealer or commission merchant and shall be subject to all the provisions of this chapter regulating such a licensee.

Beneficial insects. Declaration of—Regulation of movement.

SEC. 10. The director of agriculture in order to protect the production of native and/or domestic plants or their products in this state, may declare ladybugs or any other insects to be beneficial insects and necessary to maintain a beneficial biological balance over insects which are detrimental to such native and/or domestic plants or their products. Such declaration shall be made only after a hearing as prescribed in the Administrative Procedure Act, chapter 34.04 RCW.

Upon declaring ladybugs or other insects to be beneficial insects the director of agriculture may regulate or prohibit the commercial movement of such beneficial insects from this state.

Cooperation with other governmental agencies.

SEC. 11. The director of agriculture may cooperate and enter into agreements with governmental agencies, other states, and agencies of the federal government to carry out the purposes and provisions of sections 10 through 15 of this act or rules adopted hereunder.

SEC. 12. The director of agriculture may bring an action to enjoin the violation of any provision of sections 10 through 15 of this act or rule adopted pursuant to said sections in the county where such violation has occurred, notwithstanding the existence of any other remedies at law.

Injunctive
process
available.

SEC. 13. The provisions of sections 10 through 15 of this act shall not apply to honey bees or to those beneficial insects used for research purposes.

Exceptions.

SEC. 14. Any person violating the provisions of sections 10 through 15 of this act or rules adopted hereunder is guilty of a misdemeanor and guilty of a gross misdemeanor for any subsequent offense, however, any offense committed more than five years after a previous conviction shall be considered a first offense.

Violations,
penalty.

SEC. 15. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Severability.

SEC. 16. Section 6, chapter 182, Laws of 1961 and RCW 16.65.420 are each amended to read as follows:

RCW 16.65.420
amended.

(1) Any application for a sales day or days for a new salesyard, and any application for a change of sales day or days or additional sales day or days for an existing yard shall be subject to approval by the director, subsequent to a hearing as provided for in this chapter and the director is hereby authorized to allocate these dates and type and class of livestock which may be sold on these dates. In considering the allocation of such sales days, the director shall give appropriate consideration, among other relevant factors, to the following:

Public live-
stock markets.
Sale dates,
special sales,
application
for.

- (a) The geographical area which will be affected;

Public live-stock markets. Sale dates, special sales, application for.

- (b) The conflict, if any, with sales days already allocated in the area;
- (c) The amount and class of livestock available for marketing in the area;
- (d) Buyers available to such market;
- (e) Any other conditions affecting the orderly marketing of livestock.

(2) No special sale shall be conducted by the licensee unless the licensee has applied to the director in writing fifteen days prior to such proposed sale and such sale date shall be approved at the discretion of the director.

New section.

SEC. 17. There is hereby added to chapter 107, Laws of 1959 and to chapter 16.65 RCW a new section to read as follows:

Sales of purebred livestock, application for.

A producer of purebred livestock may, upon obtaining a permit from the director, conduct a public sale of the purebred livestock on an occasional or seasonal basis on premises other than his own farm. Application for such special sale shall be in writing to the director for his approval at least fifteen days before the proposed public sale is scheduled to be held by such producer.

New section.

SEC. 18. There is hereby added to chapter 107, Laws of 1959 and to chapter 16.65 RCW a new section to read as follows:

Sales of horses and/or mules, license for.

The director shall have the authority to issue a license pursuant to the provisions of this chapter limited to the sale of horses and/or mules and to allocate a sales day or days to such licensee. The director is hereby authorized and directed to adopt regulations for facilities and sanitation applicable to such a license. The facility requirements of RCW 16.65-.360 shall not be applicable to such licensee's operation as provided for in this section.

SEC. 19. There is hereby added to chapter 107, Laws of 1959 and to chapter 16.65 RCW a new section to read as follows:

New section.

The director shall have the authority to grant a licensee an additional sales day or days limited to the sale of horses and/or mules and may if requested grant the licensee, by permit, the authority to have the sale at premises other than at his public live-stock market if the facilities are approved by the director as being adequate for the protection of the health and safety of such horses and/or mules. For the purpose of such limited sale the facility requirements of RCW 16.65.360 shall not be applicable.

Sales of horses and/or mules, additional days limited to.

Passed the House March 14, 1963.

Passed the Senate March 14, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 233.

[H. B. 389.]

STATE PUBLICATIONS DISTRIBUTION CENTER.

AN ACT relating to the publication of printed matter by state agencies; and making an effective date.

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

SECTION 1. As used in this act:

(1) "Print" includes all forms of printing and duplicating, regardless of format or purpose, with the exception of correspondence and interoffice memoranda.

Publications distribution center. Definitions.

(2) "Public document" means the annual and biennial reports required by law or by the governor which are bound in sets and titled Washington public documents.

(3) "State agency" includes every state office, officer, department, division, bureau, board, commis-

sion and agency of the state, and where applicable, all subdivisions of each.

(4) "State publication" includes any document, compilation, journal, law, resolution, bluebook, statute, code, register, pamphlet, list, book, proceedings, minutes, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory periodical or magazine issued in print by the state, the legislature, constitutional officers, or any state department, committee or other state agency supported wholly or in part by state funds.

Center created—Purpose—Rules.

SEC. 2. There is hereby created as a division of the state library, and under the direction of the state librarian, a state publications distribution center. The center shall promote the establishment of an orderly depository library system. To this end the state library commission shall make such rules and regulations as may be deemed necessary to carry out the provisions of this act.

Agency publications deposited.

SEC. 3. Every state agency may upon release deposit at least three copies of each of its state publications with the state library for record and depository purposes. Additional copies, in quantities as certified to the agencies by the state library and as required to meet the needs of the depository library system, shall also be deposited. Upon consent of the issuing state agency such state publications as are printed by the public printer shall be delivered directly to the center.

Center depository contracts—Requisites for depository library.

SEC. 4. The center shall enter into depository contracts with any municipal or county free library, state college or state university library, the library of any privately incorporated college or university in this state, the library of congress and the midwest inter-library center, and other state libraries. The requirements for eligibility to contract as a depository library shall be established by the state library

commission upon recommendations of the state librarian. The standards shall include and take into consideration the type of library, available housing and space for the publications, the number and qualifications of personnel, and availability for public use.

SEC. 5. The center shall publish and distribute regularly a list of available state publications, and may publish and distribute such other descriptive printed matter as will facilitate the distribution of state publications.

Center to publish list of publications.

SEC. 6. Upon request by the center, issuing state agencies shall furnish the center with a complete list of its current state publications and a copy of its mailing and/or exchange lists.

Agencies to furnish publications and mailing lists.

SEC. 7. This act shall not apply to nor affect the duties concerning publications distributed by, or officers of:

Exempted agencies.

- (1) The state law library;
- (2) The statute law committee and the code reviser; and
- (3) The secretary of state in connection with his duties under RCW 44.20.030 and 44.20.040.

SEC. 8. The effective date of this act shall be July 1, 1963.

Effective date.

Passed the House March 13, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 234.

[H. B. 404.]

FOOD FISH AND SHELLFISH—CONSERVATION OF
SALMON RESOURCES IN PACIFIC OCEAN.

AN ACT relating to the fisheries code of the state of Washington; and amending section 4, chapter 108, Laws of 1957 and RCW 75.12.220; amending section 5, chapter 108, Laws of 1957 and RCW 75.12.230; and adding a new section to chapter 108, Laws of 1957 and to chapter 75.12 RCW.

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

RCW 75.12.220 amended.

SECTION 1. Section 4, chapter 108, Laws of 1957 and RCW 75.12.220 are each amended to read as follows:

Fishing other than by troll gear or angling gear for salmon within international waters of Pacific Ocean unlawful, when.

It shall be unlawful for any citizen of this state to fish for or take, by the use of any type of net, any salmon within the international waters of the Pacific Ocean: *Provided*, That it shall be unlawful for any citizen of this state to fish for or take, by the use of gear other than troll gear or angling gear, any salmon within the international waters of the Pacific Ocean if California, Alaska, and Oregon pass laws or regulations prohibiting fishing by their respective citizens in the international waters of the Pacific Ocean with any gear other than troll gear or angling gear within one year from the date of passage of this act. Such laws or regulations shall be considered to be in effect upon receipt by the secretary of state of this state a certificate from each of the respective secretaries of state of Oregon, California, and Alaska setting forth copies of such laws or regulations and the date of their enactment. In any prosecution under this section, proof of the existence of such laws or regulations shall be made by filing copies of such certificates, certified by the director to be true copies, with the court. In any such prosecution, if written demand for proof of the existence of such laws or

regulations is not made by the defendant prior to commencement of trial, he shall be deemed to have waived his right to make such demand, and thereafter such laws or regulations shall be presumed to exist.

SEC. 2. Section 5, chapter 108, Laws of 1957 and RCW 75.12.230 are each amended to read as follows:

It shall be unlawful for any person to transport through the waters of the state wherein salmon net fishing is prohibited, or to have in his possession anywhere within the state, any salmon which were taken by any type of net within the international waters of the Pacific Ocean or within the territorial waters of this state or of another state, territory or country where such fishing is unlawful: It shall further be unlawful for any person, within the territorial waters of the Pacific Ocean where salmon net fishing is prohibited, to possess any salmon on board any vessel carrying a net of a type named in chapter 75.28, unless accompanied by a certificate issued under the authority of this state or of another state, territory, or country showing that such salmon have been lawfully taken therein: *Provided*, That it shall be unlawful for any person to transport through the waters of the state wherein salmon fishing by the use of any type of fishing gear other than troll lines or angling gear is prohibited, or to have in his possession anywhere within the state, any salmon which were taken by any type of fishing gear other than troll lines or angling gear within the international waters of the Pacific Ocean or within the territorial waters of this state or of another state or country where such fishing is unlawful: It shall further be unlawful for any person, within the territorial waters of the Pacific Ocean where salmon fishing by any type of fishing gear other than troll lines or angling gear is prohibited, to possess any salmon on board any vessel carrying any fishing gear of a type other

RCW 75.12.230 amended.

Possession, transportation, of salmon taken other than by troll gear or angling gear unlawful, when.

Proviso.

than troll lines or angling gear, unless accompanied by a certificate issued under authority of this state or of another state, territory, or country showing that such salmon have been lawfully taken therein if California, Alaska and Oregon pass laws or regulations similarly prohibiting possession and transportation within their respective states within one year from the date of passage of this act. Such laws or regulations shall be considered to be in effect upon receipt by the secretary of state of this state a certificate from each of the respective secretaries of state of Oregon, California and Alaska setting forth copies of such laws or regulations and the date of their enactment. In any prosecution under this section, proof of the existence of such laws or regulations shall be made by filing copies of such certificates, certified by the director to be true copies, with the court. In any such prosecution, if written demand for proof of the existence of such laws or regulations is not made by the defendant prior to commencement of trial, he shall be deemed to have waived his right to make such demand, and thereafter such laws or regulations shall be presumed to exist.

New section.

SEC. 3. There is added to chapter 108, Laws of 1957 and to chapter 75.12 RCW a new section to read as follows:

Salmon in Pacific Ocean. Permits to fish with gear similar to that of vessels of foreign nations— Exception.

If upon investigation by the director of the department of fisheries it is found that vessels of foreign nations are fishing in the international waters of the Pacific Ocean contrary to the provisions of chapter 75.12 RCW, the director may by special permit authorize the citizens of this state who possess commercial salmon licenses to fish for, take and possess salmon with gear similar to that operated by the vessels of the foreign nations so fishing: *Provided*, That the director shall not issue any such permits if the vessels of foreign nations are fishing for salmon

Proviso.

in international waters of the Pacific Ocean in conformity with treaty agreements with the United States.

Passed the House March 13, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 235.

[H. B. 303.]

PHYSICAL EDUCATION.

AN ACT relating to physical education; and amending section 5, chapter 89, Laws of 1919, section 2, chapter 89, Laws of 1919, as amended by section 1, chapter 78, Laws of 1923 and RCW 28.05.040.

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

SECTION 1. Section 5, chapter 89, Laws of 1919, section 2, chapter 89, Laws of 1919, as amended by section 1, chapter 78, Laws of 1923 (heretofore combined and codified as RCW 28.05.040) are each amended to read as follows:

RCW 28.05.040 amended.

All high schools of the state and community colleges shall, and all state colleges, the University of Washington and the Washington State University, shall, each of them, emphasize the work of physical education, and shall carry into effect all such courses provided by the state board of education; which shall provide for a minimum of ninety minutes in each school week: *Provided*, That individual students may be excused on account of physical disability, employment or religious belief, or because of participation in directed athletics or military

Physical education in high schools and higher institutions.

Proviso.

Proviso.

science and tactics: *Provided further*, That individual high school students shall be excused therefrom upon the written request of parents or guardians.

Passed the House March 8, 1963.

Passed the Senate March 7, 1963.

Approved by the Governor March 26, 1963, with the exception of a certain item in Section 1, which was vetoed.

Veto message,
excerpt.

NOTE: This act as passed by the Legislature purported to strike the last proviso. However, such action was vetoed by the Governor. The Governor's explanation of such partial veto is as follows:

"This bill makes mandatory at all high schools of the state and all institutions of higher learning, including community colleges, physical education for a minimum of ninety minutes during each school week. I am in full accord with the requirement that all of our youngsters should benefit from an adequate physical education program, such as is demanded by this bill.

"Originally, the bill contained the following item: 'PROVIDED FURTHER, That individual high school students shall be excused therefrom upon the written request of parents or guardians.' This item was stricken by the Legislature. While I strongly believe that high school students should receive adequate physical education, I am equally convinced that parents of students are in a better position than the school authorities to determine whether good reasons exist why their children should be excused from such a program.

"For this reason the item quoted is vetoed, thereby restoring the the language quoted in the preceding paragraph, and the remainder of House Bill No. 303 is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 236.

[Sub. S. B. 415.]

RETAIL INSTALLMENT SALES OF GOODS AND SERVICES.

AN ACT relating to and regulating retail installment sales of goods and services; amending section 1, chapter 106, Laws of 1893 as last amended by section 1, chapter 159, Laws of 1961 and RCW 63.12.010; prescribing penalties; and providing an effective date.

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

SECTION 1. In this act, unless the context otherwise requires:

Retail installment sales of goods and services.
Definitions.

(1) "Goods" means all chattels personal when purchased primarily for personal, family or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(2) "Services" means work, labor or services of any kind when purchased primarily for personal, family or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair or improvement of goods and includes repairs, alterations or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer

Retail installment sales of goods and services.
Definitions.

or official of either as in the case of transportation services;

(3) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(4) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(5) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract or a retail charge agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid balance in one or more installments;

(6) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease;

(7) "Retail charge agreement," "revolving charge agreement" or "charge agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions which may be made thereunder from time to time

and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(8) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs or official fees;

(9) "Cash sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction, if the sale had been a sale for cash. The cash sale price may include any taxes, registration and license fees, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations or improvements;

(10) "Official fees" means the amount of the fees prescribed by law for filing, recording or otherwise perfecting, and releasing or satisfying, a retained title, lien or other security interest created by a retail installment transaction;

(11) "Time balance" means the principal balance plus the service charge;

(12) "Principal balance" means the cash sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance and official fees;

(13) "Person" means an individual, partnership, joint venture, corporation, association or any other group, however organized;

(14) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

Retail installment sales of goods and services. Contracts, as single document, size, signatures and date.

Proviso.

SEC. 2. Every retail installment contract shall be contained in a single document which shall contain the entire agreement of the parties including any promissory notes or other evidences of indebtedness between the parties relating to the transaction, except as provided in sections 5, 6 and 11: *Provided*, That where the buyer's obligation to pay the time balance is represented by a promissory note secured by a chattel mortgage, the promissory note may be a separate instrument if the mortgage recites the amount and terms of payment of such note and the promissory note recites that it is secured by a mortgage: *Provided, further*, That in a transaction involving the repair, alteration or improvement upon or in connection with real property, the contract may be secured by a mortgage on the real property contained in a separate document. Home improvement retail sales transactions which are financed or insured by the Federal Housing Administration are not subject to this act.

Proviso.

The contract shall be dated, signed by the retail buyer and completed as to all essential provisions, except as otherwise provided in sections 6 and 7 hereof. The printed or typed portion of the contract, other than instructions for completion, shall be in a size equal to at least eight point type.

Delivery of contract.

SEC. 3. The retail seller shall deliver to the retail buyer, or mail to him at his address shown on the retail installment contract, a copy of the contract as accepted by the seller. Until the seller does so, the buyer shall be obligated to pay only the cash sale price. Any acknowledgment by the buyer of delivery of a copy of the contract shall be in a size equal

to at least ten point bold type and, if contained in the contract, shall appear directly above the buyer's signature.

SEC. 4. The retail installment contract shall contain the names of the seller and the buyer, the place of business of the seller, the residence or other address of the buyer as specified by the buyer and a description or identification of the goods sold or to be sold, or services furnished or rendered or to be furnished or rendered. The contract also shall contain the following items, which shall be set forth in the sequence appearing below:

Contract contents.

(1) The cash sale price of each item of goods or services;

(2) The amount of the buyer's down payment, identifying the amounts paid in money and allowed for goods traded in;

(3) The difference between items (1) and (2);

(4) The aggregate amount, if any, included for insurance, specifying the type or types of insurance and the terms of coverage;

(5) The aggregate amount of official fees;

(6) The principal balance, which is the sum of items (3), (4) and (5);

(7) The dollar amount or rate of the service charge;

(8) The amount of the time balance owed by the buyer to the seller, which is the sum of items (6) and (7), if (7) is stated in a dollar amount; and

(9) Except as otherwise provided in the next two sentences, the maximum number of installment payments required and the amount of each installment and the due date of each payment necessary to pay such balance. If installment payments other than the final payment are stated as a series of equal scheduled amounts and if the amount of the final installment payment does not substantially exceed the scheduled amount of each preceding installment

Retail installment sales of goods and services. Contract contents.

payment, the maximum number of payments and the amount and due date of each payment need not be separately stated and the amount of the scheduled final installment payment may be stated as the remaining unpaid balance. The due date of the first installment payment may be fixed by a day or date or may be fixed by reference to the date of the contract or to the time of delivery or installation.

Additional items may be included to explain the calculations involved in determining the balance to be paid by the buyer.

Contract as more than one document, when.

SEC. 5. A retail installment contract may be contained in more than one document, provided that one such document shall be an original document signed by the retail buyer, stated to be applicable to purchases of goods or services to be made by the retail buyer from time to time. In such case such document, together with the sales slip, account book or other written statement relating to each purchase, shall set forth all of the information required by section 4 and shall constitute the retail installment contract for each purchase. On each succeeding purchase pursuant to such original document, the sales slip, account book or other written statement may at the option of the seller constitute the memorandum required by section 11.

Contracts negotiated, entered into, by mail.

SEC. 6. Retail installment contracts negotiated and entered into by mail without personal solicitation by salesmen or other representatives of the seller and based upon a catalog of the seller, or other printed solicitation of business, if such catalog or other printed solicitation clearly sets forth the cash sale prices and other terms of sales to be made through such medium, may be made as provided in this section. The provisions of this act with respect to retail installment contracts shall be applicable to such sales, except that the retail installment con-

tract, when completed by the buyer need not contain the items required by section 4.

When the contract is received from the retail buyer, the seller shall prepare a written memorandum containing all of the information required by section 4 to be included in a retail installment contract. In lieu of delivering a copy of the contract to the retail buyer as provided in section 3, the seller shall deliver to the buyer a copy of such memorandum prior to the due date of the first installment payable under the contract: *Provided*, That if the catalog or other printed solicitation does not set forth all of the other terms of sales in addition to the cash sales prices, such memorandum shall be delivered to the buyer prior to or at the time of delivery of the goods or services. Proviso.

SEC. 7. The seller shall not obtain the signature of the buyer to any contract when it contains blank spaces of items which are essential provisions of the transaction except as provided in section 6: *Provided, however*, That if delivery of the goods is not made at the time of the execution of the contract, the identifying numbers or marks of the goods or similar information and the due date of the first installment may be inserted by the seller in the seller's counterpart of the contract after it has been signed by the buyer. Contracts to contain essential items before buyer signs.
Proviso.

SEC. 8. Notwithstanding the provisions of any retail installment contract to the contrary, and if the rights of the purchaser have not been terminated or forfeited under the terms of the contract, any buyer may prepay in full the unpaid time balance thereof at any time before its final due date and, if he does so, and if the contract is not in default under any term or condition of the contract more than two months, he shall receive a refund credit of the unearned portion of the service charge for such pre- Refund credit for unearned service charge, when —Computation.

payment. The amount of such refund credit shall be computed according to the "rule of seventy-eighths", that is it shall represent at least as great a proportion of the original service charge, after deducting therefrom a maximum of ten dollars where the cash sale price is one hundred dollars or less, fifteen dollars where the cash sale price is two hundred fifty dollars or less, twenty-five dollars where the cash sale price is five hundred dollars or less, or fifty dollars where the cash sale price is more than five hundred dollars, as the sum of the monthly or lesser periodic time balances beginning one month or lesser period after prepayment is made, bears to the sum of all the monthly or lesser periodic time balances under the schedule of payments in the contract. Where the amount of such refund credit is less than one dollar, no refund need be made.

Retail installment sales of goods and services. Delinquency or collection costs, when.

SEC. 9. The holder of any retail installment contract or retail charge agreement may not collect any delinquency or collection charges, including any attorney's fee and court costs and disbursements, unless the contract or charge agreement so provides. In such cases, the charges shall be reasonable, and no attorney's fee may be recovered unless the contract or charge agreement is referred for collection to an attorney not a salaried employee of the holder.

The contract or charge agreement may contain other provisions not inconsistent with the purposes of this act, including but not limited to provisions relating to refinancing, transfer of the buyer's equity, construction permits and title reports.

Buyer's receipt—
Buyer's statement of payments.

SEC. 10. A buyer shall be given a written receipt for any payment when made in cash. Upon written request of the buyer, the holder of a retail installment contract shall give or forward to the buyer a written statement of the dates and amounts of payments and the total amount unpaid under the con-

tract. Such a statement shall be given the buyer once without charge; if any additional statement is requested by the buyer, it shall be supplied by the holder at a charge not in excess of one dollar for each additional statement so supplied.

SEC. 11. (1) If, in a retail installment transaction, a retail buyer makes any subsequent purchases of goods or services from a retail seller from whom he has previously purchased goods or services under one or more retail installment contracts, and the amounts under such previous contract or contracts have not been fully paid, the subsequent purchases may, at the seller's option, be included in and consolidated with one or more of the previous contracts. All the provisions of this act with respect to retail installment contracts shall be applicable to such subsequent purchases except as hereinafter stated in this subsection. In the event of such consolidation, in lieu of the buyer's executing a retail installment contract respecting each subsequent purchase, as provided in this section, it shall be sufficient if the seller shall prepare a written memorandum of each such subsequent purchase, in which case the provisions of sections 2, 3 and 4 of this act shall not be applicable. Unless previously furnished in writing to the buyer by the seller, by sales slip, memoranda or otherwise, such memorandum shall set forth with respect to each subsequent purchase items (1) to (7) inclusive of section 4, and in addition, the amount of the time balance owed by the buyer to the seller for the subsequent purchase, the outstanding balance of the previous contract or contracts, the consolidated time balance, and the revised installments applicable to the consolidated time balance, if any, in accordance with section 4.

Consolidation
of subsequent
purchases in
contract—
Procedure.

The seller shall deliver to the buyer a copy of such memorandum prior to the due date of the first installment of such consolidated contract.

Retail installment sales of goods and services. Consolidation of subsequent purchases in contract—Procedure.

(2) When such subsequent purchases are made, if the seller has retained title or taken a lien or other security interest in any of the goods purchased under any one of the contracts included in the consolidation:

(a) The entire amount of all payments made prior to such subsequent purchases shall be deemed to have been applied on the previous purchases;

(b) *Where the amount of each installment payment is not increased in connection with such subsequent purchase, the subsequent payments shall be deemed to be allocated first to the previous purchases;*

(c) *Where the amount of each installment payment is increased in connection with such subsequent purchase, an amount equal to the original periodic payment shall be allocated first to the previous purchase, and the amount of such increase may, at the seller's option, be deemed to be allocated to the subsequent purchases;*

(d) The amount of any down payment on the subsequent purchase shall be allocated in its entirety to such subsequent purchase.

The provisions of this subsection shall not apply to cases where such previous and subsequent purchases involve equipment, parts, or other goods attached or affixed to goods previously purchased and not fully paid, or to services in connection therewith rendered by the seller at the buyer's request.

SEC. 12. (1) At or prior to the time a retail charge agreement is made the seller shall advise the buyer in writing, on the application form or otherwise, or orally that a service charge will be computed on the outstanding balance for each month (which need not be a calendar month) or other regular period agreed upon, the schedule or rate by which the service charge will be computed, and that the buyer may at any time pay his total unpaid balance: *Provided*, That if this information is given orally, the

Vetoed.

Service charges, requisites for.

Proviso.

seller shall, upon approval of the buyer's credit, deliver to the buyer or mail to him at his address, a memorandum setting forth this information.

(2) The seller or holder of a retail charge agreement shall promptly supply the buyer with a statement as of the end of each monthly period (which need not be a calendar month) or other regular period agreed upon, in which there is any unpaid balance thereunder, which statement shall set forth the following:

(a) The unpaid balance under the retail charge agreement at the beginning and at the end of the period;

(b) Unless otherwise furnished by the seller to the buyer by sales slip, memorandum, or otherwise, a description or identification of the goods or services purchased during the period, the cash sale price and the date of each purchase;

(c) The payments made by the buyer to the seller and any other credits to the buyer during the period;

(d) The amount, if any, of any service charge for such period; and

(e) A legend to the effect that the buyer may at any time pay his total unpaid balance.

SEC. 13. The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved or contracted therefor.

Service charge
inclusive.

SEC. 14. If the cost of any insurance is included in the retail installment contract or retail charge agreement:

Insurance as
part of
contract—
Procedure.

(1) The contract or agreement shall state the nature, purpose, term, and amount of such insurance, and in connection with the sale of a motor

Retail installment sales of goods and services. Insurance as part of contract—Procedure.

vehicle, the contract shall state that the insurance coverage ordered under the terms of this contract does not include “bodily injury liability,” “public liability,” and “property damage liability” coverage, where such coverage is in fact not included;

(2) The contract or agreement shall state whether the insurance is to be procured by the buyer or the seller;

(3) The amount, included for such insurance, shall not exceed the premiums chargeable in accordance with the rate fixed for such insurance by the insurer, except where the amount is less than one dollar;

(4) If the insurance is to be procured by the seller or holder, he shall, within forty-five days after delivery of the goods or furnishing of the services under the contract, deliver, mail or cause to be mailed to the buyer, at his address as specified in the contract, a notice thereof or a copy of the policy or policies of insurance or a certificate or certificates of the insurance so procured.

Buyer's agreement not to assert claim or defense void.

SEC. 15. No provision of a retail installment contract or retail charge agreement shall be valid by which the buyer agrees not to assert against the seller or against an assignee a claim or defense arising out of the sale.

Buyer cannot waive rights under law.

SEC. 16. No act or agreement of the retail buyer before or at the time of the making of a retail installment contract, retail charge agreement or purchases thereunder shall constitute a valid waiver of any of the provisions of this act or of any remedies granted to the buyer by law.

Violations—Penalty.

SEC. 17. Any person who shall wilfully and intentionally violate any provision of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more

than six months, or both. Violation of any order or injunction issued pursuant to this act shall constitute prima facie proof of a violation of this section.

SEC. 18. Any seller who enters into any contract or agreement which does not comply with the provisions of this act or who violates any provision of this act except as a result of an accidental or bona fide error shall be barred from the recovery of any service charge, official fees, or any delinquency or collection charge under or in connection with the related retail installment contract or purchases under a retail charge agreement; but the seller may nevertheless recover from the buyer an amount equal to the cash price of the goods or services and the cost to the seller of any insurance included in the transaction.

Violation as bar to recovery by seller of certain fees.

SEC. 19. The attorney general or the prosecuting attorney may bring an action in the name of the state against any person to restrain and prevent any violation of this act.

Enforcing officers.

SEC. 20. In the enforcement of this act, the attorney general may accept an assurance of discontinuance of any act or practice deemed in violation of this act, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this act for the purpose of securing any injunction as provided in section 19 and for the purpose of section 18 hereof: *Provided*, That after commencement of any action by a prosecuting attorney, as provided herein, the attorney general may not accept an assur-

Assurance of discontinuance—Effect on failure to perform.

Proviso.

ance of discontinuance without the consent of the prosecuting attorney.

Retail installment sales of goods and services. Civil penalty upon violation of order or injunction.

SEC. 21. Any person who violates any order or injunction issued pursuant to this act shall forfeit and pay a civil penalty of not more than one thousand dollars. For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general acting in the name of the state may petition for the recovery of civil penalties.

RCW 63.12.010 amended.

SEC. 22. Section 1, chapter 106, Laws of 1893 as last amended by section 1, chapter 159, Laws of 1961, and RCW 63.12.010 are each amended to read as follows:

Conditional sales contract absolute unless contract filed—Exceptions.

All conditional sales of personal property, or leases thereof, containing a conditional right to purchase, where the property is placed in the possession of the vendee, shall be absolute as to all bona fide purchasers, pledgees, mortgagees, encumbrancers and subsequent creditors, whether or not such creditors have or claim a lien upon such property, unless within twenty days after the taking of possession by the vendee, a memorandum of such sale, stating its terms and conditions, signed by the vendor and vendee, and if applicable conforming to the credit disclosure act of 1963, shall be filed in the auditor's office of the county, wherein, at the date of the vendee's taking possession of the property, the vendee resides. Every such contract for the conditional sale or lease of any personal property, except machinery, apparatus or equipment to be used for manufacturing or industrial purposes, attached or to be attached to a building, whether a fixture at common law or not, shall be absolute as to all subsequent bona fide purchasers or encumbrancers of such building and the land on which it stands, unless such contract or lease shall also contain a sufficient legal description

of the real estate which said building occupies, and shall be filed and recorded as provided in RCW 63.12.020: *Provided, however,* That nothing in this section contained shall be construed to require such filing or recording of any conditional sale of personal property or lease thereof containing a conditional right to purchase, wherein the total designated unpaid purchase price does not exceed the sum of two hundred and fifty dollars and such contracts or leases shall be valid as to all bona fide purchasers, pledgees, mortgagees, encumbrancers and subsequent creditors: *Provided, further,* That in computing said "total designated unpaid purchase price" there shall be added to said purchase price designated in any such contract the designated unpaid purchase price set forth in any other contract of conditional sale executed between the same vendor and vendee as a part of the same transaction and if the total of all exceeds said sum of two hundred and fifty dollars each of said contracts of conditional sale shall be absolute as hereinabove provided unless filed or filed and recorded as hereinabove provided.

Proviso.

Proviso.

SEC. 23. If any provision of this act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the act and the applicability thereof to other persons and circumstances shall not be affected thereby.

Severability.

SEC. 24. The provisions of this act shall not invalidate or make unlawful retail installment contracts or retail charge agreements executed prior to the effective date hereof.

Prior contracts, agreements, unaffected.

SEC. 25. This act shall take effect October 1, 1963.

Passed the Senate March 6, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 26, 1963, with

the exception of Subsection (b), and Subsection (c) of Section 11 which were vetoed.

Veto message,
excerpt.

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

"This bill is approved with the exception of the items designated Subsections (b) and (c), page nine, of Section 11, Subsection 2.

"Substitute Senate Bill No. 415 deals in a comprehensive manner with the subject of retail installment contracts and sales. It is a consumer protection bill in a manner similar to a bill which I caused to be introduced by executive request during the 1961 legislative session. It allows the consumer to know exactly the terms of his contract and the service charges he pays thereon.

"Section 11 (2), Subsections (b) and (c) read as follows:

"(b) Where the amount of each installment payment is not increased in connection with such subsequent purchase, the subsequent payments shall be deemed to be allocated first to the previous purchases;

"(c) Where the amount of each installment payment is increased in connection with such subsequent purchase, an amount equal to the original periodic payment shall be allocated first to the previous purchase, and the amount of such increase may, at the seller's option, be deemed to be allocated to the subsequent purchases;"

"I have received a great deal of correspondence from retail merchants and finance companies handling their contracts, opposing these sections on the grounds that the enactment of these two sections would unduly hamper and curtail 'add on' credit sales, thereby depriving the customers of necessary items of purchase. Such curtailment of purchases would necessarily have a depressing effect upon the economy of the state.

"I have come to the conclusion that the objections which have been raised to these two subsections are meritorious and I, therefore, veto these two subsections of Section 11 (2) of Substitute Senate Bill No. 415. The remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 237.

[S. B. 99.]

ADMINISTRATIVE PROCEDURE ACT—LIQUOR
CONTROL BOARD.

AN ACT relating to administrative procedure of state agencies; including the liquor control board within the scope of the administrative procedures act; and amending section 15, chapter 234, Laws of 1959 and RCW 34.04.150.

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

SECTION 1. Section 15, chapter 234, Laws of 1959 and RCW 34.04.150 are each amended to read as follows:

RCW 34.04.150 amended.

This chapter shall not apply to the state militia or the board of prison terms and paroles. The provisions of RCW 34.04.090 through 34.04.130 shall not apply to the board of industrial insurance appeals, the state board of equalization or the insurance commissioner or the state tax commission. The provisions of RCW 34.04.060, 34.04.070 and 34.04.080 shall not apply to the department of public assistance.

Administrative procedure act. Exclusions from chapter or parts of chapter.

Passed the Senate January 31, 1963.

Passed the House March 10, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 238.

[S. B. 182.]

LIENS—PUBLIC WORKS—RETAINED PERCENTAGE.

AN ACT relating to contracts for public works; and amending section 1, chapter 166, Laws of 1921, as amended by section 1, chapter 236, Laws of 1955, and RCW 60.28.010.

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

RCW 60.28.010 amended.

SECTION 1. Section 1, chapter 166, Laws of 1921, as amended by section 1, chapter 236, Laws of 1955, and RCW 60.28.010 are each amended to read as follows:

Lien for labor, material, taxes on public works.

Contracts for public improvements or work by the state, or any county, city, town, district, board, or other public body, shall provide, and there shall be reserved from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum equal to ten percent of such estimates, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 which may be due from such contractor. Said fund shall be retained for a period of thirty days following the final acceptance of said improvement or work as completed, and every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said fund so reserved, provided such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 through 39.08.060 as now

existing and in accordance with any amendments that may hereafter be made thereto: *Provided, however,* That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body, at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments subsequently made in full: *Provided further, That on completion and acceptance of each separate building or public work, upon which the price is stated separately in the contract, payment may be made in full, including the retained percentage thereon, less authorized deductions, in the same manner as if the entire contract had been completed and accepted.* The provisions of this chapter shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

Proviso.

Words in italics vetoed.

Passed the Senate February 23, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963, with the exception of a certain item in Section 1, which was vetoed.

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

"This bill amends the present law requiring that governmental units withhold fifteen percent of amounts earned by contractors during the progress of construction projects as a trust fund for the benefit of lienholders. As amended by this bill, the percentage of retained earnings is reduced from fifteen percent to ten percent.

Veto message, excerpt.

"The legislature also added two new provisos. The first allows an officer acting for a governmental unit to pay a contractor all amounts previously retained after fifty percent of the work has been completed. By adding this proviso, the effective retained percentage at the completion of the contract could be five percent of the original price.

"The second proviso states that payment could be made in full on any completed portion that was treated as a separate price item in the contract in the same manner as if the entire contract had been completed and accepted. If this second proviso were to remain, it is possible that the retained trust fund would be substantially less than five percent of the total contract price and would be insufficient to meet either tax liens or labor and materialman's liens; thus the primary purpose of the law would be curtailed if not lost.

"For the foregoing reasons, the item contained in the second proviso of Section 1 is vetoed and the remainder of Senate Bill No. 182 is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 239.

[S. B. 582.]

LIQUOR CONTROL BOARD—ADMINISTRATIVE EXPENSES—GENERAL POWERS.

AN ACT relating to intoxicating liquor and the control and regulation thereof; amending section 4, chapter 6, Laws of 1961 extraordinary session and RCW 66.08.026; and amending section 69, chapter 62, Laws of 1933 extraordinary session, as amended by section 10, chapter 174, Laws of 1935, and RCW 66.08.050; and declaring an emergency.

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

RCW 66.08.026 amended.

SECTION 1. Section 4, chapter 6, Laws of 1961 extraordinary session and RCW 66.08.026 are each amended to read as follows:

Liquor control board. Payment of administrative expenses—Scope.

All administrative expenses of the board incurred on and after April 1, 1963 shall be appropriated and paid from the liquor revolving fund. These administrative expenses shall include, but not be limited to: The salaries and expenses of the board and its employees, the cost of establishing, leasing, maintaining, and operating state liquor stores and warehouses, legal services, annual or other audits, and other general costs of conducting the business of the board. The administrative expenses shall not, however, be deemed to include costs of liquor purchased, the cost of transportation and delivery to the point of distribution, other costs pertaining to the acquisition and receipt of liquor, packaging and repackaging of liquor, sales tax, and those amounts distributed pursuant to RCW 66.08.180, 66.08.190, 66.08.200, 66.08.210 and 66.08.220.

Severability.

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.

SEC. 3. Section 69, chapter 62, Laws of 1933 extraordinary session, as amended by section 10, chapter 174, Laws of 1935, and RCW 66.08.050 are each amended to read as follows:

RCW 66.08.050 amended.

The board, subject to the provisions of this title and the regulations, shall

Powers of board in general.

(1) determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

(2) to appoint in incorporated cities and towns, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this title as the board may require;

(3) establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(4) *arrange with the department of general administration as prescribed in RCW 43.82.010, to* provide for the leasing for periods not to exceed five years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board; *department of general administration;*

Words in italics vetoed.

Words in italics vetoed; veto also restored the word "board".

(5) determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(6) execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

Liquor control board— Powers of, in general.

(7) pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

(8) require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

(9) perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor.

Emergency.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 2, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963, with the exception of certain items in Section 3, which were vetoed.

Veto message, excerpt.

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

"This bill provides that the administrative expenses of the Liquor Control Board be appropriated and paid directly from the Liquor Revolving Fund.

"Section 3, subsection (4) of this bill as amended would take from the Liquor Control Board the power of leasing stores and providing furnishings, fixtures and supplies, and would turn over these functions to be administered by the Department of General Administration.

"I am neither unaware nor unmindful of the fact that this proposed legislation is based upon some dissatisfaction with some of the past practices of the Liquor Control Board in exercising its leasing functions. On the other hand, it would require an additional appropriation of some \$30,000 from the General Fund to have the Department of General Administration handle this part of the business of the Liquor Control Board. In addition, to take the leasing functions away from the Liquor Board would destroy its functional administrative unity.

"For these reasons, I believe it to be in the best public interest to have the Liquor Control Board continue to exercise the leasing powers given to it by law, and the items added by the new language in Section 3, subsection (4), is vetoed. The remainder of Senate Bill No. 582 is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 240.

[H. B. 109.]

STATE HIGHWAYS—P.S.H. NO. 6—SPORT FISHING,
HOOD CANAL BRIDGE.

AN ACT relating to highways; and amending section 47.16.060, chapter 13, Laws of 1961 and RCW 47.16.060; and adding a new section to chapter 13, Laws of 1961 and chapter 47.56 RCW.

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

SECTION 1. Section 47.16.060, chapter 13, Laws of 1961 and RCW 47.16.060 are each amended to read as follows:

RCW 47.16.060 amended.

A primary state highway to be known as primary state highway No. 6, or the Newport highway, is established as follows: Beginning at a junction with primary state highway No. 3, in the vicinity north of Spokane, thence in a northerly direction by way of Newport and Metaline Falls to the international boundary line; also beginning at Newport on primary state highway No. 6, thence in an easterly direction to the Washington-Idaho boundary line, thence southerly along said boundary line to Fourth Street in Newport.

Primary highway No. 6 or Newport highway.

SEC. 2. There is added to chapter 13, Laws of 1961 and to chapter 47.56 RCW a new section to read as follows:

New section.

The Washington toll bridge authority *and the Washington state highway commission* may permit public sport fishing from the Hood Canal bridge. The commission may establish and promulgate rules and regulations governing public use of the bridge for sport fishing to the end that such activity shall not interfere with the primary use and operation of the bridge as a highway facility. Notwithstanding the provisions of RCW 4.92.090 or any other statute im-

Words in italics vetoed.

Public sport fishing from Hood Canal bridge.

Public sport fishing from Hood Canal bridge.

posing liability upon the state of Washington, the state hereby disclaims any liability arising out of loss or injury in connection with the public use of the aforesaid bridge for sport fishing purposes.

Passed the House March 13, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 26, 1963, with the exception of a certain item in Section 2, which was vetoed.

Veto message, excerpt.

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

"Section 2 of this bill provides that the Washington Toll Bridge Authority and the Washington State Highway Commission jointly may permit public sport fishing from the Hood Canal bridge. While I agree that it is most desirable to use every available facility for recreational purposes if possible, I doubt that the decision to authorize fishing is of sufficient magnitude to require the permission of two distinct administrative units. This requirement violates sound administrative practices, and reduces governmental efficiency.

"For the foregoing reasons, an item in Section 2 requiring permission from the Highway Commission is vetoed and the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 241.

[H. B. 33.]

PUBLIC DOCUMENTS—PRESERVATION.

AN ACT relating to the preservation of essential public documents of the state of Washington; and imposing a fee upon the filing of certain documents with the secretary of state.

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

Preservation of public documents. Records selected, reproduced.

SECTION 1. In order to provide for the continuity and preservation of civil government, each elected and appointed officer of the state shall designate those public documents which are essential records of his office and shall transmit the original or a copy of such document to the state archivist for reproduction by microfilm or other miniature photographic process.

SEC. 2. The state archivist is authorized to reproduce those documents designated as essential records by the several elected and appointed officials of the state by microfilm or other miniature photographic process and to assist and cooperate in the storage and safeguarding of such reproductions in such place as is recommended by the state director of civil defense. The state archivist is authorized to charge the several departments of the state government the actual cost incurred in reproducing such documents: *Provided*, That nothing herein shall authorize the destruction of the originals of such documents after reproduction thereof.

Reproduction
by archivist.
fees—Storage.

Proviso.

Sec. 3. On each of the documents for which a fee is provided in RCW 43.07.120, the secretary of state shall collect an additional fee of ten cents to be known as and referred to as a preservation of documents fee.

Vetoed.

All fees herein enumerated must be collected in advance.

Passed the House March 12, 1963.

Passed the Senate March 11, 1962.

Approved by the Governor March 26, 1963, with the exception of Section 3, which was vetoed.

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

"House Bill No. 33 requires elected and appointed state officers to designate those public documents which are essential records and requires these officials to transmit such documents to the State Archivist for reproduction by microfilm or other miniature photographic process.

"Section 3 requires the Secretary of State to collect in advance an additional fee of ten cents on all documents for which a filing fee is required in his office. The Secretary of State has pointed out to me that the requirement of the payment of the additional fee will create widespread confusion and force the return of thousands of filings at great inconvenience and expense. I believe the point of view of the Secretary of State is well taken and for this reason, Section 3 of House Bill No. 33 is vetoed and the remainder is approved."

Veto message,
excerpt.

ALBERT D. ROSELLINI,
Governor.

CHAPTER 242.

[H. B. 273.]

MOTOR FREIGHT CARRIERS.

AN ACT relating to public service companies; and amending sections 81.80.070 and 81.80.170, chapter 14, Laws of 1961 and RCW 81.80.070 and RCW 81.80.170; adding three new sections to 81.80 RCW.

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

RCW 81.80.070 amended.

SECTION 1. Section 81.80.070, chapter 14, Laws of 1961, and RCW 81.80.070 are each amended to read as follows:

Motor freight carriers. Grant or denial of permit.

No "common carrier," "contract carrier," or "temporary carrier" shall operate for the transportation of property for compensation in this state without first obtaining from the commission a permit so to do. Permits heretofore issued or hereafter issued to any carrier, shall be exercised by said carrier to the fullest extent so as to render reasonable service to the public. Applications for common or contract carrier permits or extensions thereof shall be on file for a period of at least thirty days prior to the granting thereof unless the commission finds that special conditions require the earlier granting thereof.

A permit or extension thereof shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able properly to perform the services proposed and conform to the provisions of this chapter and the requirements, rules and regulations of the commission thereunder, and that such operations will be consistent with the public interest, and, in the case of common carriers, that the same are or will be required by the present or future public convenience and necessity, otherwise such application shall be denied.

Nothing contained in this chapter shall be construed to confer upon any person or persons the exclusive right or privilege of transporting property for compensation over the public highways of the state.

SEC. 2. Section 81.80.170, chapter 14, Laws of 1961, and RCW 81.80.170 are each amended to read as follows: RCW 81.80.170 amended.

The commission may issue temporary permits to temporary "common carriers" or "contract carriers" for a period not to exceed one hundred eighty days, but only after it finds that the issuance of such temporary permits is consistent with the public interest. It may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this chapter. Temporary permits.

The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common carriers or contract carriers.

SEC. 3. Hearings on applications shall be heard in the county or adjoining county of the residence of the applicant. Hearings on applications, where heard.

SEC. 4. Appeals from rulings and orders shall be heard in the superior court of the county of the residence of the applicant or Thurston County at the option of the applicant. Appeals, where heard.

SEC. 5. A permit or extension thereof for hauling unprocessed or unmanufactured agricultural commodities and livestock for a distance not to exceed eighty miles from the point of production to primary Permit for hauling agricultural commodities and livestock.

markets shall be issued to any qualified applicant therefor, authorizing the whole or part of the operations covered by the application, if it is found that the applicant is fit, willing, and able properly to perform the services proposed and conform to the provisions of this chapter and the requirements, rules and regulations of the commission thereunder, and that such operations will be consistent with the public interest.

Passed the House March 11, 1963.

Passed the Senate March 10, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 243.

[H. B. 153.]

LAKES—WATER LEVEL.

AN ACT relating to water rights; and amending section 4, chapter 107, Laws of 1939, as last amended by section 2, chapter 258, Laws of 1959, and RCW 90.24.030.

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

RCW 90.24.030 amended.

SECTION 1. Section 4, chapter 107, Laws of 1939, as last amended by section 2, chapter 258, Laws of 1959, and RCW 90.24.030 are each amended to read as follows:

Regulation of outflow of lakes. Title of petition—Service and publication of petition and notice.

The petition shall be entitled "In the matter of fixing the level of Lake in county, Washington", and shall be filed with the clerk of the court and a copy thereof, together with a copy of the order fixing the time for hearing the petition, shall be served on each owner of property abutting on the lake, not less than ten days before the hearing. Like copies shall also be served upon the director of fisheries and of game and the supervisor of water resources. The copy of the petition and of the order fixing time for hearing

shall be served in the manner provided by law for the service of summons in civil actions, or in such other manner as may be prescribed by order of the court. For the benefit of every riparian owner abutting on a stream or river flowing from such lake, a copy of the notice of hearing shall be published at least once a week for two consecutive weeks before the time set for hearing in a newspaper in each county or counties wherein located, said notice to contain a brief statement of the reasons and necessity for such application.

Passed the House February 14, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 244.

[H. B. 53.]

RETAIL SALES TAX—VENDING MACHINE SALES.

AN ACT relating to revenue and taxation; amending section 82.08.010, chapter 15, Laws of 1961, and RCW 82.08.010; and amending section 82.08.080, chapter 15, Laws of 1961, and RCW 82.08.080.

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

SECTION 1. Section 82.08.010, chapter 15, Laws of 1961, and RCW 82.08.010 are each amended to read as follows:

For the purposes of this chapter:

(1) "Selling price" means the consideration, whether money, credits, rights, or other property, expressed in the terms of money paid or delivered by a buyer to a seller, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expenses whatsoever paid or accrued and without any deduction on

RCW 82.08.010
amended.

Retail sales
tax.
Definitions.

Retail sales tax. Definitions.

account of losses; but shall not include the amount of cash discount actually taken by a buyer; and shall be subject to modification to the extent modification is provided for in RCW 82.08.080;

(2) "Seller" means every person making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal;

(3) "Buyer" and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

(4) The meaning attributed in chapter 82.04 to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale sale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter.

RCW 82.08.080 amended.

SEC. 2. Section 82.08.080, chapter 15, Laws of 1961, and RCW 82.08.080 are each amended to read as follows:

Vending machine sales.

The commission may authorize a seller to pay the tax levied under this chapter upon sales made through vending machines and similar devices or where sales are made under conditions of business such as to render impracticable the collection of the tax as a separate item and waive collection of the tax from the customer. Where sales are made by receipt of a coin or coins dropped into a receptacle

that results in delivery of the merchandise in single purchases of smaller value than the minimum sale upon which a one cent tax may be collected from the purchaser, according to the schedule provided by the commission under authority of RCW 82.08-.060, and where the design of the sales device is such that multiple sales of items are not possible or cannot be detected so as practically to assess a tax, in such a case the selling price for the purposes of the tax imposed under RCW 82.08.020 shall be sixty percent of the gross receipts of the vending machine through which such sales are made. No such authority shall be granted except upon application to the commission and unless the commission, after hearing, finds that the conditions of the applicant's business are such as to render impracticable the collection of the tax in the manner otherwise provided. The commission, by regulation, may provide that the applicant, under this section, furnish a proper bond sufficient to secure the payment of the tax.

Passed the House March 2, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 245.

[H. B. 146.]

PLATS, SUBDIVISIONS AND DEDICATIONS—NOTICE AND HEARING.

AN ACT relating to the platting, subdivision and dedication of land; amending section 6, chapter 186, Laws of 1937 and RCW 58.16.050.

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

SECTION 1. Section 6, chapter 186, Laws of 1937 and RCW 58.16.050 are each amended to read as follows:

RCW 58.16.050
amended.

Plats, subdivisions and dedications, control of. Notice of hearing on application.

Whenever any such proposed plat, subdivision or dedication is submitted to any such city, town or county authority, the clerk or secretary thereof shall at once cause, at the expense of the person proposing such plat, subdivision or dedication, not less than three notices of a hearing thereof to be posted in conspicuous places on, or adjacent to the land proposed to be so platted or subdivided, giving notice of the time and place where such hearing is to be held, which notices shall be posted not less than seven days prior to the hearing thereof. Such authority may also give such additional notice by mail as it deems requisite to adjacent land owners or others. Any and all such hearings shall be open to the public, and may be held before the city council, or other legislative authority, or before a committee constituting a majority thereof. If the hearing is before a committee, the committee shall report its recommendation on the matter to the city council or other legislative authority for final action.

Passed the House February 22, 1963.

Passed the Senate March 11, 1963.

Approved by the Governor March 26, 1963.

CHAPTER 246.

[S. B. 390.]

SAVINGS AND LOAN ASSOCIATIONS.

AN ACT relating to savings and loan associations; amending section 7, chapter 235, Laws of 1945, and RCW 33.08.060; amending section 29, chapter 235, Laws of 1945, and RCW 33.12.010; amending section 49, chapter 235, Laws of 1945, as amended by section 3, chapter 71, Laws of 1953, and RCW 33.12.090; amending section 51, chapter 235, Laws of 1945, as amended by section 2, chapter 222, Laws of 1961, and RCW 33.12.150; amending section 15, chapter 235, Laws of 1945, and RCW 33.16.020; amending section 46, chapter 235, Laws of 1945, and RCW 33.20.080; amending section 58, chapter 235, Laws of 1945, as last amended by section 6, chapter 71, Laws of 1953, and RCW 33.24.010; amending section 80, chapter 235, Laws of 1945, and RCW 33.32.010; amending section 4, chapter 122, Laws of 1955, and RCW 33.48.030.

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

SECTION 1. Section 7, chapter 235, Laws of 1945, and RCW 33.08.060 are each amended to read as follows:

RCW 33.08.060
amended.

Upon receipt of such articles of incorporation and bylaws, the supervisor shall proceed to determine, from all sources of information and by such investigation as he may deem necessary, whether the proposed articles and bylaws comply with all requirements of law, and whether the incorporators and directors possess the qualifications required by this title, and whether the incorporators have available for the operation of such business at the specified location sufficient cash assets, exclusive of the contingent fund, and whether the general fitness of the persons named in the articles of incorporation are such as to command confidence and warrant belief that the business of the proposed association will be honestly and efficiently conducted in accordance with the intent and purposes of this title, and whether the public convenience and advantage will

Savings and
loan associa-
tions.
Organization
—Investiga-
tion—Fee.

be promoted by allowing such association to be incorporated and engage in business in the community indicated, and whether the population and industry of the neighborhood and the surrounding country afford reasonable promise of adequate support for the proposed association. For the purpose of this investigation and determination, the incorporators, when delivering the articles and bylaws to the supervisor, shall deliver to the supervisor the sum of three hundred dollars, by certified check payable to the state treasurer, to cover the expense of such investigation and determination.

RCW 33.12.010
amended.

Savings and
loan associa-
tions. Powers
in general.

SEC. 2. Section 29, chapter 235, Laws of 1945, and RCW 33.12.010 are each amended to read as follows:

An association shall have the capacity to act possessed by natural persons, but shall have authority to perform only such acts as are necessary or proper to accomplish its purposes and which are not repugnant to law.

Subject to the restrictions and limitations of this title, every such association shall have authority;

- (1) To have a corporate seal and to alter the same at pleasure;
- (2) To continue as an association for the time limited in its articles of incorporation or, if no such time limit is specified, then perpetually;
- (3) To sue or be sued in its corporate name;
- (4) To acquire, hold, sell, dispose of, pledge, mortgage, or encumber property, as its interests and purposes may require;
- (5) To conduct business in this state and elsewhere as may be permitted by law and, to this end, to comply with any law, regulation, or other requirements incident thereto;
- (6) To receive savings and to repay or invest the same;
- (7) To declare and pay dividends;
- (8) To borrow money and to pledge, mortgage,

or hypothecate its properties and securities in connection therewith;

(9) To collect or protest promissory notes or bills of exchange owned or held as collateral by the association;

(10) To let vaults, safes, boxes, or other receptacles for the safekeeping or storage of personal property, subject to the laws and regulations applicable to and with the powers possessed by safe deposit companies; and to act as escrow holder;

(11) To act as fiscal agent for the United States of America; to purchase, own, vote, or sell stock in, or act as fiscal agent for any federal home loan bank, the federal housing administration, home owners' loan corporation, or other state or federal agency, organized under the authority of the United States or of the state of Washington and authorized to loan to or act as fiscal agent for savings and loan associations or to insure savings accounts or mortgages; and, in the exercise of these powers, to comply with any requirements of law or rules or regulations or orders promulgated by such federal or state agency and to execute any contracts and pay any charges in connection therewith;

(12) To procure insurance of its mortgages and of its savings accounts from any state or federal corporation or agency authorized to write such insurance and, in the exercise of these powers, to comply with any requirements of law or rules or regulations or orders promulgated and to execute any contracts and pay any premiums required in connection therewith;

(13) To loan money and to sell any of its notes or other evidences of indebtedness, together with the collateral securing the same;

(14) To make, adopt, and amend bylaws for the management of its property and the conduct of its business;

Savings and loan associations. Powers in general.

(15) To deposit moneys and securities in any bank or other like depository;

(16) To dissolve and wind up its business;

(17) To collect or compromise debts due to it and, in so doing, to apply to the indebtedness the savings accounts of the member debtors, and to receive, as collateral or otherwise, other securities, property or property rights of any kind or nature;

(18) To exercise, by and through its board of directors and duly authorized officers and agents, all such incidental powers as may be necessary to carry on the business of the association.

RCW 33.12.090 amended.

SEC. 3. Section 49, chapter 235, Laws of 1945, as amended by section 3, chapter 71, Laws of 1953, and RCW 33.12.090 are each amended to read as follows:

Dividends.

An association shall not:

(1) Declare, credit, or pay a dividend except as authorized by a vote of the majority of the board entered upon its minutes; or

(2) Declare, credit, or pay dividends on any amount to the credit of a savings member for a longer period than it has been credited: *Provided*, That savings paid in not later than the tenth day of any month (unless the tenth day is not a business day, in which case it may be the next succeeding business day) or withdrawn during the last three business days of June or December may have dividends declared upon them for the whole of the month or period in which they were paid in.

Proviso.

RCW 33.12.150 amended.

SEC. 4. Section 51, chapter 235, Laws of 1945, as amended by section 2, chapter 222, Laws of 1961, and RCW 33.12.150 are each amended to read as follows:

Semi-annual credit to contingent fund.

The contingent fund shall constitute a reserve for the absorption of losses of an association.

Members shall not have, individually or collec-

tively, any right or claim to the contingent fund except upon dissolution of the association.

Every association, as of June 30th and December 31st in each year, shall determine its net semiannual earnings, and shall credit to the contingent fund an amount equal to two percent of the amount by which the aggregate of loans and real estate contracts outstanding at the end of said six months' period exceeds the amount of such loans and real estate contracts outstanding at the beginning of the period or one-twentieth of one percent of the total savings accounts in the association at the end of the period, whichever is the greater, such sum so credited from earnings into the contingent fund to be in no event less than five percent of the net earnings of the association for such period. The amount so credited need not exceed fifteen percent of the net earnings during the first three years after an association opens for business. The amount required herein shall not be greater than the amount of insurance reserve allocations required by the Federal Savings and Loan Insurance Corporation for associations whose savings accounts are insured by that corporation.

SEC. 5. Section 15, chapter 235, Laws of 1945, and RCW 33.16.020 are each amended to read as follows:

RCW 33.16.020
amended.

The directors shall be members of the association, and a director shall cease to be such when he ceases to be a member.

Directors—
Qualifications
—Eligibility.

The board of directors shall be chosen at the annual meeting, unless the bylaws of the association shall otherwise provide.

A person shall not be a director of an association if he:

- (1) Is not a resident of this state;
- (2) Has been adjudicated bankrupt or has taken the benefit of any assignment for the benefit of creditors or has suffered a judgment recovered against him for a sum of money to remain unsatis-

Savings and loan associations. Directors—Qualifications—Eligibility.

fied of record or unsuperseceded on appeal for a period of more than three months; or

(3) Is a director, officer, or employee of any other savings and loan association or a mutual savings bank. Existing associations shall comply with the restriction of this subsection within two years after approval of this title.

To be eligible to hold the position of director of an association, a person must be a member of the association, of full age, and must have savings or guaranty stock or a combination thereof in the sum or the aggregate sum of at least one thousand dollars. Such minimum amount shall not be reduced either by withdrawal or by pledge for a loan or in any other manner, so long as he remains a director of the association.

RCW 33.20.080 amended.

SEC. 6. Section 46, chapter 235, Laws of 1945, and RCW 33.20.080 are each amended to read as follows:

Account of deceased person.

If any person shall die having any savings account in an association amounting to not more than one thousand dollars, and the association has no knowledge that an executor or administrator has been appointed, such association may pay such account to the surviving spouse, next of kin, funeral director or other creditor who may appear entitled thereto. For any such payment, the association may require such proofs, waivers, indemnity and receipt and acquittance as it may deem proper. For any payment made hereunder, the association shall not be liable to the decedent's executor or administrator.

RCW 33.24.010 amended.

SEC. 7. Section 58, chapter 235, Laws of 1945, as last amended by section 6, chapter 71, Laws of 1953, 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.

Loans on one property or to one person or community—Limitations.

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, except with written approval of the supervisor.

SEC. 8. Section 80, chapter 235, Laws of 1945, and RCW 33.32.010 are each amended to read as follows:

RCW 33.32.010 amended.

No foreign association or like corporation, not already authorized to conduct business in the state of Washington, shall be admitted or permitted to conduct business in this state, *nor shall any foreign corporation hereafter, directly or indirectly, control any savings and loan association organized under the laws of this state.*

New foreign associations barred.

Words in italics vetoed.

SEC. 9. Section 4, chapter 122, Laws of 1955, and RCW 33.48.030 are each amended to read as follows:

RCW 33.48.030 amended.

Associations chartered under this chapter shall be known as guaranty stock savings and loan associations, and shall have a permanent nonwithdrawable stock of the par value of not less than ten dollars per share. The minimum amount of such stock shall be twenty-five thousand dollars in the case of associations located outside of incorporated cities, or in cities of less than twenty-five thousand population. Associations located in cities of greater population shall have as a minimum, fifty thousand dollars of such stock. The board of such association is authorized and directed to issue and maintain the guaranty

Guaranty stock savings and loan associations—Minimum amount of stock required.

Proviso.

stock in the following percentages: Three percent upon the first five million dollars; two percent upon the next three million dollars, and one percent upon all additional withdrawable savings: *Provided*, That associations whose savings are insured by the Federal Savings and Loan Insurance Corporation shall not be required to maintain stock in excess of three hundred thousand dollars.

Passed the Senate February 26, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 26, 1963, with the exception of a certain item in Section 8, which was vetoed.

Veto message, excerpt.

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

"Senate Bill No. 390 contains numerous amendments pertaining to the Savings and Loan Division of the Departmental of General Administration. Section 8 contains the following amendment: '. . . nor shall any foreign corporation hereafter, directly or indirectly, control any savings and loan association organized under the laws of this state.'

"I am opposed to the amendment contained in Section 8 because it discriminates against foreign corporations. It is my considered judgment that the State of Washington should freely admit foreign corporations to do business in this state. The field of savings and loan associations does not present an exception. Further, it is my feeling that for the proper economic development of the State of Washington we should encourage investments from all entities, resident and non-resident. For this reason the item quoted above is vetoed. The remainder of Senate Bill No. 390 is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 247.

[H. B. 361.]

WORLD FAIR COMMISSION—CENTURY 21
EXPOSITION, INC., LIQUIDATION.

AN ACT relating to the world fair commission; and declaring
an emergency.

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

SECTION 1. The term of office of the present members of the world fair commission shall expire on March 8, 1963. Prior to March 8, 1963 the president of the senate and the speaker of the house of representatives acting in concert shall appoint a new world fair commission, to consist of three members. Such appointments shall take effect on March 8, 1963 and shall expire on April 1, 1965 unless sooner terminated as hereinafter provided.

World fair
commission.
Expiration of
terms—New
appointments.

SEC. 2. The commissioners appointed under section 1 of this act, are hereby appointed as liquidating trustees of Century 21 Exposition, Inc. with all the powers and duties occasioned by such appointment, said appointment to become effective March 8, 1963, and the world's fair commission and Century 21 Exposition, Inc. is directed to turn over to the aforementioned liquidators the complete operation and business of Century 21 Exposition, Inc., as of March 8, 1963. In the event of the death or resignation of one of the liquidators, the remaining liquidators shall appoint his successor. As liquidating trustees of Century 21 Exposition, Inc. the appointees are to be advised and counseled by the auditor and attorney general of the state of Washington.

Commissioners
as liquidating
trustees—
Advisors to.

SEC. 3. The following represents the nonexclusive directions of the legislature to the liquidating trustees with respect to the liquidation of Century 21 Exposition, Inc.:

Legislative
directions to.

World fair
commission as
liquidating
trustees.
Legislative
directions to.

The liquidating trustees shall be empowered and are directed to:

(1) Resolve, compromise, or defend (a) all private claims or civil actions made or brought or which may be made or brought against Century 21 Exposition, Inc., and (b) all claims or civil actions made or brought or which may be made or brought against Century 21 Exposition, Inc. by the city of Seattle, state of Washington, government of the United States or of any other branch or department of government;

(2) Resolve, compromise or prosecute all claims or civil actions made or brought or which may be made or brought by Century 21 Exposition, Inc. against any person, corporation, firm or business, and any other branch or department of government whatsoever;

(3) Determine the disposition of the 'Monorail' not later than April 1, 1963, and under this authorization sell, lease or remove (in accordance with the contractual relationship existing between the state of Washington and Alweg) the facility;

(4) Receive, preserve and collect all assets belonging to and the property of Century 21 Exposition, Inc.;

(5) In the event the assets of Century 21 Exposition, Inc. are insufficient to pay all claims approved by the liquidating trustees for payment or for the payment of judgments of the courts, the liquidators are empowered to make a prorata distribution of assets to the creditors of Century 21 Exposition, Inc., consistent with the laws of this state and the terms of this act;

(6) In the event there are assets of Century 21 Exposition, Inc. remaining after payment of all approved claims or judgments of court, said assets shall be delivered into the custody of the treasurer of the state of Washington for application toward the re-

tirement of the bonded indebtedness created by the establishment of the world fair commission;

(7) Sell or otherwise dispose of, the facility known as the 'Skyride' to any person, firm, business or corporation, private or public upon the best terms and conditions available;

(8) Make payments from the assets of Century 21 Exposition, Inc. in accordance with the laws of this state and the terms of this resolution including, but not limited to the payment of reasonable expenses of liquidation; including a reasonable compensation for their own services;

(9) Take whatever other action is necessary and required for the expeditious accomplishment of the liquidation of Century 21 Exposition, Inc.

SEC. 4. The liquidating trustees upon completion of all work required under the provisions of this act and of the laws of this state, shall submit a written and detailed report to the President of the Senate, Speaker of the House, State Treasurer and the Legislative Budget Committee and said liquidating trustees are thereafter discharged from further responsibility as such and as commissioners of the World Fair Commission except as to the filing of a final certificate of liquidation and dissolution of Century 21 Exposition, Inc. which shall not occur and the final liquidation shall not be effected until said dissolution is expressly authorized by concurrent resolution of the Washington State Legislature. Report of.

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. Emergency.

Passed the House March 8, 1963.

Passed the Senate March 7, 1963.

NOTE: Governor's explanation for allowing this measure to become law without his approval is as follows:

Governor's comment.

"I regard it as a serious mistake to permit and authorize newly appointed liquidators to determine the disposition of the remaining assets of Century 21 Exposition, Inc. Mr. Edward E. Carlson, Senator Michael J. Gallagher and Representative Ray Olsen have performed invaluable services to Century 21 Exposition, Inc. and have the requisite knowledge and background to terminate the existence of said Corporation and the remaining assets of the World's Fair.

"The newly appointed liquidators of Century 21 Exposition, Inc. in the short time available to them are not likely to acquire the necessary background and knowledge requisite to a proper liquidation of the affairs of Century 21 Exposition, Inc.

"However, since the Legislature, by almost unanimous vote of its two Houses, has seen fit to approve a measure appointing new liquidating trustees, constituting a new World's Fair Commission, I reluctantly allow House Bill No. 361 to become law without my signature."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 248.

[S. B. 618.]

RELIEF OF ALTON V. PHILLIPS COMPANY.

AN ACT providing for the relief of Alton V. Phillips Company.

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

SECTION 1. Alton V. Phillips Company, contractor under contract 5887 on state secondary highway 10-D, Columbia river bridge at Beebe, Piers 2 and 3, is hereby authorized to maintain in the superior court of the state of Washington for Thurston county an action on an alleged claim for an equitable adjustment of the contract price based upon the contractor having encountered subsurface physical conditions at variance with those shown by or indicated upon the contract drawings; notwithstanding any time limitations now existing upon the filing of claims or the institution of actions. The action authorized by this act must be commenced within thirty days following the effective date of this act and shall proceed in all respects as other actions, excepting only for the waiver herein of the aforementioned time limitations.

Passed the Senate March 9, 1963.

Passed the House March 14, 1963.

NOTE: Governor's explanation for allowing this measure to become law without his approval is as follows:

Phillips
Company,
relief of.

Governor's
comment.

"This bill waives the statute of limitations on a claim the Alton V. Phillips Company, a highway and bridge contractor, has against the State Highway Department. It allows the company within thirty days from the time the act takes effect to bring an action in the Superior Court of the State of Washington for Thurston County.

"Reluctantly I am allowing Senate Bill No. 618 to become law without my signature.

"I have always been opposed to legislation enacted for the benefit of a private individual or a private corporation. In the first place, I question whether this bill complies with the mandate of the constitution prohibiting special legislation, as provided in Article II, Section 28, particularly subsections 14 and 17 thereof.

"I have been advised that the company involved, while engaged in negotiations with the Highway Department concerning its claim, failed to bring suit within 180 days from date of final acceptance of the work, as required by RCW 47.28.120.

"The Director of Highways has not opposed this measure. The bill has passed both Houses of the Legislature by more than a two-thirds majority. In addition, the bill merely allows the company to present its case and obtain a judgment if the court finds in favor of the company. If the company fails to establish a case it will obtain nothing.

"For these reasons, I am allowing Senate Bill No. 618 to become law without my signature."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 249.

[S. B. 349.]

PROPERTY TAXES—TIMBER AND TIMBERLANDS.

AN ACT relating to the taxation of timber and timberlands; and adding five new sections to chapter 15, Laws of 1961 and to chapter 84.40 RCW.

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

SECTION 1. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW a new section to read as follows:

New section.

Based upon the study as directed by house concurrent resolution No. 10 of the thirty-seventh session of the legislature relating to the taxation of timber and timberlands, the legislature hereby establishes the criteria set forth in this amendatory act as standards for the valuation of timber and timberlands for tax purposes.

Timber,
timberlands,
tax valuation.
Standards.

New section.

SEC. 2. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW a new section to read as follows:

Timber, timberlands, tax valuation. Timberlands defined.

As used in this amendatory act "timberlands" means land primarily suitable and used for growing a continuous supply of forest products, whether such lands be cut-over, selectively harvested, or contain merchantable or immature timber, and includes the timber thereon. Timberlands are lands devoted to reforestation within the meaning of Article VII, section 1 of the state Constitution as amended.

New section.

SEC. 3. There is added to chapter 15, Laws of 1961, and to chapter 84.40 RCW a new section to read as follows:

Legislative findings, declaration.

It is hereby found and declared that:

(1) Timber constitutes the primary renewable resource of this state.

(2) It is the public policy of this state that timberlands be managed in such a way as to assure a continuous supply of forest products.

(3) It is in the public interest that forest valuation and taxation policy encourage and permit timberland owners to manage their lands to sustain maximum production of raw materials for the forest industry, to maintain other public benefits, and to maintain a stable and equitable tax base.

(4) Forest management entails continuous and accumulative burdens of taxes, protection, management costs, interest on investment, and risks of loss from fire, insects, disease and the elements over long periods of time prior to harvest and realization of income.

(5) Existing timberland valuation and taxation procedures under the general property tax system are consistent with the public interest and the public policy herein set forth only when due consideration and recognition is given to all relevant factors in

determining the true and fair value in money of each tract or lot of timberland.

(6) To assure equality and uniformity of taxation of timberland, uniform principles should be applied for determining the true and fair value in money of such timberlands, taking into account all pertinent factors such as regional differences in species and growing conditions.

(7) The true and fair value in money of timberlands must be determined through application of sound valuation principles based upon the highest and best use of such properties. The highest and best use of timberlands, whether cut-over, selectively harvested, or containing merchantable or immature timber, is to manage, protect and harvest them in a manner which will realize the greatest economic value and assure the maximum continuous supply of forest products. This requires that merchantable timber originally on timberlands be harvested gradually to maintain a continuous supply until immature timber reaches the optimum age or size for harvesting, that immature timber on timberlands be managed and protected for extensive periods until it reaches such optimum age or size and that such timberlands be continually restocked as harvested.

(8) Reforestation entails an integrated forest management program which includes gradual harvesting of existing merchantable timber, management and protection of immature timber during its growth cycle until it reaches the optimum size or age for harvesting and a continual preparation and restocking of areas after harvest. Such management of timberlands is now generally followed and practiced in this state and it is in the public interest that such management be continued and encouraged.

(9) The prices at which merchantable timber is sold generally reflect values based upon immediate

Timber,
timberlands,
tax valuation.
Legislative
findings,
declaration.

harvesting, and the prices at which both merchantable and immature timber are sold frequently reflect circumstances peculiar to the particular purchaser. Such prices generally make little or no allowance for the continuous and accumulative burdens of taxes, protection, management costs, interest on investment, and risks of loss from fire, insects, disease, and the elements which must be borne by the owner of timberlands over long periods of time prior to the time timber is harvested and income is realized. Such prices do not, therefore, provide a reliable measure of the true and fair value in money. Accordingly, both the public policy and the public interest of this state and sound principles of timber valuation require that in the determination of the true and fair value in money of such properties appropriate and full allowance be made for such continuous and accumulative burdens over the period of time between assessment and harvest.

New section.

SEC. 4. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW a new section to read as follows:

Factors in
determining
valuation.

In determining the true and fair value in money of timberlands, sales prices, or values based upon immediate harvesting, however ascertained, shall be adjusted to give full consideration and effect to, and make appropriate allowance for, the following factors:

(1) Forest land quality, which shall be determined by analysis of existing timber stands, if present, of soil quality and of other generally accepted indicators.

(2) Age and density of timber stand.

(3) Species of timber.

(4) Quality of timber, which shall be determined by analysis of the percentages of the various log grades that will be recovered, such grades to be

determined by references to generally accepted log grade rules.

(5) Harvesting costs which will be incurred in converting the timber to marketable products, as affected by topography, distance from roads, distance from markets, harvesting methods and volume and size of timber.

(6) Accumulative burdens which will be incurred during the period of time between the date of assessment and the probable date of harvesting. The allowance made for such burdens shall include full and adequate provisions for each of the following elements:

(a) The current rate of return obtainable on long-term, risk-free investments.

(b) The risks of loss due to fire, insects, disease and storms.

(c) Property taxes.

(d) Other carrying charges, which shall include, but not be limited to, costs of protection, regeneration, administration and management.

The period of time between the date of assessment and the probable date of harvesting shall be ascertained by the rate of harvesting in the area and other relevant factors. For the purposes hereof, the area considered may be county-wide and include all the timberlands in the county but shall not be smaller than the individual owner's tract of timberlands in the county.

SEC. 5. There is added to chapter 15, Laws of 1961 and to chapter 84.40 RCW a new section to read as follows:

The timber appraisal manual heretofore prepared and published pursuant to chapter 20, Laws of 1951 second extraordinary session shall be revised and updated by seven county assessors with the advice of the state tax commission and shall thereafter be revised and updated at least once every four years. The seven

New section.

Timber appraisal manual
revision—
Distribution.

Timber,
timberlands,
tax valuation.
Timber ap-
praisal manual
revision—
Distribution.

assessors shall be selected by the executive board of the Washington State Association of County Assessors as follows: Two members shall be from the western district of the association of county assessors; two members from the Puget Sound district; one member from the central district; one member from the eastern district; and the duly elected and acting president of the association. The districts herein specified shall be as designated in the bylaws of the association adopted in September, 1961. The department of natural resources shall aid and assist in the preparation of the manual. The aforementioned parties shall meet within thirty days of the effective date of this act and shall revise and update the timber appraisal manual. The revised and updated manual shall be delivered to the tax commission on or before January 1, 1964. The tax commission shall reproduce the manual in suitable form and furnish two copies free of charge to each county assessor prior to March 15, 1964, and shall furnish the manual to others upon request at a price of five dollars per copy. The purposes of revising and updating this manual shall be solely in accordance with this act and no other.

Severability.

SEC. 6. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of this act, or the application of the provisions to other persons or circumstances is not affected.

Passed the Senate March 10, 1963.

Passed the House March 14, 1963.

Governor's
comment.

NOTE: Governor's explanation for allowing this measure to become law without his approval:

"This bill deals in a comprehensive manner with the taxation of timber lands. I am aware of the fact that growing timber needs a tax structure furthering its economic growth and development. Continued timber growth is, of course, one of our essential natural resources deserving our primary attention.

"Senate Bill No. 349 outlines a number of factors to be taken into consideration in establishing true and fair value for our timber lands. It provides that the timber appraisal manual prepared and published

pursuant to chapter 20, Laws of 1951, Second Extraordinary Session, shall be revised and updated by seven county assessors, with the advice of the State Tax Commission and the Department of Natural Resources.

"I have some misgivings that Senate Bill No. 349 may discriminate in favor of the small number of large timber owners as against the large number of small timber owners. However, I am willing to permit this act to become law and observe its practical operations closely during the coming biennium. I am of the opinion that we should continue to study our methods of taxing timber lands, so that at some future date we might find a truly equitable solution of the timber tax problem which will treat small, medium and large timber owners alike.

"For the reasons indicated, I am permitting Senate Bill No. 349 to become law without my signature.

ALBERT D. ROSELLINI,
Governor.

NOTICE

This page concludes the printing of
the Laws of the 1963 Regular Session.

AUTHENTICATION

REGULAR SESSION LAWS

I, Victor A. Meyers, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Regular Session of the Thirty-Eighth Legislature of the State of Washington, held from January 14, 1963, until March 14, 1963, inclusive, with the original enrolled laws, now on file in my office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [], as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this tenth day of October, 1963.



VICTOR A. MEYERS,
Secretary of State

FOLLOWING ARE THE
LAWS OF WASHINGTON
PASSED AT THE
1963
EXTRAORDINARY
LEGISLATIVE SESSION

Preface

The Extraordinary Session of the 1961 Legislature convened at Olympia on March 15, 1963 (the day following the adjournment of the Regular Session) at the hour of 10:00 A.M., at the call of Governor Albert D. Rosellini. The special session adjourned twenty-three days later *sine die* on April 6, 1963.

All acts passed by the Extraordinary Session, approved by the Governor, took effect ninety days after adjournment, on July 6, 1963 (**midnight**, July 5), except relief bills, appropriations and other acts declaring an emergency.

A handwritten signature in black ink that reads "Victor A. Meyers". The signature is written in a cursive style with a long horizontal flourish extending to the right.

VICTOR A. MEYERS,
Secretary of State

LAWS OF WASHINGTON

PASSED AT THE

Extraordinary Session

1963

CHAPTER 1.

[S. B. 31.]

APPROPRIATION—LEGISLATIVE EXPENSES— LEGISLATORS' SUBSISTENCE.

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

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

SECTION 1. There is hereby appropriated out of Appropriation. the state general fund to the legislature the sum of one hundred nine thousand three hundred dollars (\$109,300), or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature. From the amount hereby appropriated:

(1) The Senate shall not expend more than forty six thousand seven hundred fifty dollars (\$46,750); and

(2) The House of Representatives shall not expend more than sixty two thousand five hundred fifty dollars (\$62,550): *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee.

SEC. 2. There is hereby appropriated out of the Appropriation. state general fund to the legislature the sum of twelve thousand five hundred dollars (\$12,500), or so much thereof as may be necessary, for printing, indexing, binding and editing the session laws, Senate

and House journals, and other printing, and binding public documents.

Appropriation. SEC. 3. There is hereby appropriated to the legislature out of the state general fund the sum of fifty five thousand eight hundred seventy five dollars (\$55,875) for payment to members of the legislature and the president of the senate at the rate of twenty-five dollars per day, in lieu of subsistence and lodging while in attendance at the extraordinary session of the thirty-eighth legislature.

Appropriation. SEC. 4. There is hereby appropriated out of the general fund, for the statute law committee, to carry out the provisions of section 6, chapter 257, Laws of 1953, salaries, wages and operations, the sum of two thousand fifty dollars (\$2,050) or so much thereof as is necessary, to pay the additional cost of preparing and drafting bills for the legislature.

Emergency. SEC. 5. This act is necessary for the immediate support of the state government and shall take effect immediately.

Passed the Senate March 21, 1963.

Passed the House March 21, 1963.

Approved by the Governor March 22, 1963.

CHAPTER 2.

[S. B. 19.]

COMMUNITY COLLEGES.

AN ACT relating to education; amending section 2, chapter 198, Laws of 1961 and RCW 28.84.180; amending section 3, chapter 198, Laws of 1961 and RCW 28.84.190; amending section 4, chapter 198, Laws of 1961 and RCW 28.84.200; amending section 5, chapter 198, Laws of 1961 as amended by section 1, chapter 20, Laws of 1961 extraordinary session and RCW 28.84.210; amending section 2, chapter 20, Laws of 1961 extraordinary session and RCW 28.84.270; amending section 11, chapter 198, Laws of 1961 and RCW 28.84.260; amending section 2, chapter 115, Laws of 1945 and RCW 28.84.120; amending section 3, chapter 115, Laws of 1945 and RCW 28.84.130 and 28.84.140; and adding new sections to chapter 28.84 RCW.

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

SECTION 1. Section 2, chapter 198, Laws of 1961 and RCW 28.84.180 are each amended to read as follows:

RCW 28.84.180 amended.

The state board of education shall promulgate regulations governing, and make recommendations to the legislature concerning, the establishment of community colleges. To aid the board in the promulgation of regulations and recommendations as to the establishment of community colleges, the board shall seek the advice and counsel of representatives of public and private educational institutions, and representatives of public and private educational organizations, and representatives of the people of the state of Washington, as the board deems appropriate, and conduct such surveys of potential program areas as the board deems appropriate. In promulgating such regulations and in recommending the establishment of community colleges the board shall not set numerical or geographical restrictions, but shall determine the need for and recommend the approval of the establishment of community colleges in light of the following criteria:

Community colleges. Regulations of state board governing and approving establishment—Criteria.

Community colleges. Establishment—Criteria.

- (1) Concentration of population within a reasonable community service area;
- (2) Total school enrollment in grades one through twelve, and in grades nine through twelve;
- (3) The number of high school graduates within the area to be served;
- (4) The probability of sustained growth in school enrollments within the area to be served;
- (5) Identification of educational services needed within the area to be served;
- (6) Ability of the area to be served to contribute to the financial support of the program;
- (7) Consideration of the area in relation to existing institutions of higher learning, including vocational-technical institutions should be given to prevent overlapping or duplication of educational services;
- (8) The presence or absence of an extended secondary program operating in the high school should not be considered as a factor.

RCW 28.84.190 amended.

SEC. 2. Section 3, chapter 198, Laws of 1961 and RCW 28.84.190 are each amended to read as follows:
The state board of education shall:

Powers of state board—Regulations.

- (1) Promulgate regulations governing the operation of community colleges including, among others, the following:
 - (a) Regulations governing budgets;
 - (b) Regulations governing administration;
 - (c) Regulations governing the preparation of reports to the superintendent of public instruction.
- (2) Do anything reasonably implied from the powers granted or necessary to carry out the provisions of RCW 28.84.170 through 28.84.260.
- (3) Adopt and enforce reporting regulations that will ensure a clear and uniform picture of actual community college enrollment.
- (4) Adopt rules and regulations governing the charges which any district may assess against the

funds of its community college.

(5) Require that community colleges keep detailed records on community college transfers.

(6) Adopt and promulgate rules and regulations governing programs, standards and reasonable entrance requirements for community colleges.

SEC. 3. Section 4, chapter 198, Laws of 1961 and RCW 28.84.200 are each amended to read as follows: RCW 28.84.200 amended.

Any school district authorized by the state board of education to construct, operate and maintain a community college shall be allowed apportionment from state funds in accordance with section 4 of this amendatory act. Limitations on districts operating community colleges—Apportionment of funds to.

School districts operating community colleges shall be subject to the following limitations:

(1) All revenues accruing to the district by virtue of the community college operation shall be used exclusively for support of the community colleges.

(2) Funds apportioned on the basis of district operations relating to kindergartens through the twelfth grade inclusive, shall not be used for any community college purpose.

(3) For the purpose of receiving apportionment from state funds for equalization, districts operating community colleges, in preparing estimates of attendance and educational units for the state superintendent of public instruction may not count either the days of attendance or the educational units of the community college.

SEC. 4. There is added to chapter 28.84 RCW a new section to read as follows: New section.

The state superintendent of public instruction shall, under rules and regulations adopted and promulgated by the state board of education, distribute to counties for school districts operating community colleges such funds as are appropriated by the legislature for the maintenance and operation of Apportionment of funds to districts—Criteria.

Community colleges. Apportionment of funds to districts operating—Criteria.

community colleges. The state board of education in adopting rules and regulations under which state funds shall be apportioned to local school districts operating community colleges shall consider, among other pertinent factors, the following criteria:

- (1) The total enrollment in the programs operated by the community colleges;
- (2) The types of programs offered and the necessity for the state's support thereof as evidenced by the community college budget;
- (3) The effort being made by the community college to maintain an adequate level of tuition and fees;
- (4) The probability of sustained growth in school enrollments within the area to be served;
- (5) Proper development of existing community colleges and authorized community colleges within the framework of existing revenue; and
- (6) Any other factors found by the state board, in its judgment, to have a bearing on the proper distribution of state funds.

RCW 28.84.210 amended.

SEC. 5. Section 5, chapter 198, Laws of 1961 as amended by section 1, chapter 20, Laws of 1961 extraordinary session and RCW 28.84.210 are each amended to read as follows:

Powers and duties of directors—Fees.

Every board of directors operating a community college, unless otherwise specially provided by law, shall:

- (1) Perform all acts necessary or appropriate to the administration of the community college consistent with statutes governing school districts and the regulations of the state board of education;
- (2) Employ for a period to be fixed by the board, a president, members of the faculty, and such other administrative officers and other employees as may be necessary or appropriate, and fix their salaries and duties;

(3) Discharge for sufficient cause any officer, faculty member or employee;

(4) Construct, equip and operate necessary community college facilities but this authority shall not include the power to construct, equip or operate directly or indirectly any dormitories, nor shall any school employee or officer charge or collect any fees for housing provided for by an individual, association or corporation;

(5) Promulgate regulations governing the students enrolled in the community college;

(6) Receive such gifts, grants, conveyances, devises and bequests of real and 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 board of education; 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;

(7) Prescribe fees to be paid by students enrolled in the community college, not inconsistent with the regulations of the state board of education: *Provided*,^{Proviso.} That a tuition fee of not less than one hundred dollars per quarter shall be charged each full time student who has not been domiciled in this state for a period of one year prior to the commencement of the term for which he registers: *Provided further*,^{Proviso.} That the aggregate of tuition and other fees for each full time student who has not been domiciled in this state for a period of one year prior to the commencement of the term for which he registers shall not exceed one hundred and fifty dollars per quarter exclusive of the summer session.

RCW 28.84.270 amended.

SEC. 6. Section 2, chapter 20, Laws of 1961 extraordinary session and RCW 28.84.270 are each amended to read as follows:

Community colleges, Resident tuition fees for full time students.

Each full time student registering in a community college who has been domiciled in this state for a period of one year prior to the date of the commencement of the term for which he registers shall be charged a tuition fee of not less than ten dollars per quarter: *Provided*, That the aggregate of tuition and other fees for each full time student who has been domiciled in the state for a period of one year prior to the commencement of the term for which he registers shall not exceed sixty dollars per quarter exclusive of the summer session.

Proviso.

New section.

SEC. 7. There is added to chapter 28.84 RCW a new section to read as follows:

Other fees defined.

The term "other fees," as used in RCW 28.84.210 and 28.84.270 shall be construed to include fees charged all students registering for quarters other than summer sessions but shall not include fees for short courses, and individual instruction and student deposits or rentals, disciplinary and library fines, laboratory, gymnasium, health and student activity fees, or fees, charges or such other special fees as may be established from time to time: *Provided*, This section shall not be construed as deviating from the authority provided for in section 5(4) of this amendatory act.

Proviso.

New section.

SEC. 8. There is added to chapter 28.84 RCW a new section to read as follows:

Disposition of fees—Special services revolving fund.

Except as otherwise provided in this act, all fees collected from students of a community college in connection with the instructional program of the college, including tuition, shall be deposited in the county treasury, in those special accounts within the school district's funds as the board of directors of the district operating the college may establish by

resolution. Such special accounts shall be used for community college purposes.

The board of directors, of each district operating a community college, shall create a special fund to be called the special services revolving fund, into which shall be placed all fees and revenues received by the community college in connection with the ordinary and usual incidental services and activities of the college. Such services may include, but are not limited to: a bookstore; cafeteria and snack bar concessions; community services such as concerts, lectures and conferences; student activities such as dances, forensic meets, athletic teams, clubs and other student organizations; student publications; loan funds and privately donated scholarship funds.

The special services revolving fund may be located outside the county treasury in any financial institution qualified to act as a depository for state, county or city funds, and under the same terms and conditions: *Provided*, That the fund shall be subject to audit and regulation by the state auditor as any other public account or fund. Proviso.

The special services revolving fund shall be used exclusively for the operation of the various special services provided by the college, and separate accounts shall be kept within the fund for each special service or activity: *Provided*, That any surplus in the fund, except in the scholarship and loan accounts, may be transferred to any other account within the special services revolving fund of the community college at the end of a fiscal year by resolution of the board of directors of the school district. Proviso.

Disbursement from the special services revolving fund shall be made by check signed by the president of the community college or his designee appointed in writing, and such other person as may be designated by the board of directors of the school district.

Each person authorized to sign as provided above, shall execute a surety bond in the sum of not less than the average amount on deposit in the fund during the preceding six months, or ten thousand dollars, whichever is greater. Said bonds shall be filed in the auditor's office of the county in which the district is located.

RCW 28.84.260
amended.

SEC. 9. Section 11, chapter 198, Laws of 1961 and RCW 28.84.260 are each amended to read as follows:

Community
colleges.
Enumerated—
Additional
colleges
authorized.

The following named institutions are hereby recognized as community colleges within the meaning of chapter 28.84 RCW; (1) Centralia Junior College, (2) Clark College, (3) Columbia Basin College, (4) Everett Junior College, (5) Grays Harbor College, (6) Lower Columbia Junior College, (7) Olympic College, (8) Skagit Valley College, (9) Wenatchee Valley College, (10) Yakima Valley Junior College, (11) Peninsula College, (12) Highline College, and (13) Big Bend Community College. The state board of education may authorize the establishment and determine the location of four additional community colleges, two of which shall not begin active operation until the commencement of the 1965-1966 community college school year: *Provided*, That the state board shall determine the location of the four community colleges prior to July 1, 1964. Thereafter additional community colleges shall be established only by express action of the legislature after consideration of the recommendations of the state board of education.

Proviso.

New section.

SEC. 10. There is added to chapter 28.84 RCW a new section to read as follows:

Presidential
responsibility.

The president of the community college shall be held responsible to the board of directors as determined by the directors of each school board.

New section.

SEC. 11. There is added to chapter 28.84 RCW a new section to read as follows:

The state board of education is authorized and directed to prepare comprehensive regional plans for determining community college needs for the next decade. Upon the basis of such plans the state board shall determine community college priorities and present the same to the 1965 state legislature. The state board shall update such plans and priorities prior to each session of the legislature for presentation.

Planning future needs—
Presentation to legislature.

SEC. 12. There is added to chapter 28.84 RCW a new section to read as follows:

New section.

In the preparation of budget requests and recommendations to the legislature, the central budget agency shall segregate and present separately the budget for community colleges. The state superintendent of public instruction is hereby directed to furnish the central budget agency, and to secure from local districts which have or are proposing a community college program, the necessary information to carry out the provisions of this section.

College budgets as separate item.

SEC. 13. Section 2, chapter 115, Laws of 1945 and RCW 28.84.120 are each amended to read as follows:

RCW 28.84.120 amended.

Any school district may add two years of vocational training and general education to the usual twelve years course of common school education under conditions and in accordance with regulations prescribed therefor by the state board of education: *Provided*, That extended secondary type I programs not be allowed within a radius of twenty-five miles of a community college with available facilities as determined by the state board of education.

Thirteenth and fourteenth grades. Authorized—Limitation.

Proviso.

SEC. 14. Section 3, chapter 115, Laws of 1945 (heretofore divided and codified as RCW 28.84.130 and 28.84.140) is divided and amended as set forth in sections 15 and 16 of this amendatory act.

RCW 28.84.130 amended. Thirteenth and fourteenth grades. Conditions for establishment—Standards.

SEC. 15. (RCW 28.84.130) The state board of education shall prescribe the conditions under which, and the regulations in accordance with which, two years may be added to the usual twelve years course of common school education as part of the common school system. The board shall also prescribe the courses of vocational training and general education which may be offered, and establish the standards governing the operation and maintenance of such additional two years of education. The state board of education shall review the operations of such programs offered in high school facilities prior to each school year to ensure that the curricula offerings and standards comply with the rules and regulations of the state board of education.

RCW 28.84.140 amended. Apportionment funds for.

SEC. 16. (RCW 28.84.140) Any school district which in addition to the usual twelve years of common school education establishes and maintains two more years of vocational training and general education in accordance with the conditions, regulations and standards prescribed by the state board of education shall be allowed apportionment from state and county funds.

New section.

SEC. 17. There is added to chapter 28.84 RCW a new section to read as follows:

Funds not to be used for community college purposes.

Notwithstanding any other provision of law, funds derived from the tax on real estate sales as provided for in chapter 28.45 RCW shall not be used for community college purposes.

Severability.

SEC. 18. If any section or provision or part thereof of this act or its application to any person or circumstances shall be held unconstitutional or for any other reason invalid, the invalidity of such section, provision or part thereof or its application to any person or circumstances shall not affect the validity of the remaining sections, provisions or parts thereof or its application or any person or circumstances

which are not judged to be invalid or unconstitutional.

Passed the Senate March 22, 1963.

Passed the House March 24, 1963.

Approved by the Governor April 1, 1963.

Chapter 3.

[H. B. 4.]

HIGHWAYS.

AN Act relating to highways and the operation of vehicles thereon; describing powers and duties of the Washington state highway commission, the Washington state toll bridge authority, the license department, and the joint committee on highways, herein created; establishing and designating certain highways; providing for surveys and studies of proposed highway additions and proposed toll facilities; prescribing fees, size, weight, load permits and equipment restrictions for certain motor vehicles; providing penalties; making appropriations; amending sections 47.16.100, 47.16-.120, 47.16.140, 47.16.200, 47.20.010, 47.20.080, 47.20.120, 47.20.130, 47.20.160, 47.20.210, 47.20.250, 47.20.440, 47.20.490, 47.20.500, 47.20.140, 47.20.100, 47.20.380, 47.56.140, 47.36.110, chapter 13, Laws of 1961, and RCW 47.16.100, 47.16.120, 47.16.140, 47.16.200, 47.20.010, 47.20.080, 47.20.120, 47.20.130, 47.20.160, 47.20.210, 47.20.250, 47.20.440, 47.20.490, 47.20-.500, 47.20.140, 47.20.100, 47.20.380, 47.56.140, and 47.36.110; amending section 47.20.220, chapter 13, Laws of 1961, as amended by section 13, chapter 21, Laws of 1961 extraordinary session and RCW 47.20.220; amending section 47.20.340, chapter 13, Laws of 1961, as amended by section 11, chapter 21, Laws of 1961 extraordinary session and RCW 47.20.340; amending section 47.16.010, chapter 13, Laws of 1961, as amended by section 1, chapter 21, Laws of 1961 extraordinary session and RCW 47.16.010; amending sections 46.60.150, 46.60.170, 46.60.330, 46.44.037 and 46.60-.020, chapter 12, Laws of 1961 and RCW 46.60.150, 46.60.170, 46.60.330, 46.44.037 and 46.60.020; amending section 46.16-.010, chapter 12, Laws of 1961, as amended by section 32, chapter 21, Laws of 1961 extraordinary session and RCW 46.16.010; amending section 5, chapter 9, Laws of 1961 extraordinary session and RCW 47.60.440; amending section 46.44.030, chapter 12, Laws of 1961 as amended by section 36, chapter 21, Laws of 1961 extraordinary session and RCW 46.44.030; amending section 46.44.092, chapter

12, Laws of 1961 and RCW 46.44.092; adding a new section to chapter 13, Laws of 1961 and chapter 47.20 RCW; adding a new section to chapter 12, Laws of 1961 and chapter 46.52 RCW; amending section 10, chapter 96, Laws of 1961 and RCW 47.42.100; providing effective dates; and declaring an emergency.

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

RCW 47.16.100 amended.

SECTION 1. Section 47.16.100, chapter 13, Laws of 1961 and RCW 47.16.100 are each amended to read as follows:

Primary high-ways. No. 10 Chelan-Okanogan highway.

A primary state highway to be known as primary state highway No. 10, or the Chelan-Okanogan highway, is established as follows: Beginning at Quincy, on primary state highway No. 7, thence in a northwesterly direction to a junction with primary state highway No. 2, in the vicinity east of Wenatchee; also beginning at a junction with primary state highway No. 2, in the vicinity northwesterly of Wenatchee, thence in a northerly direction on the west side of the Columbia river by way of Chelan, Pateros, Brewster, Okanogan and Oroville to the international boundary line; also beginning at a point on primary state highway No. 10 east of Brewster, thence in a southeasterly direction on the north side of the Columbia river to Chief Joseph dam, thence crossing the Columbia river to the south side in the vicinity of Bridgeport, thence southerly to the junction with primary state highway No. 2 in the vicinity west of Coulee City; also from Brewster on primary state highway No. 10, thence in a southeasterly direction on the south side of the Columbia river to a junction with primary state highway No. 10 in the vicinity of Bridgeport.

RCW 47.16.120 amended.

SEC. 2. Section 47.16.120, chapter 13, Laws of 1961 and RCW 47.16.120 are each amended to read as follows:

No. 12 Ocean Beach highway.

A primary state highway to be known as primary state highway No. 12, or the Ocean Beach

highway, is hereby established according to description as follows: Beginning at Chehalis on primary state highway No. 1, thence in a westerly direction by the most feasible route by way of Raymond to South Bend, thence southerly by the most feasible route to the vicinity of a location known as Johnson's Landing, thence southeasterly by the most feasible route by way of Kelso to primary state highway No. 1; also beginning at a junction with primary state highway No. 12, as herein described, in the vicinity of a location known as Johnson's Landing, thence southwesterly by the most feasible route to Ilwaco, thence southeasterly by the most feasible route to Megler; also from a junction with primary state highway No. 12, as herein described, in the vicinity northeast of Ilwaco, thence southerly by the most feasible route to a junction with primary state highway No. 12, as herein described, at a point east of Ilwaco; also beginning at Longview on primary state highway No. 12, as herein described, thence in a southeasterly direction by the most feasible route to a junction with primary state highway No. 1, south of Kelso; also from a junction with primary state highway No. 12, in Kelso, northeasterly to a junction with primary state highway No. 1; also beginning at a junction with primary state highway No. 12, as herein described, at a point where it intersects with Oregon Way in the city of Longview, thence in a southerly direction by the most feasible route to a point approximately fifty feet north of the center line of the Columbia River Dike and adjacent to the easterly side of the approach to the Longview Bridge, as the same is defined in RCW 47.56.370.

The joint committee on highways and state highway commission are directed to confer with the proper agencies of the state of Oregon relative to the addition of both the Washington and Oregon

portions of the Longview bridge to the respective state highway systems.

RCW 47.16.140 amended.

SEC. 3. Section 47.16.140, chapter 13, Laws of 1961 and RCW 47.16.140 are each amended to read as follows:

Primary high-ways. No. 14 Navy Yard highway.

A primary state highway to be known as primary state highway No. 14, or the Navy Yard highway, is hereby established according to description as follows: Beginning at a junction with primary state highway No. 21 near the southwest end of Sinclair Inlet, thence northeasterly by way of Port Orchard, Harper and Point Southworth; also beginning at a junction with primary state highway No. 14 in the vicinity west of Port Orchard, as herein described, thence in a southeasterly direction by way of the Tacoma Narrows Bridge to a junction with primary state highway No. 1 in Tacoma.

RCW 47.16.200 amended.

SEC. 4. Section 47.16.200, chapter 13, Laws of 1961 and RCW 47.16.200 are each amended to read as follows:

No. 22 Coulee Reservoir highway.

A primary state highway to be known as primary state highway No. 22, or the Coulee Reservoir highway, is hereby established according to description as follows: Beginning at Davenport on primary state highway No. 2, thence in a northerly direction by the most feasible route to Kettle Falls vicinity on primary state highway No. 3; thence northeasterly by the most feasible route to the international boundary line.

RCW 47.20.010 amended.

SEC. 5. Section 47.20.010, chapter 13, Laws of 1961 and RCW 47.20.010 are each amended to read as follows:

Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state high-ways. No. 1A, 1B.

Secondary state highway No. 1A; beginning at a junction with the Mt. Baker branch of primary state highway No. 1 in the vicinity of Lawrence,

thence in a northerly direction to the international boundary at Sumas; also beginning at a junction with secondary state highway No. 1A in the vicinity of Nooksack, thence southwesterly by way of Ever-son to a junction with secondary state highway No. 1B in the vicinity of Wiser Lake; also beginning at a junction with the Mt. Baker branch of primary state highway No. 1 in the vicinity of Deming, thence in a southerly direction by way of Sedro Woolley, Arlington and Snohomish to a junction with primary state highway No. 2 in the vicinity of Woodinville;

Secondary state highway No. 1B; beginning at Bellingham on primary state highway No. 1, thence in a northerly direction to the international boundary in the vicinity east of Delta; also beginning at a junction with secondary state highway No. 1B approximately 2.7 miles south of the international boundary, thence easterly by way of Van Buren to a junction with secondary state highway No. 1A.

SEC. 6. Section 47.20.080, chapter 13, Laws of 1961 and RCW 47.20.080 are each amended to read as follows:

RCW 47.20.080 amended.

Secondary state highways as branches of primary state highway No. 1, are established as follows:

Highways 1P, 1Q.

Secondary state highway No. 1P; beginning west of Toledo on primary state highway No. 1, thence in a southwesterly direction by way of Vader to Ryderwood;

Secondary state highway No. 1Q; beginning at a junction with primary state highway No. 1 west of Toledo, thence via Toledo in an easterly and southerly direction to a junction with secondary state highway No. 1R in the vicinity north of Toutle.

SEC. 7. Section 47.20.120, chapter 13, Laws of 1961 and RCW 47.20.120 are each amended to read as follows:

RCW 47.20.120 amended.

Secondary state highways, No. 1X, 1Y, 1Z.

Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1X; beginning at a junction with primary state highway No. 1 in the vicinity of Fife, thence in an easterly direction by way of Milton to a junction with secondary state highway No. 5D in the vicinity east of Milton;

Secondary state highway No. 1Y; beginning at a junction with primary state highway No. 1 in the vicinity east of Stanwood; thence in a westerly direction to a junction with secondary state highway No. 1E in the vicinity of Stanwood; thence in a westerly direction by way of Stanwood and over a bridge to a point on Camano Island known as McEachern's Corner.

Secondary state highway No. 1Z; beginning at a junction with primary state highway No. 1 northwest of Bellingham, thence in a westerly direction to a junction with a Whatcom county road at a location where construction is feasible from an engineering and economic point of view.

RCW 47.20.130 amended

SEC. 8. Section 47.20.130, chapter 13, Laws of 1961 and RCW 47.20.130 are each amended to read as follows:

Highway 2B.

Secondary state highway as a branch of primary state highway No. 2 is established as follows:

Secondary state highway No. 2B; beginning at a junction with primary state highway No. 2 in the vicinity of Lake Forest Park, thence in a north-westerly direction to a junction with primary state highway No. 1 in the vicinity of the Snohomish county line.

RCW 47.20.160 amended.

SEC. 9. Section 47.20.160, chapter 13, Laws of 1961 and RCW 47.20.160 are each amended to read as follows:

Highways 2H, 2I.

Secondary state highways as branches of primary state highway No. 2 are established as follows:

Secondary state highway No. 2H; beginning in the vicinity of primary state highway No. 2 at the Washington-Idaho boundary line, thence in a westerly direction by way of Millwood to a junction with primary state highway No. 3 in Spokane;

Secondary state highway No. 2I; beginning at a junction with primary state highway No. 2 in the vicinity of Virden, thence southeasterly to a junction with primary state highway No. 3 in the vicinity of Woldale.

SEC. 10. Section 47.20.210, chapter 13, Laws of 1961 and RCW 47.20.210 are each amended to read as follows: RCW 47.20.210 amended.

Secondary state highways as branches of primary state highway No. 3 are established as follows: Highways 3J, 3K.

Secondary state highway No. 3J; beginning at a junction with primary state highway No. 3 in the vicinity of Chewelah, thence by way of Springdale in a southwesterly direction across the Spokane river to Long Lake, thence southerly to primary state highway No. 2 in the vicinity of Reardan; also, beginning at a junction with said secondary state highway No. 3J at Springdale, thence easterly to a junction of primary state highway No. 3 in the vicinity of Loon Lake.

Secondary state highway No. 3K; beginning at Pomeroy on primary state highway No. 3, thence in a southeasterly direction to Peola, thence in a northeasterly direction to a junction with primary state highway No. 3 in the vicinity west of Clarkston.

SEC. 11. Section 47.20.220, chapter 13, Laws of 1961 as amended by section 13, chapter 21, Laws of 1961 extraordinary session and RCW 47.20.220 are each amended to read as follows: RCW 47.20.220 amended.

Secondary state highways as branches of primary state highway No. 3 are established as follows: Highways 3L, 3P, 3R, 3S.

Secondary state highway No. 3L; beginning at a junction with primary state highway No. 3 in the

Secondary state highways. No. 3L, 3P, 3R, 3S.

vicinity north of Dayton, thence in a northeasterly direction to a junction with primary state highway No. 3 in the vicinity west of Pomeroy;

Secondary state highway No. 3P; beginning at a junction with primary state highway No. 3 at the west end of the Kettle Falls bridge, thence in a westerly direction to a junction with secondary state highway No. 4A east of Republic;

Secondary state highway No. 3R; beginning at the Richland wye junction with primary state highway No. 3; thence northerly and westerly via Richland to a junction with primary state highway No. 3 at Kiona.

Secondary state highway No. 3S; beginning at a junction of primary state highway No. 3 in Spokane, thence northwesterly along the north bank of the Spokane river to a point in Stevens county across the Spokane river from the Riverside state park at the boundary line common to Stevens and Spokane counties.

RCW 47.20.250 amended.

SEC. 12. Section 47.20.250, chapter 13, Laws of 1961 and RCW 47.20.250 are each amended to read as follows:

Highway 5A.

Secondary state highway as a branch of primary state highway No. 5 is established as follows:

Secondary state highway No. 5A; beginning at a junction with primary state highway No. 5 south of Maple Valley, thence in a westerly direction to Kent on primary state highway No. 5, thence in a westerly direction to a junction with primary state highway No. 1.

RCW 47.20.340 amended.

SEC. 13. Section 47.20.340, chapter 13, Laws of 1961 as amended by section 11, chapter 21, Laws of 1961 extraordinary session and RCW 47.20.340 are each amended to read as follows:

Highway 8D.

Secondary state highway as a branch of primary highway No. 8 is established as follows:

Secondary state highway No. 8D; beginning at a wye junction with primary state highway No. 8, the west branch in the vicinity east of Underwood and the east branch in the vicinity of White Salmon, thence in a northerly direction to the boundary of the Gifford Pinchot National Forest.

SEC. 14. Section 47.20.440, chapter 13, Laws of 1961 and RCW 47.20.440 are each amended to read as follows: RCW 47.20.440 amended.

Secondary state highways as branches of primary state highway No. 12 are hereby established according to designation and description as follows: Highways 12A, 12B.

Secondary state highway No. 12A; beginning at a junction with primary state highway No. 12 at Seaview, thence in a northerly direction by the most feasible route by way of Long Beach to Ocean Park;

Secondary state highway No. 12B; beginning at Megler on primary state highway No. 12, thence in an easterly and northerly direction to a junction with primary state highway No. 12 in the vicinity north of Naselle.

SEC. 15. Section 47.20.490, chapter 13, Laws of 1961 and RCW 47.20.490 are each amended to read as follows: RCW 47.20.490 amended.

Secondary state highways as branches of primary state highway No. 15 are hereby established according to designation and description as follows: Highways 15A, 15B.

Secondary state highway No. 15A; beginning at a junction with primary state highway No. 15 in the vicinity east of Everett, thence in a northeasterly direction by the most feasible route to a junction with secondary state highway No. 1A, thence from another junction of secondary state highway No. 1A in a northeasterly direction by the most feasible route to Granite Falls;

Secondary state highway No. 15B; beginning at Monroe on primary state highway No. 15, thence in

a southerly direction by the most feasible route by way of Duvall to Falls City on primary state highway No. 2.

RCW 47.20.500 amended.

SEC. 16. Section 47.20.500, chapter 13, Laws of 1961 and RCW 47.20.500 are each amended to read as follows:

Secondary state highways. No. 15C, 15D.

Secondary state highways as branches of primary state highway No. 15 are established as follows:

Secondary state highway No. 15C; beginning at Leavenworth on primary state highway No. 15, thence in a northerly direction by the most feasible route by way of Lake Wenatchee to a junction with primary state highway No. 15 in the vicinity north Winton;

Secondary state highway No. 15D; beginning at a junction with secondary state highway No. 15C in the vicinity of Lake Wenatchee, thence in a northwesterly direction by the most feasible route on the north side of Lake Wenatchee to Telma.

New section.

SEC. 17. There is added to chapter 13, Laws of 1961 and to chapter 47.20 RCW a new section to read as follows:

Highway 3T.

Secondary state highway No. 3T is established as a branch of primary state highway No. 3 as follows:

Secondary state highway No. 3T; beginning at a junction with secondary state highway 3A in the vicinity southeast of Toppenish, thence in an easterly direction to a junction with primary state highway No. 3 in the vicinity of Granger.

The establishment of secondary state highway No. 3T as defined in this section shall be effective July 1, 1965.

RCW 47.20.140 amended.

SEC. 18. Section 47.20.140, chapter 13, Laws of 1961, and RCW 47.20.140 are each amended to read as follows:

Secondary state highways as branches of primary state highway No. 2 are established as follows: Highways 2D, 2E.

Secondary state highway No. 2D; beginning at a junction with primary state highway No. 2 in the vicinity west of Issaquah, thence in a northerly direction to the west of Lake Sammamish to Redmond on primary state highway No. 2, thence in a westerly direction to Kirkland; thence southerly to a junction with primary state highway No. 1, Evergreen Point Bridge Route, in the vicinity of Northrup Road.

Secondary state highway No. 2E; beginning at a junction with primary state highway No. 2 west of Cle Elum, thence in a northwesterly direction by way of Roslyn to the National Forest boundary in the vicinity of Lake Cle Elum.

SEC. 19. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1965 the sum of thirty-five thousand dollars, or so much thereof as may be necessary for the location and acquisition of right of way for an approach road to the Central Washington State College campus on the most feasible route beginning at the intersection of North A Street and the Chicago, Milwaukee, St. Paul and Pacific Railroad in Ellensburg; thence northeasterly to Fourteenth Avenue; thence east on Fourteenth Avenue to Maple Street; thence south on Maple Street to the intersection of primary state highway No. 7. Appropriation
—C.W.S.C.
approach
road.

SEC. 20. Section 47.20.100, chapter 13, Laws of 1961 and RCW 47.20.100 are each amended to read as follows: RCW 47.20.100
amended.

Secondary state highways as branches of primary state highway No. 1, are established as follows: Secondary
state high-
ways. No. 1T.
1U.

Secondary state highway No. 1T; beginning at Vancouver on primary state highway No. 1, thence in a northerly direction by way of the lower river road and an extension thereof, to Ridgefield, thence

Proviso.

in an easterly direction to a junction with primary state highway No. 1 in the vicinity south of La-Center: *Provided*, That the state department of highways may enter into an agreement with the Port of Vancouver, and/or Clark county and/or the United States Army Engineers to obtain material dredged from the Columbia river and have the same stockpiled at no expense to the state;

Secondary state highway No. 1U; beginning at Battleground on secondary state highway No. 1S, thence in a southerly direction to Orchard on secondary state highway No. 8A.

RCW 47.16.010 amended.

SEC. 21. Section 47.16.010, chapter 13, Laws of 1961 as amended by section 1, chapter 21, Laws of 1961 extraordinary session and RCW 47.16.010 are each amended to read as follows:

Primary state highways. No. 1 Pacific highway.

A primary state highway to be known as primary state highway No. 1, or the Pacific highway, is established as follows: Beginning at the international boundary line in the vicinity of Blaine, in Whatcom county, thence in a southerly direction by way of Bellingham, thence to the east of Lake Samish, thence in a southerly direction by way of Mt. Vernon, Everett, Seattle, Tacoma, Olympia, Centralia, Chehalis, Kelso, and Vancouver to the Washington-Oregon boundary line on the interstate bridge over the Columbia river; also beginning at Bellingham on primary state highway No. 1, thence in an easterly direction to a point in the vicinity of Austin Pass in Whatcom county; also beginning at Bellingham on primary state highway No. 1, thence in a southerly direction by way of Blanchard to a junction with primary state highway No. 1, in the vicinity of Mt. Vernon; also beginning at Mt. Vernon on primary state highway No. 1, thence in a westerly direction to Anacortes; also beginning at Everett in the vicinity of Broadway avenue, thence in a south-westerly direction to a junction with primary state

highway No. 1, in the vicinity south of Everett; also beginning at a junction of primary state highway No. 1 south of Marysville to Marysville; also beginning at a junction with primary state highway No. 1 in the vicinity of Marysville, thence easterly to a junction with secondary state highway No. 1A: *Provided*, That until such time as the branch of primary state highway No. 1 from Marysville to a junction with secondary state highway No. 1A is actually constructed on the location adopted by the state highway commission, no existing city streets or county roads shall be maintained or improved by the state highway commission as a temporary route of said primary state highway No. 1; also beginning on primary state highway No. 1 in the vicinity south of Seattle, thence in a northeasterly direction to Renton, thence northerly east of Lake Washington to primary state highway No. 1 north of Seattle; and also until the federal aid interstate route No. 1 through Seattle is open to through traffic, beginning on primary state highway No. 1 in the vicinity south of Seattle, thence in a northwesterly direction west of the Duwamish river to Seattle, also beginning at Seattle on primary state highway No. 1, thence via the Evergreen Point bridge to a junction with primary state highway No. 1 east of Lake Washington; also beginning on primary state highway No. 1 in the vicinity of Salmon Creek, north of Vancouver, thence in a southeasterly direction to the Washington-Oregon boundary line in the vicinity east of Vancouver.

SEC. 22. The joint committee on highways, jointly with the Washington state highway commission, shall, pursuant to the provisions of this act, consider the following highway additions and deletions by undertaking a comprehensive and definitive study with necessary reconnaissance surveys, including location, reconstruction costs and roadway design

Studies
enumerated.

Highways.
Studies inci-
dent to enum-
erated.

to accomplish their evaluation with respect to their being a part of the modern integrated state highway system. Unless otherwise specified, all studies shall be completed by June 1, 1964:

(1) The rerouting of secondary state highway No. 9A from a junction with primary state highway No. 9, west of Port Angeles to Neah Bay.

Appropriation.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint committee on highways, for the biennium ending June 30, 1965, the sum of seven thousand five hundred dollars, or so much thereof as may be necessary to carry out the provisions of this subsection.

(2) A new section of primary state highway No. 3 in Whitman county from the junction of U. S. highway 195 and U. S. highway 95 south of Uniontown to a junction with U. S. highway 410 in the vicinity of Clarkston. The study shall include the possibility and feasibility of cooperating with the Idaho department of highways on the construction of a cooperative project if the survey shows that any part of a desirable route lies in the state of Idaho. In order to carry out the provisions of this section the Washington state highway commission may consult, cooperate, and enter into agreements with the Idaho department of highways for the purpose of reconnaissance surveys, cost estimates, and traffic estimates of a route or routes that may be partly in the state of Idaho.

Appropriation.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint committee on highways, for the biennium ending June 30, 1965, the sum of two thousand five hundred dollars to carry out the provisions of this subsection.

(3) A new highway beginning at Bellevue on primary state highway No. 1 which is the approved route of federal-aid interstate and defense highway

No. 405, thence northeasterly, by the most feasible route, to a junction with primary state highway No. 2 in the vicinity of Redmond.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission and the joint committee on highways, for the biennium ending June 30, 1965, the sum of twenty thousand dollars, or so much thereof as may be necessary to carry out the provisions of this subsection. Appropriation.

SEC. 23. The state highway commission, in cooperation with the joint committee on highways, is authorized and directed to prepare a comprehensive long range plan for cross sound transportation concerning the proper location of bridges and ferry routes, together with necessary connecting roads and ferry terminals for the facilities of transportation across Puget Sound. The commission shall utilize all current and prior surveys and reports heretofore made concerning cross sound transportation. Cross sound transportation study.

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1965, the sum of fifty thousand dollars, or so much thereof as may be necessary to carry out the provisions of this section. Appropriation.

SEC. 24. The state highway commission in cooperation with the joint committee on highways, is authorized and directed to conduct a study of the feasibility and cost for a new highway on the north side of the Mossyrock Reservoir from a junction with proposed relocated primary state highway No. 5 in the vicinity of Mossyrock to a junction with primary state highway No. 5 in the vicinity of Kosmos: *Provided, however,* That nothing in this section shall be construed to in any way increase, modify, revoke, terminate, abrogate or delay any of the provisions of that certain agreement, and the Mossyrock Reservoir highway study.

Proviso.

Highways.
Mossyrock
Reservoir
highway
study.

route and cost determinations contained therein, heretofore executed pursuant to state law between the state highway commission and the city of Tacoma on October 23, 1961 and providing for the inundation and relocation of state highways affected by the construction of the city's Mossyrock Dam and Reservoir.

Appropriation.

There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1965, the sum of fifteen thousand dollars, or so much thereof as may be necessary to carry out the provisions of this section.

Highway 2D
study.

SEC. 25. The state highway commission is authorized and directed to conduct a study of the feasibility and cost of reconstructing secondary state highway No. 2D as a four-lane highway from its junction with primary state highway No. 1RE to Redmond.

National park
service park-
way agree-
ment. Author-
ized.

SEC. 26. The state highway commission is authorized to enter into an agreement with the national park service of the federal government relating to the financing, location, design, acquisition and transfer of rights of way and property rights, construction, maintenance, and use of a national park service parkway, including the construction of a public highway thereon, extending from the vicinity of Port Angeles to the north boundary of the Olympic National Park, or any portion thereof.

Provisions
requisite to
agreement.

SEC. 27. The agreement pursuant to section 26 of this act shall include, but is not limited to, the following provisions:

(1) That the parkway shall be designed, constructed and maintained as a national park service parkway access road as provided for in the regulations of the national park service; that the location and design including route, design standards, roadway sections, and access controls over such parkway

and highway shall be as agreed upon by the state highway commission and the national park service;

(2) That the right of way for such parkway and highway shall average not less than one hundred acres per mile, or such lesser amount as may be agreed upon between the state highway commission and the national park service;

(3) That the state highway commission, at its expense shall do all work necessary in the location and design of such parkway and highway and shall acquire all rights of way, rights of access, light, view, and air, and other property rights necessary for such parkway and highway;

(4) That the national park service shall construct and maintain such parkway and highway;

(5) That upon the completion of the construction of such parkway and highway the state shall, by quitclaim deed executed by the governor and approved by the attorney general, convey to the national park service all rights of way, rights of access, light, view, and air, and other property rights acquired for such parkway and highway; and that any sums expended from the motor vehicle fund and conveyances made by the state pursuant to sections 26 through 31 of this act shall be deemed to be in exchange for the construction and maintenance of the public highway provided for by the terms of sections 26 through 31 of this act;

(6) That upon conveyance of all rights of way, rights of access, light, view, and air, and other property rights to the national park service, the national park service shall have full jurisdiction, responsibility, and control over such parkway and highway, all at the exclusive expense of the national park service.

SEC. 28. As to the location, design, and the acquisition of rights of way, rights of access, light, view, and air, and other property rights undertaken pur-

Commission
powers incident to
agreement.

National park service parkway agreement. Commission powers incident to.

suant to the agreement authorized by section 26 of this act, the state highway commission shall have all powers granted and may incur all expenses authorized to it with respect to state highways as contained in Title 47 RCW, and the state of Washington acting through the Washington state highway commission shall have all powers granted by chapter 8.04 RCW to acquire by condemnation the rights of way, rights of access, light, view, and air, and other property rights necessary for such parkway and highway.

Parkway use as public use.

SEC. 29. The use of the private lands, rights of way, light, view, and air, and other property rights selected by the highway commission as necessary for the construction and maintenance of the highway and parkway provided for in sections 26 through 31 of this act is hereby declared to be a necessary public use.

RCW 47.20.380 amended.

SEC. 30. Section 47.20.380, chapter 13, Laws of 1961 and RCW 47.20.380 are each amended to read as follows:

Secondary state highways. No. 9E.

Secondary state highways as branches of primary state highway No. 9 are established as follows:

Secondary state highway No. 9E; beginning at a junction with primary state highway No. 9 in the vicinity south of Discovery Bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; thence crossing Hood Canal to a junction with primary state highway No. 21;

This addition to secondary state highway No. 9E shall become effective July 1, 1959.

This amendment shall not be effective until the parkway and highway established by sections 26 through 31 of this act shall be open to the public.

Appropriation —Parkway.

SEC. 31. There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1965, the sum of four hundred thousand dollars, or so much thereof

as may be necessary to carry out the provisions of sections 26 through 31 of this act.

SEC. 32. The state highway commission is authorized and directed to expend for maintenance of the Puget Island-Westport ferry a sum not to exceed four hundred dollars per month through June 30, 1965 for operation of said ferry as a temporary alternate route: *Provided*, That not more than fifty percent of the total monthly cost of operation and amortization costs of said ferry shall be paid by the highway commission and the balance of such cost shall be borne by Wahkiakum county. The monthly payments provided for herein shall be disbursed by warrant to Wahkiakum county upon proper vouchers certified by the Wahkiakum board of county commissioners and approved by the state highway commission.

Puget Island-
Westport ferry
operation
funds.

Proviso.

There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1965 the sum of nine thousand six hundred dollars, or so much thereof as may be necessary to carry out the provisions of this section.

Appropriation.

SEC. 33. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1965, a sum, not to exceed six hundred thousand dollars, which shall equal the sum transferred from the Puget Sound reserve account for state highways or other state highway commission purposes in accordance with RCW 47.60.360, from the effective date of this section until July 1, 1963. The sum herein appropriated shall be placed in the King county contribution account of the second Lake Washington toll bridge bond fund and shall be used by the authority to pay principal and interest on the bonds heretofore issued by the authority to pay the cost of constructing the second Lake Wash-

Appropriation
—Second Lake
Washington
bridge bond
fund purposes.

ington bridge, but only to the extent that net revenues from said bridge are insufficient therefor.

This money is to be considered a loan and is to be repaid to the motor vehicle fund from revenues of such project and tolls shall be continued for any additional length of time necessary for this purpose.

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

Appropriation
—Spokane
River toll
bridge revenue
bond purposes.

SEC. 34. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1965, the sum of seventy-five thousand dollars or so much thereof as may be necessary to carry out the purposes of this section. The authority shall transfer such amounts of the appropriation as may be necessary from time to time to the Spokane River toll bridge revenue bond fund established by resolution No. 320 of the authority to pay interest on the Spokane River toll bridge revenue bonds as the same shall come due but only to the extent that net revenues from said bridge are insufficient therefor.

Any expenditures from the above appropriation are to be considered a loan and are to be repaid to the motor vehicle fund from revenues of the Spokane River toll bridge and tolls shall be continued for any additional length of time necessary for this purpose.

Joint com-
mittee on
highways.
Created—
Members,
appointment.

SEC. 35. The joint fact-finding committee on highways, streets and bridges originally created by chapter 111, Laws of 1947, is hereby recreated and renamed the joint committee on highways. The renaming of said committee shall not affect any powers vested in it or duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the joint

committee on highways. The committee shall consist of seven senators to be appointed by the president of the Senate and eight members of the House of Representatives to be appointed by the speaker thereof. A list of appointees shall be submitted before the close of each regular legislative session or extraordinary session following a regular session for confirmation of Senate members, by the Senate, and House members, by the House. Vacancies occurring shall be filled by the appointing authority.

SEC. 36. The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947.

Committee powers, duties.

SEC. 37. The joint committee on highways is authorized and directed to ascertain in the interest of traffic safety and consistent with the public needs, study, analyze, report on and make recommendations to the 1965 legislature prior to its convening concerning:

Specific committee duties.

(1) The long-range objectives for highway improvements established by the state highway commission and the current six-year construction program for state highways adopted by the state highway commission and a review of the commission's methods and procedures for the selection of projects for the various classes of state highways.

(2) Continuation of the study of methods of improving the administration of city street, county road and state highway programs.

(3) The federal highway cost allocation study in relation to the American Association of State Highway Officials road test and the 1961-1962 federal cost allocation cost reports and their application to cost allocation, weight limits and highway design in Washington.

Joint com-
mittee on high-
ways. Specific
duties enum-
erated.

(4) The advance programming of city street and county road construction in the light of the 1962 Automotive Safety Foundation study.

(5) The development of criteria for the use of motor vehicle funds to guarantee or otherwise assist the toll revenue bond projects.

(6) The justification of transportation subsidies from the motor vehicle fund to cross-sound transportation with special consideration for the economic potential of the Olympia Peninsula.

(7) The effectiveness of the new electronic driver training simulators for driver education and driver reexamination purposes.

(8) The cost and the effectiveness of reflectorized license plates as accident preventive devices.

(9) The feasibility of reestablishing a program of periodic vehicle inspection. (Reference, See House Bill No. 593, 1963 regular session)

(10) A comprehensive study of driver licensing and the driver improvement program, including the most effective use of a point system.

(11) A study of the problem of the continued use of vehicles by persons whose operators' licenses have been suspended or revoked.

(12) A study of all aspects of automobile insurance, including cancellation and nonrenewal provisions, the assigned risk plan, uninsured motorist coverage, safe driver award plans and their implications for accident reduction.

(13) A review, in advance of the 1965 legislative session, of the Washington state ferry system capital budget for the 1965-1967 biennium as the same shall be proposed by the state highway commission.

(14) The desirability of consolidating all driver licensing and vehicle licensing functions in a single department of state government. In connection with this study the committee shall examine the budgets and earmarked revenues of the department of li-

censes and the Washington state patrol and make necessary budget recommendations in connection with any consolidation of licensing functions. The study shall be made in cooperation with the department of licenses, the Washington state patrol and the budget director.

(15) The desirability of consolidating all functions of the Washington toll bridge authority in the state highway commission. (Reference, See House Bill No. 345, 1963 regular session)

(16) The feasibility of legislation authorizing the creation of benefit districts to aid in the construction of major transportation facilities. (Reference, See Senate Bill No. 598, 1963 regular session)

(17) A review, in cooperation with the state highway commission and the city of Renton, of the proposed arterial highway system in the Renton area and its relationship to the comprehensive plans for arterial streets within Renton.

(18) A review of the 1961-1963 state highway commission biennial construction program in connection with projects which were not completed during the biennium, to ascertain the reasons therefor.

(19) The effect that proposed increased truck axle loads, heavier than are now permitted, would have on our recently constructed highway pavements, and on older pavements built to lower standards.

(20) The erection of appropriate roadside markers and historical monuments along the highways of the state.

(21) The methods of effectively implementing the recommendations of the automotive safety foundation 1962 study on priority programing for county roads and city streets.

(22) The feasibility of providing individual photographs on vehicle operators' licenses. (Reference, See House Bill No. 490, 1963 regular session)

Joint committee on highways. Specific duties enumerated.

(23) The feasibility of transferring vehicle license plates with the owner rather than the vehicle. (Reference, See House Bill No. 169, 1963 regular session)

(24) A short-range and a long-range comprehensive program for highway safety.

(25) Continuation of the study on control of highway advertising and signs with regard to providing information in the specific interest of the traveling public with special consideration of the advisability of modifying existing restrictions within commercial or industrial zones of cities and towns (as their boundaries existed on September 21, 1959) and to recommend additional scenic area upon state highways for the application of the scenic areas regulations of chapter 96, Laws of 1961, and to study such other factors relating to highway advertising as the committee deems appropriate.

Additional committee duties.

SEC. 38. In addition to the powers and duties heretofore conferred upon it, the joint committee on highways is further authorized and directed to continue its participation in the activities of the western interstate committee on highway policy problems of the council of state governments and to participate in any interstate reciprocity or proration meetings designated by the Washington reciprocity commission.

Committee expenses—Reimbursement.

SEC. 39. The members of the joint committee on highways shall be reimbursed for their expenses incurred while attending sessions of the committee or meetings of any subcommittees of the committee or while engaged on 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

employees, shall be paid upon voucher forms as provided by the central budget agency and signed by the chairman or vice chairman of the committee and attested by the secretary of the 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 for the expenses of the committee.

SEC. 40. In addition to all other fees prescribed by law, there shall be paid for each motor vehicle the following amounts at the time of the payment of the registration fee as provided by law:

Additional motor vehicle fees—Use.

For each truck under 12,000 lbs.	\$.25
For each truck over 12,000 lbs. and under 20,000 lbs.	\$.50
For each truck over 20,000 lbs.	\$1.00
For each trailer 4,000 lbs. to 12,000 lbs.	\$.25
For each trailer 12,000 lbs. to 20,000 lbs.	\$.50
For each trailer, semitrailer or pole trailer over 20,000 lbs.	\$1.00
For each diesel truck	\$2.00
For each auto stage	\$1.00
For each for hire vehicle over 4,000 lbs.	\$.50
For each motor vehicle not otherwise taxed herein	\$.10

Such fees shall be deposited in the motor vehicle fund, and shall be used by the joint committee on highways and the state highway commission to help defray the costs of special highway studies and other studies as provided for in this act and for other necessary expenses of such committee.

SEC. 41. There is hereby appropriated from the motor vehicle fund to the joint committee on highways for the biennium ending June 30, 1965, the sum of fifty thousand dollars, or so much thereof as shall be necessary.

Appropriation—Joint committee on highways.

SEC. 42. Section 5, chapter 9, Laws of 1961, extraordinary session and RCW 47.60.440 are each amended to read as follows:

RCW 47.60.440 amended.

The Washington state ferry system shall be efficiently managed, operated and maintained as a revenue-producing undertaking. The authority shall

Ferry system as revenue producing undertaking.

Ferry system.
Debt service—
Tolls and
charges on
ferry system
and Hood
Canal bridge.

maintain and revise from time to time as necessary a schedule of tolls and charges on said ferry system and Hood Canal bridge that will produce net revenue available for debt service, in each fiscal year, in an amount at least equal to minimum annual debt service requirements as hereinafter provided. Minimum annual debt service requirements as used in this section shall include required payments of principal and interest, sinking fund requirements and payments into reserves on all outstanding revenue bonds authorized by RCW 47.60.400 through 47.60.470 and all other outstanding parity bonds hereafter issued in connection with the said ferry system and Hood Canal bridge and any other facility hereafter constructed by the authority to facilitate the crossing of Puget Sound, but shall not include payments into the ferry improvement fund.

The provisions of law relating to the revision of tolls and charges to meet minimum annual debt service requirements from net revenues as required by this section shall be binding upon the authority but shall not be deemed to constitute a contract to that effect for the benefit of the holders of such bonds.

Vetoed.

Sec. 43. The Washington state highway commission shall make a study of toll rates, including commuter rates, on all routes of the Washington state ferry system and based thereon shall recommend, not later than September 1, 1963, appropriate readjustments of rates to the Washington toll bridge authority. The study shall take into account the costs of operating each route, the type of equipment and facilities used on each route, and the effect of proposed rate readjustments upon the economic development of specific areas as well as the entire Olympic Peninsula.

It is the intent of the legislature that the state highway commission shall recommend and the Wash-

ington toll bridge authority shall adopt rate revisions, and in particular commuter rate revisions, which will substantially reduce the amount of subsidy required to meet the debt service on the ferry and Hood Canal bridge revenue bonds.

Sec. 44. There is added to chapter 46.52 RCW a new section to read as follows:

The director of licenses shall neither record nor give any effect whatsoever to a report of a conviction of a resident of this state when such conviction occurred in another state and was based upon (1) a violation of an administrative rule or regulation or (2) the forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed an offense relating to the use and operation of a motor vehicle.

Vetoed.

SEC. 45. Section 47.56.140, chapter 13, Laws of 1961, and RCW 47.56.140 are each amended to read as follows:

RCW 47.56.140 amended.

The revenue bonds may be issued and sold by the authority from time to time and in such amounts as it deems necessary to provide sufficient funds for the construction of the bridge, and to pay interest on outstanding bonds issued for its construction during the period of actual construction and for six months after completion thereof.

Toll bridge bonds. Form, contents, manner of sale—Interim bonds.

The authority shall determine the form, conditions, and denominations of the bonds, and the maturity dates which the bonds to be sold shall bear and the interest rate thereon, which shall not exceed six percent per year. All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds shall be payable at such place as determined by the authority, and may contain provisions for registration as to principal or interest, or both. They shall be in coupon form with interest payable at such times as determined by the authority, and shall mature at such times and in such

Toll bridge
bonds. Form,
contents, man-
ner of sale—
Interim bonds.

amounts as the authority prescribes. The authority may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds shall be signed by the state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor. The countersignature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures. Successive issues of such bonds within the limits of the original authorization shall have equal preference with respect to the redemption thereof and the payment of interest thereon. The authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. The bonds shall be negotiable instruments under the law merchant. All bonds issued and sold hereunder shall be sold on sealed bids to the highest and best bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids and may thereafter sell the bonds at private sale under such terms and conditions as it deems most advantageous to its own interests; but not at a price below that of the best bid which was rejected. The authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter, except the requirement that they be first offered at public sale.

Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by the state auditor, may

be issued and delivered until bonds are executed and available for delivery.

SEC. 46. Section 46.60.150, chapter 12, Laws of 1961 and RCW 46.60.150 are each amended to read as follows:

RCW 46.60.150 amended.

Every operator of a vehicle on approaching public highway intersections shall look out for and give right of way to vehicles on his right, simultaneously approaching a given point within the intersection, and whether his vehicle first reaches and enters the intersection or not: *Provided*, That this section shall not apply to operators on arterial highways or to vehicles entering an intersection which is posted with the "Yield" sign.

Rules of the road. Right of way on approaching intersection.

Proviso.

SEC. 47. Section 46.60.170, chapter 12, Laws of 1961 and RCW 46.60.170 are each amended to read as follows:

RCW 46.60.170 amended.

The operator of a vehicle shall stop as required by law at the entrance to any intersection with an arterial public highway, and having stopped shall look out for and give right of way to any vehicles upon the arterial highway simultaneously approaching a given point within the intersection, whether or not his vehicle first reaches and enters the intersection: *Provided*, That this section shall not apply to vehicles entering an intersection which is posted with the "Yield" sign.

Right of way at arterial intersection.

Proviso.

SEC. 48. Section 46.60.330, chapter 12, Laws of 1961 and RCW 46.60.330 are each amended to read as follows:

RCW 46.60.330 amended.

All state highways are hereby declared to be arterial highways as respects all other public highways or private ways except that the Washington state highway commission shall have the authority to designate any county road or city street as an arterial having preference over the traffic on the

Arterial highways designated-- Stopping on entering.

Rules of the road. Arterial highways designated—Stopping on entering.

state highway if traffic conditions will be improved by such action.

Those city streets designated by the Washington state highway commission as forming a part of the routes of state highways through incorporated cities and towns are hereby declared to be arterial highways as respects all other city streets or private ways.

The governing authorities of incorporated cities and towns may designate any street as an arterial having preference over the traffic on a state highway if such change is first approved in writing by the Washington state highway commission. The local authorities making such a change in arterial designation shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained standard stop signs, or "Yield" signs, to accomplish this change in arterial designation.

The operator of any vehicle entering upon any arterial highway from any other public highway or private way shall come to a complete stop before entering such arterial highway when stop signs are erected as provided by law.

RCW 47.36.110 amended.

SEC. 49. Section 47.36.110, chapter 13, Laws of 1961 and RCW 47.36.110 are each amended to read as follows:

Traffic control devices—Stop and yield right of way signs.

In order to provide safety at intersections on the state highway system, the Washington state highway commission may require persons traveling upon any portion of such highway to stop before entering the intersection. For this purpose there may be erected a standard stop sign as prescribed in the state of Washington department of highways "Manual for Signing." All persons traveling upon the highway shall come to a complete stop at such a sign and the appearance of any sign so located shall be sufficient warning to a person that he is required to stop. A person stopping at such a sign shall proceed through such portion of the highway

in a careful manner and at a reasonable rate of speed not to exceed twenty miles per hour. It shall be unlawful to fail to comply with the directions of any such a stop sign: *Provided*, That when the findings of a traffic engineering study show that the condition of an intersection is such that vehicles may safely enter the major artery without stopping, the Washington state highway commission or local authorities in their respective jurisdictions shall install and maintain a "Yield" sign. Proviso.

The driver of a vehicle approaching a "Yield" sign shall reduce speed or stop if necessary in order to yield the right of way to all traffic on the intersecting street which is so close as to constitute an immediate hazard. A motorist proceeding past such a sign with a resultant collision or other interferences with traffic on the intersecting street shall be prima facie evidence that the motorist had not obeyed the sign and yielded the right of way as provided by this statute.

SEC. 50. Section 46.60.020, chapter 12, Laws of 1961 and RCW 46.60.020 are each amended to read as follows: RCW 46.60.020 amended.

Whenever any highway has been divided into two roadways for travel in opposite directions by leaving an intervening space or by a physical barrier or clearly indicated dividing section or by two parallel yellow barrier stripes four inches or more apart so installed as to control vehicular traffic, every vehicle shall be driven only upon the right hand roadway and no vehicle shall be driven over, across or within any such dividing space, barrier or section, or yellow barrier stripes, except through an opening in such physical barrier or dividing section or space, or yellow barrier stripes, or at a crossover or intersection established by public authority. Rules of the road. Divided highways.

RCW 46.16.010 amended.

SEC. 51. Section 46.16.010, chapter 12, Laws of 1961 as amended by section 32, chapter 21, Laws of 1961 extraordinary session and RCW 46.16.010 are each amended to read as follows:

Motor vehicles. License and plates required --Exceptions.

It shall be unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided: *Provided*,

Proviso.

That these provisions shall not apply to farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law:

Proviso.

Provided further, That these provisions shall not apply to equipment defined as follows:

“Special highway construction equipment” is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1)

are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

(a) Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

SEC. 52. Section 46.44.030, chapter 12, Laws of 1961 as amended by section 36, chapter 21, Laws of 1961 extraordinary session and RCW 46.44.030 are each amended to read as follows:

RCW 46.44.030
amended.

It is unlawful for any person to operate upon the public highways of this state any vehicle having an overall length, with or without load, in excess of thirty-five feet, except that an auto stage shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet, but the operation of any such auto stage upon the public highways shall be limited as determined by the state highway commission.

Maximum
lengths.

Motor vehicles.
Maximum
lengths.

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

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a non-stinger steered tractor and semitrailer which has an overall length in excess of sixty feet without load or in excess of sixty-five feet with load.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer, or any lawful combination of three vehicles, or a combination consisting of a tractor and stinger steered semitrailer with an overall length, with or without load, in excess of sixty-five feet.

“Stinger steered” as used in this section shall mean a tractor and semitrailer combination which has the coupling connecting the semitrailer to the tractor located to the rear of the center line of the rear axel of the tractor.

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

RCW 46.44.037
amended.

SEC. 53. Section 46.44.037, chapter 12, Laws of 1961 and RCW 46.44.037 are each amended to read as follows:

Notwithstanding the provisions of RCW 46.44.036 and subject to such rules and regulations governing

their operation as may be adopted by the state highway commission operation of the following combinations shall be lawful:

Combination
of units—Law-
ful operations
—Special
permits.

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

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

A combination consisting of a truck tractor, a semitrailer, and a full trailer when licensed for a total gross weight of seventy-two thousand pounds may be entitled to a special permit authorizing the combination to carry not more than four thousand pounds of gross weight in excess of the maximum allowed in RCW 46.44.044 upon the payment of the fees set forth in RCW 46.44.095 and on such highways and subject to such terms and conditions as the state highway commission shall prescribe pursuant to the provisions of RCW 46.44.095: *Provided*, That any state highway patrol officer who shall find any person operating a vehicle in violation of the conditions of a special permit issued under this section may confiscate such permit and forward it to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it.

Proviso.

SEC. 54. Section 46.44.092, chapter 12, Laws of 1961 and RCW 46.44.092 are each amended to read as follows:

RCW 46.44.092
amended.

No special permit shall be issued for movement on any two lane state highway outside the limits of

Motor vehicles.
Special permits for over-size movements. Overall width limit—
Exceptions to limits—
Application for permit.

Proviso.

Proviso.

Proviso.

any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for widths in excess of twenty feet: *Provided*, That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for widths in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the highway commission, the movement or action is a necessary emergency movement or action: *Provided further*, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining widths in excess of such limitation; (4) these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any primary or secondary state highway for a distance greater than thirty-five miles, if properly patrolled and flagged; (5) these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty thousand pounds and the overall width of load does not exceed sixteen feet: *Provided*, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one

per week), and conditions to assure safety of traffic may be prescribed by the highway commission or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

SEC. 55. Section 10, chapter 96, Laws of 1961 and RCW 47.42.100 are each amended to read as follows:

RCW 47.42.100 amended.

(1) No sign lawfully erected in a protected area prior to March 11, 1961, within a commercial or industrial zone within the boundaries of any city or town, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after March 11, 1965.

Highway advertising control. Preexisting signs—Moratorium.

No sign lawfully erected in a protected area prior to March 11, 1961, other than within a commercial or industrial zone within the boundaries of a city or town as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after three years from March 11, 1961.

(3) No sign lawfully erected in a scenic area prior to the effective date of the designation of such area as a scenic area shall be maintained by any person after three years from the effective date of the designation of any such area as a scenic area.

Highway advertising control. Construction of amending section.

SEC. 56. If any provision of section 55 of this amendatory act shall be held to be invalid or shall be held to invalidate any provision of chapter 96, Laws of 1961 (chapter 47.42 RCW), then that provision of this amendatory act shall be of no force and effect and the provisions of chapter 96, Laws of 1961 (chapter 47.42 RCW) shall continue in effect.

Severability.

SEC. 57. If any phrase, clause, subsection or section of this act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

Emergency.

SEC. 58. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and sections 35 through 43 inclusive shall take effect immediately.

Passed the House March 31, 1963.

Passed the Senate March 30, 1963.

Approved April 6, 1963 with the exception of Section 43 and Section 44 which were vetoed.

Veto message, excerpt.

GOVERNOR'S EXPLANATION OF PARTIAL VETO IS AS FOLLOWS:

"Section 43 directed the Washington State Highway Commission to make a study of the toll rates of the State Ferry System and recommended rate readjustments to the Washington Toll Bridge Authority. It further provided that the Toll Bridge Authority shall adopt recommendations which will reduce the amount of subsidy required. While I do not disagree with the legislative intention to reduce ferry subsidies, Section 43 created a hopeless tangle of rate setting responsibility and failed to consider the needs of ferry users.

"Matters relating to ferry operations is primarily a responsibility of the Toll Bridge Authority. By directing the Highway Commission to make a rate study, the legislature has unnecessarily duplicated a responsibility now vested in another branch of government. Existing law directs the Toll Bridge Authority to review tariffs and specifically states that such review shall consider ". . . expressions from local community groups . . ." as well as existing financing programs. This section would neither contribute to an efficient ferry system nor benefit ferry users.

"Section 44 provides that the Director of Licenses shall neither record nor give effect to a report of a conviction of a resident of this state when such conviction occurred in another state and was based upon violation of an administrative rule or forfeiture of bail.

"During the regular session, the legislature passed House Bill No. 144, which enacted the Driver License Compact into law. This Compact was prepared pursuant to resolutions of the Western Governors' Conference and the Western Interstate Committee on Highway Policy Problems of the council of State Governments.

"Under this Compact, convictions to be reported and given effect in this state include forfeiture of bail and violations of administrative rules. This bill would, by implication, amend the operative effectiveness of the Driver's License Compact and weaken the Compact, which I feel can help reduce our tragic traffic fatalities.

"For the reasons indicated, Sections 43 and 44 of House Bill No. 4 are vetoed and the remainder of the bill is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 4.

[H. B. 26.]

CAPITAL BUDGET AND APPROPRIATIONS.

AN ACT adopting the capital budget and making appropriations for capital improvements; and declaring an emergency.

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

SECTION 1. That a capital budget is hereby adopted and subject to the provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated are hereby appropriated and authorized to be disbursed for capital projects during the fiscal biennium beginning July 1, 1963, and ending June 30, 1965, except as hereinafter provided, out of the several funds hereinafter named:

Capital
budget—Appropriations.

FOR GENERAL ADMINISTRATION

	Reappropriations	From Fund Designated	From the State Building Construction Account
Acquire land, repair buildings and develop parking East Capitol Site (\$580,000)			
Capitol Building Construction Account		\$ 310,000	.....
Capitol Purchase and Development Account		270,000	.....
Construct and equip Record Center Building			
Capitol Building Construction Account		44,758	.....
Remodel offices and facilities Capitol Group Site			\$ 16,250
Construct and equip Rehabilitation Center for the Blind			
General Fund (100% reimbursable)	\$ 100,000		.....
Construct Additional Lane Capitol Lake Bridge and Repair Fish Gates			
Capitol Building Construction Account		25,000	.....
Develop Capitol Lake Recreational Facilities			
Capitol Building Construction Account		20,000	.....
Total (\$786,008)	\$ 100,000	\$ 669,758	\$ 16,250

FOR THE STATE PATROL

	Reappropriations From State Patrol Highway Account	From the State Patrol Highway Account	
Extend microwave communication, Point-to-Point Relay System. Replace Mobile and Fixed Stations (\$790,000)	\$ 720,000	\$ 70,000	.....
Acquire land and construct district offices: East King County, South King County, and Yakima District		252,000	.....
Acquire land and construct Supply Building		294,000	.....
Construct and equip scale houses including site acquisition and improvement to existing scalehouse sites, (\$141,000)	19,600	121,500	.....
Total (\$1,477,100)	\$ 739,600	\$ 737,500	.....

FOR CIVIL DEFENSE

Construct emergency operating center			From the State Building Construction Account
			\$ 5,000

FOR THE MILITARY DEPARTMENT

	Reappropiations		From the State Building Construction Account
Construct, equip and renovate Armory Facilities and Hangar Buildings			\$ 44,000
State Building Construction Account	\$ 149,350		
General Fund	14,000		
Total (\$207,350)	\$ 163,350		\$ 44,000

FOR THE DEPARTMENT OF INSTITUTIONS HEADQUARTERS

Construct or acquire and equip Group home		From the CEP & RI Account	
		\$ 73,500	

FOR THE PENITENTIARY

	Reappropiations		
Cell Block Wings			
Institutional Building Construction Account	\$ 43,096		
Utilities and Electrical Lines (\$16,842)			
State Building Construction Account	2,842		
General Fund	14,000		
Hospital Wing (\$45,675)			
Institutional Building Construction Account	34,675		
State Building Construction Account	11,000		
Creamery Building (\$38,859)			
Institutional Building Construction Account	34,722		
State Building Construction Account	4,137		
Total	\$ 144,472		

FOR THE REFORMATORY

	Reappro- priations		
Central Dairy Building including fire protection (\$10,296)			
State Building Construction			
Account	\$ 1,550	.....	.....
General Fund	8,746	.....	.....
Replace Ceiling Cell Block #1			
General Fund	3,500	.....	.....
Sewage Disposal Plant			
State Building Construction			
Account	121,000	.....	.....
Remodel and equip kitchen			
State Building Construction			
Account	156,417	.....	.....
Total	\$ 291,213	.....	.....

FOR THE WASHINGTON CORRECTION CENTER

	Reappro- priations	From the CEP & RI Account	
Construct and equip correctional institution .....	.....	\$6,966,238	.....
State Building Construction			
Account	\$3,463,000	.....	.....
Total (\$10,429,238)	\$3,463,000	\$6,966,238	.....

FOR LARCH MOUNTAIN HONOR CAMP

		From the State Building Construction Account
Equip Okanogan Laundry .....	.....	\$ 3,600

FOR THE JUVENILE RECEPTION-DIAGNOSTIC CENTER

	Reappro- priations		
Remodel and equip Correctional Institution			
State Building Construction			
Account	\$ 157,926	.....	.....

FOR FORT WORDEN SCHOOL

	Reappro- priations	From the State Building Construction Account
Roof Repairs .....	.....	\$ 9,350
Convert diagnostic cottages		
State Building Construction		
Account	\$ 120,000	.....

Girls' Residential Building

State Building Construction

Account	26,000	.....	.....
Total (\$155,350)	\$ 146,000	.....	\$ 9,350

FOR MAPLE LANE SCHOOL

	Reappro- priations		From the State Building Construction Account
Utilities			
State Building Construction			
Account	\$ 20,319	.....	.....
Roof Repairs .....	.....	.....	\$ 25,000
Total (\$45,319)	\$ 20,319	.....	\$ 25,000

FOR GREEN HILL SCHOOL

	Reappro- priations		From the State Building Construction Account
Renovate and extend Utilities (\$141,217)			
State Building Construction			
Account	\$ 61,217	.....	\$ 80,000
Reroof Commissary Building .....	.....	.....	5,000
Total (\$146,217)	\$ 61,217	.....	\$ 85,000

FOR MARTHA WASHINGTON SCHOOL

	Reappro- priations		
Enclose Stairwell			
General Fund	\$ 5,000	.....	.....

FOR CEDAR CREEK YOUTH FORESTRY CAMP

			From the State Building Construction Account
Renovate water system .....	.....	.....	\$ 83,000

FOR THE CAPITOL FOREST YOUTH CAMP

	Reappro- priations		
Barracks Building			
State Building Construction			
Account	\$ 195,000	.....	.....

FOR THE SOLDIERS' HOME AND COLONY

	Reappro- priations		
Remodel Garfield Barracks			
General Fund	\$ 18,000	.....	.....
Install Boiler and Stoker			
General Fund	175,000	.....	.....
	<u> </u>	<u> </u>	<u> </u>
Total	\$ 193,000	.....	.....

FOR THE VETERANS' HOME

			From the State Building Construction Account
Roof Repairs .....	.....	.....	\$ 5,200

FOR THE SCHOOL FOR THE BLIND

	Reappro- priations		
Physical Education Building and Central Heating Plant (\$319,594)			
State Building Construction			
Account	\$ 230,694	.....	.....
General Fund	88,900	.....	.....
Superintendent's Residence			
State Building Construction			
Account	\$ 7,000	.....	.....
	<u> </u>	<u> </u>	<u> </u>
Total	\$ 326,594	.....	.....

FOR THE SCHOOL FOR THE DEAF

	Reappro- priations		
Administration Building			
State Building Construction			
Account	\$ 5,086	.....	.....

FOR WESTERN HOSPITAL

	Reappro- priations	From the CEP & RI Account	From the State Building Construction Account
Remodel and equip Ward Buildings (\$326,507) .....	.....	\$ 175,000	.....
State Building Construction			
Account	\$ 151,507	.....	.....
Construct addition to kitchen and dining hall			
State Building Construction			
Account	271,339	.....	.....

LAWS, EXTRAORDINARY SESSION, 1963.

[Ch. 4.]

Roof Repairs (\$68,475) .....	.....	.....	\$ 60,000
General Fund	8,475	.....	.....
Renovate Power House .....	.....	425,000	.....
	<u> </u>	<u> </u>	<u> </u>
Total (\$1,091,321)	\$ 431,321	\$ 600,000	\$ 60,000

FOR NORTHERN HOSPITAL

	Reappropriations	From the CEP & RI Account	From the State Building Construction Account
Receiving Medical Building (\$18,233)			
Institutional Building Construction			
Account	\$ 13,233	.....	.....
State Building Construction			
Account	5,000	.....	.....
Remodel and equip Ward Buildings			
(\$619,911) .....	.....	\$ 490,000	.....
State Building Construction			
Account	129,911	.....	.....
Occupational Therapy Building			
(\$65,422)			
State Building Construction			
Account	15,000	.....	.....
Institutional Building Construction			
Account	50,422	.....	.....
Addition to Laundry Building			
State Building Construction			
Account	139,590	.....	.....
Addition to Power Plant			
State Building Construction			
Account	30,765	.....	.....
Cover Reservoir and renovate water			
system .....	.....	.....	\$ 52,750
Roof Repairs .....	.....	.....	15,000
Remodel and Enlarge Public Restrooms			10,000
	<u> </u>	<u> </u>	<u> </u>
Total (\$951,671)	\$ 383,921	\$ 490,000	\$ 77,750

FOR EASTERN HOSPITAL

		From the CEP & RI Account	From the State Building Construction Account
Renovate Utilities .....	.....	\$ 110,000	.....
Roof Repairs .....	.....	.....	\$ 34,000
Renovate Geriatrics Building .....	.....	.....	85,800
Replace Elevators in Ward Buildings ..	.....	.....	57,000
	<u> </u>	<u> </u>	<u> </u>
Total (\$286,800) .....	.....	110,000	176,800

FOR LAKELAND VILLAGE

	Reappro- priations		From the State Building Construction Account
Replace Boiler			
General Fund	\$ 201,120	.....	.....
Remodel and repair buildings			
General Fund	15,000	.....	.....
Renovate Utilities .....	.....	.....	\$ 157,570
Repoint Bricks .....	.....	.....	25,000
	<hr/>	<hr/>	<hr/>
Total (\$398,690)	\$ 216,120	.....	\$ 182,570

FOR RAINIER SCHOOL

	Reappro- priations		From the State Building Construction Account
Milk holding room			
State Building Construction Account	\$ 41,000	.....	.....
Remodel and equip hospital			
State Building Construction Account	256,000	.....	.....
Construct and equip Intensive Treat- ment Center			
State Building Construction Account	252,000	.....	.....
Construct, equip and furnish laundry and utility rooms for Boys' and Girls' Nurseries			
Meet requirements of Health Department .....	.....	.....	\$ 107,406
	<hr/>	<hr/>	<hr/>
Total (\$656,406)	\$ 549,000	.....	\$ 107,406

FOR FIRCREST SCHOOL

	Reappro- priations	From the CEP & RI Account	From the State Building Construction Account
Construct and equip residential units			
State Building Construction Account	\$1,503,360	.....	.....
Install steam lines .....	.....	\$ 121,000	.....
Remodel and equip Buildings .....	.....	179,200	.....
Roof repair .....	.....	.....	\$ 17,500
	<hr/>	<hr/>	<hr/>
Total (\$1,821,060)	\$1,503,360	\$ 300,200	\$ 17,500

FOR THE BOARD OF EDUCATION

	Reappropriations	From the Public School Building Construction Account	
Public School Building Construction: <i>Provided</i> , That \$5,000,000 shall be available only for commitment to emergency districts as determined by the State Board of Education for projects which will not be completed until 1967.		\$46,611,550	.....
Public School Building Construction Account	\$31,299,250	.....	.....
Total (\$77,910,800)	\$31,299,250	\$46,611,550	.....

FOR THE UNIVERSITY OF WASHINGTON

	Reappropriations	From the University of Washington Building Account	From Designated Funds
Research Computer Laboratory Building			
University of Washington Building Account	\$ 364,199	.....	.....
Nuclear Accelerator Building			
University of Washington Building Account	500,000	.....	.....
Renovate Miller Hall			
University of Washington Building Account	600,000	.....	.....
Roberts Hall Addition			
State Building Construction Account	500,000	.....	.....
Forest Products Laboratory			
State Building Construction Account	500,000	.....	.....
Remodel Buildings and Improve Facilities			
University of Washington Building Account (\$710,880)	250,000	\$ 460,880	.....
Construct and Equip Arts and Sciences Building		2,900,000	.....
Renovate Bagley Hall		1,088,311	.....
State Building Construction Account	900,000	.....	.....
Library Addition			
University of Washington Building Account (\$1,858,189)	1,657,450	200,739	.....

Tunnels and Utilities			
University of Washington Building Account (\$4,728,700)	300,000	4,428,700	.....
Plant Services Building			
University of Washington Building Account	500,000	.....	.....
Pharmacy Building			
University of Washington Medical & Dental Building and Equipment Account	800,000	.....	.....
Biology Building Unit I (\$2,200,000) ..	.....	1,400,000	.....
From the U. of W. Med. & Dent. Bld. & Equip. Acct. ....	.....	.....	\$ 800,000
Oceanography Research Building ....	.....	400,000	.....
Friday Harbor Housing and Improvements .....	.....	125,000	.....
Cancer—Primate Building Completion .....	.....	238,500	.....
Children's Center .....	.....	550,000	.....
Total (\$19,463,779)	\$ 6,871,649	\$11,792,130	\$ 800,000

FOR WASHINGTON STATE UNIVERSITY

	Reappropriations	From the Washington State University Building Account	
Education Building			
State Building Construction Account	\$ 716,086	.....	.....
Office and Laboratory Building, and Power Plant Building			
State Building Construction Account	627,998	.....	.....
Safety Building			
State Building Construction Account	38,790	.....	.....
Remodel Buildings and Improve Facilities			
Washington State University Building Account (\$1,389,665) ..	550,000	\$ 839,665	.....
Extended Utilities .....	.....	660,000	.....
Construct Todd Hall Addition .....	.....	1,743,532	.....
Construct Agriculture Publication			
Storage Building .....	.....	147,885	.....
Construct and equip Music Building ..	.....	966,300	.....
Complete Services Building .....	.....	608,701	.....
Construct Publications Building .....	.....	456,116	.....
Construct Wegner Hall Wing .....	.....	135,600	.....

Boiler and Utilities			
State Building Construction			
Account	134,020	.....	.....
Engineering Building			
State Building Construction			
Account	832	.....	.....
Institutional Building Construction			
Account	30,749	.....	.....
		<u>.....</u>	<u>.....</u>
Total (\$7,656,274)	\$ 2,098,475	\$ 5,557,799	.....

FOR EASTERN WASHINGTON STATE COLLEGE

	Reappropriations	From the Eastern Washington State College Capital Projects Account	
Extended Utilities			
State Building Construction			
Account	\$ 248,285	.....	.....
Remodel College Buildings and improve facilities (\$471,900) .....	.....	\$ 421,900	.....
State Building Construction			
Account	50,000	.....	.....
Purchase Land (\$121,190) .....	.....	50,000	.....
State Building Construction			
Account	71,190	.....	.....
Construct and equip Science Building (\$80,321)			
General Fund	59,981	.....	.....
State Building Construction			
Account	20,340	.....	.....
Elevator Showalter Hall			
State Building Construction			
Account	18,965	.....	.....
Recreation Field			
General Fund	31,812	.....	.....
		<u>.....</u>	<u>.....</u>
Total (\$972,473)	\$ 500,573	\$ 471,900	.....

FOR CENTRAL WASHINGTON STATE COLLEGE

	Reappropriations	From the Central Washington State College Capital Projects Account	
Remodel College Buildings and improve Facilities (\$185,000) .....	.....	\$ 85,000	.....
State Building Construction			
Account	\$ 100,000	.....	.....

Construct and equip Music Building (\$583,250)			
General Fund	90,000		
State Building Construction Account	493,250		
Purchase land (\$97,000)		90,000	
State Building Construction Account	7,000		
Construct and equip administration building		310,000	
		<hr/>	
Total (\$1,175,250)	\$ 690,250	\$ 485,000	

FOR WESTERN WASHINGTON STATE COLLEGE

	Reappropriations	From the Western Washington State College Capital Projects Account	
Complete Classroom Building (\$327,924)		\$ 190,300	
State Building Construction Account	\$ 137,624		
Construct and equip addition to Arts Building		50,000	
Construct and equip Library (\$157,657) State Building Construction Account	75,950		
General Fund	81,707		
Purchase Land (\$210,816)		208,500	
State Building Construction Account	2,316		
Construct, equip and remodel college buildings, including a maintenance building and marine biology labora- tory and improve facilities		239,714	
		<hr/>	
Total (\$986,111)	\$ 297,597	\$ 688,514	

FOR PARKS AND RECREATION COMISSION

	Reappropriations From the Parks and Parkways Account	From the Parks and Parkways Account	
Purchase Land		\$ 300,000	
Purchase and Develop Park Sites, De- velop Boat Moorages, Group Camp Facilities, Historical Sites and Mark- ers and Archaeological Investigation (\$213,620)	\$ 110,620	103,000	

Lake Sammamish State Park (\$79,436)	4,936	74,500	.....
Deception Pass State Park (\$72,021) ..	1,321	70,700	.....
Sun Lakes State Park (\$111,448)	33,448	78,000	.....
Millersylvania State Park (\$37,452) ...	30,952	6,500	.....
Birch Bay State Park (\$69,340)	840	68,500	.....
Twin Harbors State Park (\$39,029) ...	27,029	12,000	.....
Twanoh State Park (\$53,261)	12,061	41,200	.....
Wenberg State Park		5,000	.....
Belfair State Park (\$84,145)	33,145	51,000	.....
Lake Chelan State Park (\$25,462)	13,962	11,500	.....
Sequim Bay State Park (\$22,680)	9,980	12,700	.....
Riverside State Park (\$53,291)	3,291	50,000	.....
Lake Wenatchee State Park (\$45,745)	15,745	30,000	.....
Yakima State Park (\$26,045)	1,545	24,500	.....
Alta Lake State Park (\$77,537)	51,037	26,500	.....
Larrabee State Park		16,000	.....
Moran State Park (\$41,594)	12,194	29,400	.....
Peace Arch State Park (\$13,017)	1,017	12,000	.....
Lake Osoyoos State Park (\$23,480)	8,480	15,000	.....
Ginkgo State Park (\$37,851)	2,351	35,500	.....
Conconully State Park (\$29,684)	12,184	17,500	.....
Brooks Memorial State Park (\$57,982)	24,982	33,000	.....
Camano Island State Park (\$67,535) ..	1,535	66,000	.....
Mount Spokane State Park		62,500	.....
Ocean City State Park (\$48,312)	4,312	44,000	.....
Sacajawea State Park (\$10,552)	4,352	6,200	.....
Blake Island State Park (\$16,114)	1,114	15,000	.....
Dash Point State Park		55,333	.....
Lake Easton State Park		49,700	.....
Paradise Point State Park (\$31,275) ..	1,575	29,700	.....
Fort Flagler State Park (\$24,844)	12,344	12,500	.....
Potlatch State Park (\$67,201)	3,201	64,000	.....
British Camp State Park		10,950	.....
Fort Spokane State Park		60,000	.....
Lake Cushman State Park (\$26,816) ..	10,816	16,000	.....
Mayfield Lake State Park (\$63,370) ..	18,370	45,000	.....
Pearrygin Lake State Park (\$29,011) ..	9,011	20,000	.....
Penrose Point State Park (\$58,640) ...	18,440	40,200	.....
South Whidbey State Park (\$26,381) .	5,881	20,500	.....
Squaxin Island State Park		17,300	.....
Sucia Island State Park		11,700	.....
Bayview State Park		10,000	.....
Federation Forest State Park (\$14,500)	10,000	4,500	.....
Fort Casey State Park (\$12,503)	9,503	3,000	.....
Fort Columbia State Park (\$3,858)	1,358	2,500	.....
Fort Simcoe State Park (\$15,630)	7,130	8,500	.....
Rockport State Park (\$19,325)	16,325	3,000	.....
Gerald's Cove State Park		6,600	.....
Hart Lake State Park		5,000	.....
Camp Wooten State Park		5,000	.....

Fort Okanogan State Park (\$5,840) . . .	2,840	3,000	.....
Fort George Wright State Park .....	.....	3,000	.....
Pend Oreille State Park .....	.....	5,000	.....
Illahee State Park .....	.....	3,000	.....
Steamboat Rock State Park (\$38,977) ..	33,977	5,000	.....
Lewis and Clark Trail State Park ....	.....	2,500	.....
Jones Island State Park .....	.....	1,500	.....
Matia Island State Park .....	.....	3,600	.....
Squillchuck State Park .....	.....	1,000	.....
Lewis and Clark State Park (\$7,413) ..	2,413	5,000	.....
Beacon Rock State Park (\$4,304)	2,804	1,500	.....
Fort Canby State Park (\$8,852)	8,352	500	.....
Old Man House Historical Site .....	.....	500	.....
Crawford Cave State Park (\$3,562) ...	2,062	1,500	.....
Steptoe Butte State Park .....	.....	500	.....
American Camp State Park .....	.....	500	.....
Kopachuck State Park	20,833	.....	.....
Bridgeport State Park	20,857	.....	.....
Bush Pacific State Park	5,000	.....	.....
Curlew Lake State Park	37,594	.....	.....
Dosewallips State Park	31,174	.....	.....
Fay Bainbridge State Park	2,255	.....	.....
Field's Spring State Park	8,920	.....	.....
Old Fort Townsend State Park	12,259	.....	.....
Fort Ward State Park	6,257	.....	.....
Kamiak Butte	2,510	.....	.....
Lake Newport State Park	15,000	.....	.....
Lake Sylvia State Park	9,462	.....	.....
Ledbetter Point State Park	10,000	.....	.....
Moses Lake State Park	8,965	.....	.....
Mount Pilchuck State Park	1,775	.....	.....
Schaefer State Park	5,000	.....	.....
Sequest State Park	8,923	.....	.....
Snohomish County Vicinity	16,000	.....	.....
Prehistoric Caves-Lower Grand Coulee	30,000	.....	.....
Lake Chelan Vicinity	35,000	.....	.....
Total (\$2,742,902)	\$ 886,619	\$1,856,283	.....

FOR THE DEPARTMENT OF FISHERIES

	Reappropriations	From the General Fund	From the State Building Construction Account
Construct and improve Fish Farms, Rearing Ponds, Spawning Channels, Hatcheries, Fishways and Fish Facilities, Purchase Land, Emergency Repairs to Structures (\$687,420) .....	.....	.....	\$ 142,400
General Fund	\$ 212,790	.....	.....

State Building Construction			
Account	332,230	.....	.....
Construct and improve Fish Farms, Rearing Ponds, Spawning Channels, Hatcheries, Fishways and Fish Fa- cilities, Purchase Land, Emergency Repairs to Structures (100% Reim- bursable) (\$1,343,050) .....	.....	\$1,171,050	.....
General Fund (100% Reimbursable)	172,000	.....	.....
Total (\$2,030,470)	\$ 717,020	\$1,171,050	\$ 142,400

FOR THE DEPARTMENT OF GAME

		From the Game Fund	
Purchase Land .....	.....	\$ 300,000	.....
Repairs and Replacement of Fish and Game Protective Facilities .....	.....	100,000	.....
Construct and equip Fish and Game Protective Facilities (100% Reim- bursable) .....	.....	1,000,000	.....
Construct or purchase and improve Headquarter Buildings, Hatchery Fa- cilities, Game Range Facilities, Brooder Houses and Pens .....	.....	278,000	.....
Total .....	.....	\$1,678,000	.....

FOR THE DEPARTMENT OF NATURAL RESOURCES

	Reappro- priations	From the Forest Development Account	From the State Building Construction Account
Rights-of-way Acquisition, construct Honor Camp Bridges and Culverts, Timber Access Road Construction, Construct Scaling Stations, Seed Plant improvements to Fire Protec- tive Facilities (\$571,924) .....	.....	\$ 10,000	\$ 360,000
State Building Construction			
Account	\$ 201,924	.....	.....
Total (\$571,924)	\$ 201,924	\$ 10,000	\$ 360,000

FOR THE DEPARTMENT OF HEALTH

	From the State Building Construction Account
Repair and improve facilities, Edge- cliff Sanatorium, from State Building Construction Account	\$ 10,000
Total	\$ 10,000

FOR EASTERN WASHINGTON HISTORICAL SOCIETY

	From the State Building Construction Account
Construction of parking lot and surfac- ing same	\$ 15,000

"Capital im-
provement",
"capital proj-
ect", defined.

SEC. 2. The words "capital improvement" or "cap-ital project" used herein shall mean acquisition of sites, easements, rights of way or improvements thereon or appurtenances thereto, construction and initial equipment, reconstruction, demolition or major alteration of new or presently owned capital assets.

Funds to be
allotted before
obligations
incurred.

SEC. 3. Before a capital project shall begin or an obligation incurred or contract entered into, the budget director, with the approval of the governor, shall first allot funds therefor or so much as may be necessary from the appropriations made herein.

Disposition of
federal, other
funds.

SEC. 4. Additional federal or other receipts and gifts and grants in excess of those estimated in the budget may be allotted by the governor for capital projects included in the capital budget. In addition, the governor may receive and allot any federal funds made available for capital outlay at any one of the five institutions of higher education: *Provided*, That if any of the projects contained in this act qualify for such federal funds, the amount of state funds not required are hereby appropriated to projects in the 1965/67 capital program for that institution to be designated by the governor on the basis of pri-

Proviso.

ority in the program and funds available on the advice of the governing board of the institution.

SEC. 5. To effectively carry out the provisions of this act, the governor may assign responsibility for planning, engineering and construction and other related activities to any appropriate agency.

Responsibility
assignable.

SEC. 6. Reappropriations shall be limited to the unexpended balances remaining at June 30, 1963, in the current appropriation for each project.

Reappropriations
limited.

SEC. 7. The governor, through the budget director may authorize the transfer of funds appropriated for a capital project which are in excess of the amount required for the completion of such project, to other capital projects in this act for which there are insufficient appropriations: *Provided*, That no such transfer shall be used to expand the capacity of any facility beyond that anticipated by the appropriation: *Provided further*, That although such transfers may be made between institutions of the department of institutions they shall not be made between different departments, commissions, or institutions of higher learning.

Transfer of excess project
funds to
another
project.

Proviso.

Proviso.

Any funds in excess of the amounts required for completion of projects in this act may be allotted to other projects in the capital program for the agency to the extent that matching funds become available for such projects under PL 87-658.

SEC. 8. Any capital improvement or capital project for construction, repair, or maintenance authorized by this act, unless constructed pursuant to the provisions of chapter 39.04 RCW, shall be done by contract after public notice and competitive bid: *Provided*, That this section shall not apply to the acquisition of sites, easements, or rights of way; nor to contracts for architectural or engineering services; nor to emergency repairs nor to any improvement or project costing less than twenty-five hundred

Contracts—
After public
notice, com-
petitive bid
—Exceptions.

Proviso.

dollars, nor to portions of projects involving inmate labor at a state institution.

Appropriation
—King County
armories.

SEC. 9. There is hereby appropriated to the Military Department for site acquisition, construction and equipping of armories in King County, the proceeds of the sale authorized by chapter [146], Laws of 1963 (Senate Bill 239 from the Seattle Armory Fund, and the proceeds of the sale authorized by Chapter 181, Laws of 1959 from the account in the General Fund.

Appropriations
paid from
bond issue
proceeds.

SEC. 10. Appropriations in this act from the State Building Construction Account may be paid from the proceeds of bond issues authorized by chapter 239, Laws of 1957, chapter 9, Laws of 1959 Extraordinary Session, and chapter 23, Laws of 1961 Extraordinary Session, to the extent that such proceeds are in excess of the amounts required to complete the projects in the capital budgets of the respective sessions, and any such bonds authorized but not sold may be sold to finance projects in this act.

Appropriations
to department
of institutions
may be paid
from two
accounts.

SEC. 11. Appropriations in this act to the Department of Institutions from the CEP & RI Account may be paid from the State Building Construction Account, and appropriations to the Department from the State Building Construction Account may be paid from the CEP & RI Account, to the extent that there may be insufficient funds in one account and surplus of funds in the other, as determined by the budget director.

Emergency.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health and safety, and the appropriations contained herein to complete the classroom building and to construct and equip

the addition to the arts building at Western Washington State College shall take effect April 1, 1963.

Passed the House March 29, 1963.

Passed the Senate March 28, 1963.

Approved by the Governor April 6, 1963.

CHAPTER 5.

[S. B. 53.]

APPROPRIATION—LEGISLATIVE EXPENSES— LEGISLATORS' SUBSISTENCE.

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

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

SECTION 1. There is hereby appropriated out of the state general fund to the legislature the sum of thirty five thousand sixteen dollars (\$35,016), or so much thereof as may be necessary for the purpose of paying the expenses, except printing, of the legislature. From the amount hereby appropriated: Appropriation.

(1) The Senate shall not expend more than thirteen thousand eight hundred sixteen dollars (\$13,816); and

(2) The House of Representatives shall not expend more than twenty one thousand two hundred dollars (\$21,200): *Provided*, That none of the funds appropriated by this section shall be expended by or for the legislative council, the legislative budget committee, or any other legislative interim committee. Proviso.

SEC. 2. There is hereby appropriated to the legislature out of the state general fund the sum of twenty nine thousand eight hundred dollars (\$29,800) for payment to members of the legislature and Appropriation.

the president of the senate at the rate of twenty-five dollars per day, in lieu of subsistence and lodging while in attendance at the extraordinary session of the thirty-eighth legislature.

Emergency.

SEC. 3. This act is necessary for the immediate support of the state government and shall take effect immediately.

Passed the Senate April 5, 1963.

Passed the House April 5, 1963.

Approved by the Governor April 6, 1963.

CHAPTER 6.

[S. B. 40.]

APPROPRIATION, DEFICIENCY, SCHOOL SUPPORT.

AN ACT making an appropriation to defray the anticipated deficiency in appropriations for the support of the public schools for the fiscal biennium July 1, 1961 to June 30, 1963, or so much thereof as shall be sufficient; and declaring that this act shall take effect immediately.

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

Appropriation.

SECTION 1. There is hereby appropriated to the Superintendent of Public Instruction out of the General Fund for apportionment to counties for school districts eight million dollars, or so much thereof as may be necessary, for the purpose of defraying deficiencies incurred or anticipated for the fiscal biennium July 1, 1961 to June 30, 1963: *Provided*, That no part of this appropriation may be used to implement or supplement any change in regulation by the state board of education.

Proviso.

Emergency.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety,

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 26, 1963.

Passed the House April 2, 1963.

Approved by the Governor April 16, 1963.

CHAPTER 7.

[S. B. 56.]

LEGISLATIVE COMMITTEES—PAYMENT IN LIEU OF PER DIEM.

AN ACT relating to state government; and regulating the pay of senators and representatives on interim or permanent legislative committee or council duties; and amending section 1, chapter 10, Laws of 1959 first extraordinary session and RCW 44.04.120 and declaring an emergency.

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

SECTION 1. Section 1, chapter 10, Laws of 1959 first extraordinary session and RCW 44.04.120 are each amended to read as follows:

RCW 44.04.120 amended.

Each member of the senate or house of representatives serving on the legislative council, the legislative budget committee, or any other permanent or interim committee or council of the legislature shall be entitled to receive, in lieu of per diem or any other payment, for each day or major portion thereof in which he is actually engaged in business of the committee, notwithstanding any laws to the contrary, twenty-five dollars per day, plus mileage allowance at the rate of ten cents per mile when authorized by the committee or council of which he is a member and on the business of which he is engaged.

Member's allowance when engaged in committee business.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety,

Emergency.

the support of the state government and its existing institutions, and shall take effect immediately.

Passed the Senate April 6, 1963.

Passed the House April 6, 1963.

Approved by the Governor April 16, 1963.

CHAPTER 8.

[H. B. 60.]

DISEASED ANIMALS—DESTRUCTION AND INDEMNITY— FEDERAL COOPERATION.

AN ACT relating to animal diseases; providing for the slaughtering or destruction of diseased animals and indemnity therefor; adding a new section to chapter 165, Laws of 1927 and chapter 16.36 RCW.

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

New section.

SECTION 1. There is added to chapter 165, Laws of 1927 and chapter 16.36 RCW a new section to read as follows:

Diseased animals—Cooperative programs to eradicate—Indemnity payments.

The director of agriculture, in order to protect the public health and welfare, may enter into cooperative programs with the federal government or agencies thereof for the prevention or eradication of any contagious, infectious, or communicable disease which is affecting or which may affect the health of the animal population of this state.

The director of agriculture, upon entering into such cooperative programs for the prevention or eradication of such a disease, may order the slaughter or destruction of any animal affected with or exposed to such a disease and pay indemnities to the owner of such animal. The payment of indemnities provided for in this section shall be applicable only to animals condemned or slaughtered pursuant to the provisions of this section and shall not be applicable when the director of agriculture orders the

condemnation and slaughter of any animal under any other provision of this chapter or any other law of the state. The director of agriculture may pay an indemnity in an amount not to exceed fifty percent of the value of the animal ordered slaughtered or destroyed and such amount shall not exceed one hundred dollars, less any salvage value accruing to the owner of the animal slaughtered or destroyed: *Provided*, That the provisions of this section shall be applicable only when the cooperating agency agrees to pay an amount equal to the amount the director of agriculture has ordered paid to such owner or any amount in excess of such amount up to at least fifty percent of the difference between the appraised value of the animal ordered destroyed or slaughtered and any amount received by the owner of such animal as salvage. Proviso.

In ordering the slaughter or destruction of any animals pursuant to this section, the provisions for payment of indemnity shall not apply to animals (1) belonging to the federal government or any of its agencies, this state or political subdivision thereof, or any municipal corporation; and (2) to any animals which have been brought into this state and have been in this state for a period of less than six months before being ordered slaughtered or destroyed by the director of agriculture.

Passed the House April 2, 1963.

Passed the Senate April 3, 1963.

Approved by the Governor April 16, 1963.

CHAPTER 9.

[H. B. 37.]

FOOD FISH AND SHELLFISH—PRIVILEGE OR CATCH
FEES—PAYMENT—PENALTIES.

AN ACT relating to food fish and shellfish; and amending section 75.32.090, chapter 12, Laws of 1955 and RCW 75.32.090; adding a new section to chapter 75.32 RCW; and repealing section 75.32.100, chapter 12, Laws of 1955 and RCW 75.32.100.

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

RCW 75.32.090
amended.

SECTION 1. Section 75.32.090, chapter 12, Laws of 1955 and RCW 75.32.090 are each amended to read as follows:

Food fish and
shellfish.
Payment of
privilege or
catch fees.

The privilege or catch fees herein provided for are due and payable in quarterly installments, and the fees accruing during each quarterly period shall become due on the first day of the month immediately following the end of the quarterly period, and shall be paid on or before the fifteenth day of that month. The following shall constitute the quarterly periods to be utilized:

- (1) January, February, March;
- (2) April, May, June;
- (3) July, August, September;
- (4) October, November, December.

On or before the day payment is required as provided above, the person paying the privilege or catch fees shall prepare a return under oath upon such forms and setting forth such information as the director may require, and transmit the same to the director together with a remittance for the fees which are due. Any person that is subject at any time of the year to the privilege or catch fee provisions set forth in this chapter shall file a return each quarter whether or not any fees are due.

New section.

SEC. 2. There is added to chapter 75.32 RCW a new section to read as follows:

In the event payment of fees provided for under this chapter is not received by the fifteenth day of the month in which the fees become due, the fees shall become delinquent and the schedule of penalties stated below shall be invoked. A return or remittance which is transmitted to the director by United States mail shall be deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it. The following shall be the schedule of penalties to be assessed for delinquent payments of such fees:

Delinquent
fees—Penalty
schedule—
Fees as lien.

(1) Sixteen through thirty days after due date—Add ten percent of total fees due but not less than one dollar.

(2) Thirty-one through sixty days after due date—Add twenty percent of total fees due but not less than two dollars.

(3) Sixty-one through ninety days after due date—Add twenty-five percent of total fees but not less than three dollars.

(4) Ninety-one days or more after due date—Add twenty-five percent of total fees due (but not less than three dollars) plus eight percent interest per annum computed on the sum of the total fees due and the percentage penalty.

The delinquent fees together with the applicable penalties and accrued interest thereon shall constitute a first lien upon the cannery, packing plant, buildings, scows, boats, vehicles and other equipment used by the person or business owing the fees in the taking, handling, dealing in, dealing with, or processing of food fish or shellfish.

SEC. 3. Section 75.32.100, chapter 12, Laws of 1955 and RCW 75.32.100 are each repealed. Repeal.

Passed the House April 2, 1963.

Passed the Senate April 5, 1963.

Approved by the Governor April 16, 1963.

CHAPTER 10.

[H. B. 35.]

FOOD FISH AND SHELLFISH—PRIVILEGE OR CATCH FEES—COLUMBIA RIVER.

AN ACT relating to food fish and shellfish; amending section 75.32.030, chapter 12, Laws of 1955 as amended by section 12, chapter 212, Laws of 1955, and RCW 75.32.030; amending section 75.32.070, chapter 12, Laws of 1955, and RCW 75.32.070; and repealing sections 75.32.010 and 75.32.040, chapter 12, Laws of 1955, and RCW 75.32.010 and 75.32.040.

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

RCW 75.32.030 amended.

SECTION 1. Section 75.32.030, chapter 12, Laws of 1955 as amended by section 12, chapter 212, Laws of 1955, and RCW 75.32.030 are each amended to read as follows:

Food fish and shellfish. Canners, processors and dealers privilege fees.

Canners, curers, freezers, wholesale dealers and retail dealers of food fish and shellfish, other than oysters, and manufacturers of food fish and shellfish byproducts, other than oyster byproducts, shall pay a privilege fee equal to two percent of the primary market value on all fresh or frozen chinook and silver salmon which they receive, handle, deal in, or deal with as original receiver in the state, and they shall pay a privilege fee equal to one percent of the primary market value on all other fresh or frozen food fish and shellfish or part thereof, except oysters, which they receive, handle, deal in or deal with, as original receiver in the state: *Provided*, That any person or sales agency selling fresh or frozen food fish or shellfish previously landed in the state to others residing outside the state of Washington, shall be responsible for and shall pay the privilege taxes herein provided.

Proviso.

RCW 75.32.070 amended.

SEC. 2. Section 75.32.070, chapter 12, Laws of 1955, and RCW 75.32.070 are each amended to read as follows:

A catch fee shall be paid by every person taking food fish or shellfish, or parts thereof, from the waters or beaches of this state for commercial purposes, and the fee shall be equal to two percent of the primary market value of all fresh or frozen chinook and silver salmon so taken, and one percent of the primary market value of all other species of food fish and shellfish, or parts thereof: *Provided*, That catch taxes shall not be paid by those taking shellfish from licensed oyster or clam farms: *Provided further*, That it is not the intent of the state of Washington to collect privilege fees or catch fees on fish and shellfish previously landed from the Columbia River district in Oregon, on which privilege fees have already been paid, and which are transhipped to this state. An official certification of payment of Oregon privilege fees must be furnished the Washington department of fisheries in these instances.

Catch fees
required—
Oregon fees
as set-off.

Proviso.

Proviso.

SEC. 3. Sections 75.32.010 and 75.32.040, chapter 12, Laws of 1955, and RCW 75.32.010 and 75.32.040 are each repealed.

Repeal.

Passed the House April 2, 1963.

Passed the Senate April 5, 1963.

Approved by the Governor April 16, 1963.

CHAPTER 11.

[H. B. 29.]

INHERITANCE TAX—FEDERAL CIVIL SERVICE
RETIREMENT ACT ANNUITIES.

AN ACT relating to revenue and taxation; and adding a new section to chapter 15, Laws of 1961, and chapter 83.20 RCW.

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

New section.

SECTION 1. There is added to chapter 15, Laws of 1961, and to chapter 83.20 RCW a new section to read as follows:

Annuities as exempt from inheritance tax.

Annuities acquired under the provisions of the federal Civil Service Retirement Act, chapter 30, Title 5, of the United States Code as now or hereafter amended, which shall pass to the beneficiaries of an annuitant, shall be exempt from inheritance tax.

Passed the House April 5, 1963.

Passed the Senate April 5, 1963.

Approved by the Governor April 16, 1963.

CHAPTER 12.

[H. B. 6.]

OUTDOOR RECREATIONAL FACILITIES—BONDS—
CORPORATION FEES.

AN ACT providing funds for the development of outdoor recreational facilities in the state; authorizing the issuance and sale of state general obligation bonds; providing ways and means to pay said bonds; amending section 13, chapter 174, Laws of 1957 and RCW 43.31.620; amending section 14, chapter 152, Laws of 1961 and RCW 43.31.740; providing for the submission of this act to a vote of the people; and declaring an emergency.

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

Outdoor recreational facilities.

SECTION 1. For the purpose of providing funds for the development of outdoor recreational facilities

in the state, the state finance committee is hereby authorized to issue, at any time prior to January 1, 1970, general obligation bonds of the state of Washington in the sum of ten million dollars, or so much thereof as shall be required to finance the program for which these bonds are being authorized: *Provided*, That funds realized from the sale of such bonds shall be used solely for the acquisition of land and attached appurtenances and such property shall be for outdoor recreational use.

Bonds authorized for—
Form, sale.

Proviso.

The state finance committee is authorized to prescribe the form of such bonds and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or any of them, may be called prior to the due date thereof under such terms and conditions as it may determine.

SEC. 2. The proceeds from the sale of the bonds authorized herein shall be deposited in the parks and parkways account of the general fund or such other account or fund as shall be established for this purpose. Any agency or commission charged with the administration of the account or fund is authorized to use or permit the use of any funds derived from the sale of bonds authorized under this act as matching funds in any case where federal or other funds are made available on a matching basis for projects within the purposes of this act.

Bond proceeds,
disposition.

SEC. 3. The bonds issued under the provisions of this act shall be payable from the proceeds of one-half of the corporation fees collected under all the provisions of chapter 70, Laws of 1937, as now or hereafter amended. The bonds and interest shall,

Bonds payable
from corporation
fees.

so long as any portion thereof remains unpaid, constitute a prior and exclusive claim, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, upon that portion of the corporation fees so collected.

Outdoor recreational facilities. Bond redemption fund.

SEC. 4. The outdoor recreational bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act.

Actions on bonds.

SEC. 5. The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Act not exclusive method for bond payments.

SEC. 6. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this act shall not be deemed to provide an exclusive method for such payment.

Bonds as legal investment.

SEC. 7. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

RCW 43.31.620 amended.

SEC. 8. Section 13, chapter 174, Laws of 1957 and RCW 43.31.620 are each amended to read as follows:

World fair bonds, outdoor recreational facilities bonds, imposition of corporate fees for redemption of.

As a part of the sale of the bonds herein authorized, the state undertakes to continue to impose the license and other fees on domestic and foreign corporations prescribed by and at the rates authorized in chapter 70, Laws of 1937 as last amended by the 1957 legislature and to use and prorate in the order set forth below, one-half of the proceeds of such fees, as follows:

(1) To pay into the world fair bond redemption fund hereby created as a special fund within the

state treasury, such sums as shall be needed to pay the interest on all outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961.

(2) To pay into the outdoor recreational bond redemption fund such sums as shall be needed to pay the interest on all bonds authorized by this act and outstanding.

(3) All of said one-half of the proceeds of such fees remaining after making the payments required under the preceding paragraphs (1) and (2), shall be deposited in the world fair bond redemption fund until all of the outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, have been paid. After payment and retirement of the aforesaid world fair bonds all of the said one-half of the proceeds of such fees shall be deposited in the outdoor recreational bond redemption fund for payment of the principal of and interest on all of the bonds authorized by this act.

SEC. 9. Section 14, chapter 152, Laws of 1961 RCW 43.31.740 are each amended to read as follows:

RCW 43.31.740 amended.

As a part of the sale of the bonds herein authorized, the state undertakes to continue to impose the license and other fees on domestic and foreign corporations prescribed by and at the rates authorized in chapter 70, Laws of 1937 as last amended by the 1957 legislature and to use and prorate in the order set forth below, one-half of the proceeds of such fees, as follows:

World fair bonds, outdoor recreational facilities bonds, imposition of corporate fees for redemption of.

(1) To pay into the world fair bond redemption fund hereby created as a special fund within the state treasury, such sums as shall be needed to pay the interest on all outstanding bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961.

(2) To pay into the outdoor recreational bond redemption fund such sums as shall be needed to

pay the interest on all bonds authorized by this act and outstanding.

(3) All of said one-half of the proceeds of such fees remaining after making the payments required under the preceding paragraphs (1) and (2), shall be deposited in the world fair bond redemption fund until all of the standing bonds authorized by chapter 174, Laws of 1957 as amended by chapter 152, Laws of 1961, have been paid. After payment and retirement of the aforesaid world fair bonds all of the said one-half of the proceeds of such fees shall be deposited in the outdoor recreational bond redemption fund for payment of the principal of and interest on all of the bonds authorized by this act.

Outdoor recreational facilities. Requisite to issuance of bonds under act.

SEC. 10. No bonds authorized by this act shall be issued until there shall first be obtained and filed in the office of the state finance committee the written consent of the holders of all outstanding bonds issued under authority of chapter 174, Laws of 1957, as amended by chapter 152, Laws of 1961, to the changes effected by this act in the order of priority of payment of said world fair bonds out of the proceeds of the corporation fees collected under chapter 70, Laws of 1937 as amended.

Submission to people.

SEC. 11. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1964, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Emergency.

SEC. 12. This act is necessary for the immediate preservation of the public peace, health and safety,

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 4, 1963.

Passed the Senate April 3, 1963.

Approved by the Governor April 17, 1963.

CHAPTER 13.

[H. B. 23.]

FIRE PROTECTION DISTRICTS—FOREST PROTECTION AREAS—LEVIES AND ASSESSMENTS.

AN ACT relating to fire protection districts; amending section 2, chapter 34, Laws of 1939, as amended by section 2, chapter 254, Laws of 1947 and RCW 52.04.030; amending section 8, chapter 24, Laws of 1951, second extraordinary session and RCW 52.16.130; and adding a new section to chapter 34, Laws of 1939 and to chapter 52.16 RCW.

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

SECTION 1. Section 2, chapter 34, Laws of 1939, as amended by section 2, chapter 254, Laws of 1947 and RCW 52.04.030 are each amended to read as follows:

RCW 52.04.030 amended.

For the purpose of the formation of a fire protection district, a petition designating the boundaries of the proposed district, by metes and bounds, or by describing the lands to be included in the proposed district by United States townships, ranges and legal subdivisions, signed by not less than fifteen percent of the qualified registered electors who are resident within the boundaries of such district, and setting forth the object for the creation of such district and alleging that the establishment of such district shall be conducive to the public safety, welfare, and convenience, and will be a benefit to the property included therein, shall be filed with the county auditor of the county within which such proposed district is located, accompanied by an obligation

Fire protection districts. Petition for formation.

Fire protection districts. Petition for formation.

signed by two or more petitioners, agreeing to pay the cost of the publication of the notice hereinafter provided for. The organization of any fire protection district heretofore otherwise legally formed and which includes lands within its boundaries required by law to pay forest protection assessment is hereby approved and confirmed as a legally organized fire protection district in the state of Washington. The county auditor shall, within thirty days, from the date of filing such petition, examine the signatures and certify to the sufficiency or insufficiency thereof; and for such purpose shall have access to all registration books or records in the possession of the registration officers of the election precincts included, in whole or in part, within the boundaries of the proposed district. Such books and records shall be prima facie evidence of the truth of said certificate. No person having signed such a petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. If such petition shall be found to contain a sufficient number of signatures of qualified registered electors who are resident within the boundaries of such district, the county auditor shall transmit the same, together with his certificate of sufficiency attached thereto, to the board of county commissioners which shall thereupon by resolution entered upon its minutes, receive the same and fix a day and hour thereof when it will publicly hear said petition.

RCW 52.16.130 amended.

SEC. 2. Section 8, chapter 24, Laws of 1951, second extraordinary session and RCW 52.16.130 are each amended to read as follows:

Finances. General levy authorized—Limit.

To carry out the purposes for which fire protection districts are created, the board of fire commissioners of any such district is hereby authorized to levy each year, in addition to the levy or levies provided in this act for the payment of the principal and interest of any outstanding general obligation

bonds and the levies necessary to pay the principal and interest of any coupon warrants heretofore issued and outstanding, an ad valorem tax on all taxable property located in such district not to exceed two mills: *Provided*, That in no case may the total general levy for all purposes, except retirement of general obligation bonds, exceed four mills. Any such tax when so levied shall be certified to the proper county officials for the collection of the same as for other general taxes. Such taxes when collected shall be placed in the appropriate district fund or funds as provided by law, and shall be paid out on warrants of the auditor of the county in which the district is situated, upon authorization of the board of fire commissioners of such district.

SEC. 3. There is added to chapter 34, Laws of 1939 and to chapter 52.16 RCW, a new section to read as follows: New section.

In the event that any lands lie both within a fire protection district and a forest protection assessment area they shall be taxed and/or assessed as follows: Lands in both fire protection district and forest protection assessment area, taxation of.

(1) If such lands are wholly unimproved, they shall be subject to forest protection assessments but shall not be subject to fire protection district levies;

(2) If such lands are wholly improved, they shall be subject to fire protection district levies but shall not be subject to forest protection assessments;

(3) If such lands are partly improved and partly unimproved they shall be subject both to fire protection district levies and to forest protection assessments: *Provided*, That upon request being made therefor, accompanied by appropriate legal descriptions, the county assessor shall segregate any unimproved portions which each consist of twenty or more acres, and thereafter such unimproved portion Proviso.

or portions shall be subject only to forest protection assessments.

Passed the House April 2, 1963.

Passed the Senate April 3, 1963.

Approved by the Governor April 17, 1963.

CHAPTER 14.

[H. B. 50.]

TEACHERS' RETIREMENT AND PENSIONS.

AN ACT relating to teachers' retirement and pensions and other benefits relating thereto; amending section 1, chapter 80, Laws of 1947, as amended by section 1, chapter 274, Laws of 1955, and RCW 41.32.010; amending section 3, chapter 80, Laws of 1947, as amended by section 2, chapter 274, Laws of 1955, and RCW 41.32.030; amending section 20, chapter 80, Laws of 1947, as last amended by section 1, chapter 297, Laws of 1961, and RCW 41.32.200; amending section 24, chapter 80, Laws of 1947, as last amended by section 1, chapter 132, Laws of 1961, and RCW 41.32.240; amending section 30, chapter 80, Laws of 1947, as last amended by section 7, chapter 132, Laws of 1961, and RCW 41.32.300; amending section 32, chapter 80, Laws of 1947, as amended by section 13, chapter 274, Laws of 1955, and RCW 41.32.320; amending section 35, chapter 80, Laws of 1947 as amended by section 16, chapter 274, Laws of 1955, and RCW 41.32.350; amending section 36, chapter 80, Laws of 1947, as amended by section 17, chapter 274, Laws of 1955, and RCW 41.32.360; amending section 41, chapter 80, Laws of 1947 as amended by section 19, chapter 274, Laws of 1955, and RCW 41.32.410; amending section 42, chapter 80, Laws of 1947 and RCW 41.32.420; amending section 43, chapter 80, Laws of 1947, as amended by section 20, chapter 274, Laws of 1955, and RCW 41.32.430; amending section 47, chapter 80, Laws of 1947 and RCW 41.32.470; amending section 51, chapter 80, Laws of 1947, as amended by section 24, chapter 274, Laws of 1955, and RCW 41.32-.510; amending section 54, chapter 80, Laws of 1947, as last amended by section 1, chapter 37, Laws of 1959, and RCW 41.32.540; amending section 55, chapter 80, Laws of 1947, as last amended by section 4, chapter 132, Laws of 1961, and RCW 41.32.550; adding new sections to chapter 80, Laws of 1947 and to chapter 41.32 RCW; repealing section 37, chapter 80, Laws of 1947 and RCW 41.32.370; repealing section 40, chapter 80, Laws of 1947 and RCW 41.32.400;

repealing section 45, chapter 80, Laws of 1947 and RCW 41.32.450; making an appropriation; and providing an effective date.

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

SECTION 1. Section 1, chapter 80, Laws of 1947 as amended by section 1, chapter 274, Laws of 1955, and RCW 41.32.010 are each amended to read as follows:

RCW 41.32.010 amended.

As used in this chapter, unless a different meaning is plainly required by the context:

Teachers' retirement. Definitions.

(1) "Accumulated contributions" means the sum of all regular annuity contributions together with regular interest thereon less cost of operation.

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of such mortality tables and regulations as shall be adopted by the board of trustees and regular interest.

(3) "Annuity" means the moneys payable per year during life by reason of accumulated contributions of a member.

(4) "Annuity fund" means the fund in which all of the accumulated contributions of members are held.

(5) "Annuity reserve fund" means the fund to which all accumulated contributions are transferred upon retirement.

(6) "Beneficiary" means any person in receipt of a retirement allowance or other benefit provided for by the teachers' retirement law.

(7) "Contract" means any agreement for service and compensation between a member and an employer.

(8) "Creditable service" means membership service plus prior service for which credit is allowable.

(9) "Dependent" means receiving one-half or more of support from a member.

Teachers'
retirement.
Definitions.

(10) "Disability allowance" means monthly payments during disability.

(11) "Earnable compensation" means all salaries and wages paid by an employer to an employee member of the retirement system for personal services rendered during a fiscal year, except that any part of salaries and wages in excess of ten thousand dollars per annum shall be excluded in determining the earnable compensation of a member. In all cases where compensation includes maintenance the board of trustees shall fix the value of that part of the compensation not paid in money.

(12) "Employer" means the state of Washington, the school district, or any agency of the state of Washington by which the member is paid.

(13) "Fiscal year" means a year which begins July 1st and ends June 30th of the following year.

(14) "Former state fund" means the state retirement fund in operation for teachers under chapter 187, Laws of 1923, as amended.

(15) "Local fund" means any of the local retirement funds for teachers operated in any school district in accordance with the provisions of chapter 163, Laws of 1917 as amended.

(16) "Member" means any teacher included in the membership of the retirement system. Also, any other employee of the public schools who, on July 1, 1947, had not elected to exempt himself from membership and who, prior to that date, had by an authorized payroll deduction, contributed to the annuity fund.

(17) "Membership service" means service rendered subsequent to the first day of eligibility of a person to membership in the retirement system.

(18) "Pension" means the moneys payable per year during life from the pension fund.

(19) "Pension fund" means a fund from which all pension obligations are to be paid.

(20) "Pension reserve fund" is a fund in the state treasury in which shall be accumulated an actuarial reserve adequate to meet present and future pension liabilities of the system.

(21) "Prior service" means service rendered prior to the first date of eligibility to membership in the retirement system for which credit is allowable.

(22) "Prior service contributions" means contributions made by a member to secure credit for prior service.

(23) "Public school" means any institution or activity operated by the state of Washington or any instrumentality or political subdivision thereof employing teachers, except the University of Washington and Washington State University.

(24) "Regular contributions" means the amounts required to be deducted from the compensation of a member and credited to his individual account in the annuity fund.

(25) "Regular interest" means the interest on funds of the retirement system for the current school year and such other earnings as may be applied thereon by the board of trustees.

(26) "Retirement allowance" means the sum of annuity and pension or any optional benefits payable in lieu thereof.

(27) "Retirement system" means the Washington state teachers' retirement system.

(28) "Service" means the time during which a member has been employed by an employer for compensation.

(29) "Survivors' benefit fund" means the fund from which survivor benefits are paid to dependents of deceased members.

(30) "Teacher" means any person qualified to teach who is engaged by a public school in an instructional, administrative, or supervisory capacity, including state, county, city superintendents and their

assistants; and in addition thereto any qualified school librarian, any registered nurse or any full time school doctor who is employed by a public school and renders service of an instructional or educational nature.

RCW 41.32.030 amended.

SEC. 2. Section 3, chapter 80, Laws of 1947 as amended by section 2, chapter 274, Laws of 1955 and RCW 41.32.030 are each amended to read as follows:

Teachers' retirement. Retirement system funds.

All of the assets of the retirement system shall be credited according to the purposes for which they are held, to one of two funds to be maintained in the state treasury, namely, the teachers' retirement pension reserve fund and the teachers' retirement fund. In the records of the teachers' retirement system the teachers' retirement fund shall be subdivided into the annuity fund, the annuity reserve fund, the survivors' benefit fund, the pension fund, the disability reserve fund, the death benefit fund, and the expense fund.

RCW 41.32.200 amended.

SEC. 3. Section 20, chapter 80, Laws of 1947 as last amended by section 1, chapter 297, Laws of 1961, and RCW 41.32.200 are each amended to read as follows:

Authority over funds— Investments authorized.

The board of trustees shall be the trustees of the several funds created by this chapter and shall have full power to authorize the state finance committee to invest and reinvest such funds in the following classes of securities, and not otherwise:

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

(2) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; and full faith and credit obligations of, or

obligations unconditionally guaranteed as to principal and interest by any other state of the United States and the Commonwealth of Puerto Rico;

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

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

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

(6) Bonds, debentures, notes, or other obligations issued, guaranteed, or assumed as to both principal and interest by any city of Canada which has a population of not less than one hundred thousand inhabitants: *Provided*, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder; Proviso.

Teachers' retirement. Authority over funds—Investments authorized.

Provided further, That the issuer shall not within ten years prior to the making of the investment have defaulted in payment of principal or interest of any debt evidenced by its bonds, notes or other obligations for more than ninety days;

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

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

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

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

Proviso.

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

Proviso.

Proviso.

(12) Investments in savings and loan associations organized under federal or state law, insured

by the federal savings and loan insurance corporation, and operating in this state: *Provided*, That the investment of any one fund in any one such savings and loan association shall not exceed the amount insured by the federal savings and loan insurance corporation; Proviso.

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

(14) First mortgages on unencumbered real property which are insured by the Federal Housing Administration under the National Housing Act (as from time to time amended), or are guaranteed by the Veterans Administration under the Servicemen's Readjustment Act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by any agency or instrumentality of the United States of America, so as to give the investor protection essentially the same as that provided by the said National Housing Act or the said Servicemen's Readjustment Act. In the event that a state investment board is not created the state finance committee shall first analyze and appraise the board's procedures and policies for investing in such mortgages.

Subject to the above limitations and subject to any limitations, conditions, and restrictions contained in policy-making resolutions adopted by the state teachers' retirement board, the state finance committee shall have the power to make purchases, sales, exchanges, investments and reinvestments, of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any

Proviso.

moneys belonging to said funds: *Provided*, That no sale or exchange shall be at a price less than the market price of the securities or investments to be sold or exchanged.

RCW 41.32.240 amended.

SEC. 4. Section 24, chapter 80, Laws of 1947 as last amended by section 1, chapter 132, Laws of 1961, and RCW 41.32.240 are each amended to read as follows:

Teachers' retirement. Membership in system—Procedure when exempted person desires membership.

All teachers employed full time in the public schools shall be members of the system except those who have previously exempted themselves from membership and alien teachers who have been granted a temporary permit to teach as exchange teachers. A minimum of ninety days or the equivalent of ninety days of employment during a fiscal year shall be required to establish membership. A teacher shall be considered as employed full time if serving regularly for four-fifths or more of a school day or if assigned to duties which are the equivalent of four-fifths or more of a full time assignment. A teacher who is employed for less than full time service may become a member by filing an application with the retirement system, submitting satisfactory proof of teaching service and making the necessary payment before June 30 of the school year immediately following the one during which the service was rendered. If an exempted teacher desires membership he must file with the board of trustees a written request, duly executed, that his exemption certificate be canceled, present proof of service, and make the necessary payment before June 30, 1957; or, if not employed when this act (chapter 274, Laws of 1955) takes effect, before June 30th of the second school year after he reenters public school service. Any teacher who is still exempt from membership in the teachers' retirement system after the effective date of this 1963 amendatory act, and who is employed as a teacher at a time when membership in another

public retirement system other than membership in the retirement program of a state institution of higher learning, becomes available to him, shall not become a member of such other public retirement system, but shall at that time have the option of requesting cancellation of his exemption and becoming a member of the teachers' retirement system. Failure to exercise such option before June 30th of the second school year from the time it becomes available shall result in continuation of his exemption from membership in this and any other public retirement system while employed as a teacher in this state. All service rendered in this state subsequent to his exemption from membership must be established by proper proof and paid for, with interest at three percent, upon the same basis as he would have paid had he been a member during the period covered by his exemption. Twenty percent of the total amount due must be paid before membership can be established. Payment of the remainder, including interest, must be completed before June 30th of the fourth school year following that in which membership was established.

SEC. 5. Section 30, chapter 80, Laws of 1947 as last amended by section 7, chapter 132, Laws of 1961, and RCW 41.32.300 are each amended to read as follows:

RCW 41.32.300 amended.

Henceforth a total of not more than four years of service outside of the state shall be credited to a member who establishes or reestablishes credit for out-of-state public school employment in this state subsequent to July 1, 1961. Foreign public school teaching service shall be creditable as out-of-state service: *Provided*, That no out-of-state service credit shall be established or reestablished subsequent to the effective date of this 1963 amendatory act, except that a member who has been granted official leave of absence by his employer may, upon his re-

Limitation on credit for out-of-state service.

Proviso.

turn to public school service in this state, establish out-of-state membership service credit, within the limitations of this section, for public school service rendered in another state or in another country. No member who establishes out-of-state service credit after July 1, 1947, shall at retirement for pension payment purposes be allowed credit for out-of-state service in excess of the number of years credit which he shall have earned in the public schools of the state of Washington.

RCW 41.32.320 amended.

SEC. 6. Section 32, chapter 80, Laws of 1947 as amended by section 13, chapter 274, Laws of 1955, and RCW 41.32.320 are each amended to read as follows:

Teachers' retirement. Credit for subsequent service outside state.

Any teacher who leaves the state after becoming a member, upon becoming reemployed in the public schools of the state, may be credited with membership service in an amount, which when added to the out-of-state credits for prior service shall not exceed the allowable total, conditioned upon satisfactory proof and upon contributions to the annuity fund: *Provided*, That out-of-state service credit established or reestablished after the effective date of this 1963 amendatory act may be granted only for out-of-state service rendered while a member was on official leave of absence granted by his employer.

Proviso.

RCW 41.32.350 amended.

SEC. 7. Section 35, chapter 80, Laws of 1947 as amended by section 16, chapter 274, Laws of 1955, and RCW 41.32.350 are each amended to read as follows:

Contributions to annuity, disability reserve, and death benefit funds.

Each year during which he is employed each member shall contribute five percent of his earnable compensation. These contributions shall be placed in the annuity fund, the disability reserve fund and the death benefit fund. A member may make an additional lump sum payment at date of retirement,

not to exceed his accumulated contributions, to purchase additional annuity.

SEC. 8. Section 36, chapter 80, Laws of 1947 as amended by section 17, chapter 274, Laws of 1955, and RCW 41.32.360 are each amended to read as follows:

RCW 41.32.360 amended.

Each year during which he is employed each member who is employed on a full time basis shall have transferred from his contributions such sum as the board of trustees shall determine necessary, in accordance with the recommendations of the actuary appointed by the board of trustees, to create a fund sufficient, with regular interest, to provide temporary disability benefits for the members whose claims will be approved by the board of trustees in accordance with the provisions of RCW 41.32.540. These transfers shall be placed in the disability reserve fund.

Basis of contributions to disability reserve fund.

SEC. 9. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows:

New section.

Upon the effective date of this 1963 amendatory act, the board of trustees shall be authorized to transfer one million dollars from the disability reserve fund to create the death benefit fund from which death benefits shall be paid to beneficiaries or legal representatives of deceased members or former members retired for age, service or disability who are eligible for such benefits under the provisions of this 1963 amendatory act.

Transfer to death benefit fund.

SEC 10. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows:

New section.

Each fiscal year during which a member is employed on a full time basis, there shall be transferred from his contributions such sum as will, with regular interest, create a fund sufficient according to actu-

Contributions to death benefit fund.

arial rates adopted by the board of trustees, to pay the death benefits as provided for in this 1963 amendatory act.

New section.

SEC. 11. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows:

Teachers' retirement. Computation of state's contribution—Appropriation—Distribution.

For the purpose of establishing and maintaining an actuarial reserve adequate to meet present and future pension liabilities of the system and to pay for one-half of the operating expenses of the system, the board of trustees at each regular July meeting next preceding a regular session of the legislature shall compute the amount necessary to be appropriated during the next legislative session for transfer from the state general fund to the teachers' retirement system during the next biennium. Such computation shall provide for amortization of unfunded pension liabilities over a period of not more than fifty years from the effective date of this 1963 amendatory act. The amount thus computed as necessary shall be reported to the governor by the secretary-manager of the retirement system for inclusion in the budget. The legislature shall make the necessary appropriation from the state general fund to the teachers' retirement system after considering the estimates as prepared and submitted, and shall appropriate from the teachers' retirement fund the amount to be expended during the next biennium for operating expenses. The transfer of funds from the state general fund to the retirement system shall be at a rate determined by the board of trustees on the basis of the latest valuation prepared by the actuary employed by the board, and shall include a percentage contribution of the total earnable compensation of the members for the biennium for which the appropriation is to be made, to be known as the "normal contribution," and an additional percentage contribution of such earnable compensation, to

be known as the "unfunded liability contribution." Such transfers from the general fund shall be made before the end of each calendar quarter at the rate determined by the board of trustees and shall be computed on the basis of the members' total earnable compensation received for the quarter. The members' total contributions to the teachers' retirement fund for each quarter shall serve as the basis for determining the members' total earnable compensation for the quarter. The amounts transferred shall be distributed first to the teachers' retirement fund for the payment of pensions, survivors' benefits and the state's share of the operating expenses for the system, and the balance shall be credited to the teachers' retirement pension reserve fund. The total amount of such transfers for a biennium shall not exceed the total amount appropriated by the legislature.

SEC. 12. Section 41, chapter 80, Laws of 1947 as amended by section 19, chapter 274, Laws of 1955, and RCW 41.32.410 are each amended to read as follows:

RCW 41.32.410
amended.

At the close of each fiscal year the board of trustees shall withdraw from the pension fund and the annuity fund in equal amounts a sum sufficient to defray the expenses of the retirement system estimated by them for the ensuing year and place that amount in the expense fund. The board of trustees shall have authority to assess a withdrawal fee and such other service charges as may be necessary to provide for the members' contributions to the expense fund. Any such withdrawal fee or other service charges shall be deducted from each member's annuity fund account during the year in which the assessment is made.

Expense fund
—Service
charges.

SEC. 13. Section 42, chapter 80, Laws of 1947 and RCW 41.32.420 are each amended to read as follows:

RCW 41.32.420
amended.

Teachers' retirement. Employer reports to board.

On or before a date specified by the board of trustees in each year every employer shall file a report with the board of trustees of the retirement system on a form provided, stating the name of the employer and with respect to each employee: (1) The full name, (2) the address, (3) the date of commencement of employment, (4) the length of the employment contract, (5) the length of the school term, (6) the annual salary, and (7) such other information as the board shall require, and at the same time notify each new employee in writing with reference to the Washington state teachers' retirement system and that an application for prior service credit may be filed with the board of trustees thereof on a form furnished by the board. On the fifth day of each succeeding month during the school year the employer shall report any changes in personnel to the board. The county superintendent shall perform the duties imposed by this section for the employers in second and third class school districts and the city superintendents for the employers in first class school districts. The chief executive officers of other institutions shall perform such duties.

RCW 41.32.430 amended.

SEC. 14. Section 43, chapter 80, Laws of 1947 as amended by section 20, chapter 274, Laws of 1955, and RCW 41.32.430 are each amended to read as follows:

Salary deductions.

Every officer authorized to issue salary warrants to teachers shall deduct from each salary payment to any member employed on a full time basis five percent of the amount of earnable compensation paid in any fiscal year. Such deductions shall be transmitted and reported to the retirement system as directed by the board of trustees.

RCW 41.32.470 amended.

SEC. 15. Section 47, chapter 80, Laws of 1947 and RCW 41.32.470 are each amended to read as follows:

Eligibility for retirement allowance.

A member must have established or reestablished with the retirement system at least five years of

credit for creditable service in this state to be entitled to a retirement allowance.

SEC. 16. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows:

Any member who qualifies for a retirement allowance which is effective on or after the effective date of this 1963 amendatory act shall receive a retirement allowance consisting of: (1) An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement, (2) A service pension which shall be equal to one one-hundred twentieth of his average earnable compensation for his five highest compensated years of service within the last ten years times the total years of creditable service established with the retirement system: *Provided*, That no member shall receive a pension of less than four dollars per month for each year of creditable service established with the retirement system. Pension benefits payable under the provisions of this section shall be prorated on a monthly basis and paid at the end of each month: *Provided, further*, That the benefits under this section shall be available only to members who terminate public school service in this state on or after the effective date of this 1963 amendatory act and shall include such members who terminated public school service in this state at the close of the 1963-1964 school year.

SEC. 17. Section 51, chapter 80, Laws of 1947 as amended by section 24, chapter 274, Laws of 1955, and RCW 41.32.510 are each amended to read as follows:

Should a member cease to be employed in the public schools of this state and request upon a form provided by the board of trustees a refund of his accumulated contributions with interest to the June 30th next preceding, this amount shall be paid to him less any withdrawal fee which may be assessed

by the board of trustees which shall be deposited to the annuity fund's share of the cost of operation. The amount withdrawn, together with interest must be paid if he desires to reestablish his former service credits. Upon termination of membership, interest on accumulated contributions in the annuity fund shall cease and all accumulated contributions unclaimed after the expiration of ten years thereafter become an integral part of the annuity fund.

RCW 41.32.540
amended.

SEC. 18. Section 54, chapter 80, Laws of 1947 as last amended by section 1, chapter 37, Laws of 1959, and RCW 41.32.540 are each amended to read as follows:

Teachers' re-
retirement. Dis-
ability allow-
ance—Tempo-
rary.

Upon application of a member in service or of his employer or of his legal guardian or of the legal representative of a deceased member who was eligible to apply for a temporary disability allowance based on his final illness a member may be granted a temporary disability allowance by the board of trustees if the medical director, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty. Any member receiving a temporary disability allowance on July 1, 1964 or who qualifies for a temporary disability allowance effective on or after the effective date of this 1963 amendatory act shall receive a temporary disability allowance of one hundred twenty dollars per month payable from the disability reserve fund for a period not to exceed two years, but no payments shall be made for a disability period of less than sixty days: *Provided*, That a member who is not employed full time in Washington public school service for consecutive fiscal years shall have been employed for at least fifty consecutive days during the fiscal year in which he returns to full time Washington public school service before he may qualify for temporary disability benefits: *Provided further*,

Proviso.

Proviso.

That no temporary disability benefits shall be paid on the basis of an application received more than four calendar years after a member became eligible to apply for such benefits.

SEC. 19. Section 55, chapter 80, Laws of 1947 as last amended by section 4, chapter 132, Laws of 1961, and RCW 41.32.550 are each amended to read as follows:

RCW 41.32.550 amended.

Should the board determine from the report of the medical director at the end of a two year disability period that a member's disability will continue, a member shall have the option of then receiving (1) all his accumulated contributions in a lump sum payment and canceling his membership, or (2) of accepting a retirement allowance based on service or age, if eligible under RCW 41.32.480, or (3) if he had fifteen or more years of creditable service established with the retirement system when the temporary disability allowance was granted, a retirement allowance because of disability: *Provided*, That any member applying for a retirement allowance who is eligible for benefits on the basis of service or age shall receive a retirement allowance based on the provisions of law governing retirement for service or age. If the member qualifies to receive a retirement allowance because of disability he shall be paid the maximum annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement and a pension equal to the actuarial equivalent of the service pension to which he would be entitled at age sixty: *Provided*, That in no case shall such pension be less than four dollars per month for each year of creditable service established, nor shall the total allowance for disability be less than seventy-five dollars per month. If the member dies before he has received in annuity payments the present value of his accumulated contributions at the time of his retirement, the unpaid balance shall

Disability allowance—Permanent.

Proviso.

Proviso.

be paid to his estate or to such persons as he shall have nominated by written designation executed and filed with the board of trustees. A member who is retired for disability under the provisions of this 1963 amendatory act shall at age sixty receive the full pension as provided for service retirement at age sixty. In no case shall his recomputed retirement allowance be less than seventy-five dollars per month.

New section.

SEC. 20. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows:

Teachers' retirement.
Death benefit payments.

Upon receipt of proper proof of death of a member who was employed on a full time basis and who contributed to the death benefit fund during the fiscal year in which his death occurs, or who was under contract for full time employment in a Washington public school for the fiscal year immediately following the year in which such contribution to the death benefit fund was made, or who submits an application for a retirement allowance to be approved at the next regular meeting of the board of trustees immediately following termination of his full time Washington public school service and who dies before the first installment of his retirement allowance becomes due, or who is receiving or is entitled to receive temporary disability payments, or who upon becoming eligible for a disability retirement allowance submits an application for such an allowance to be approved at the next regular meeting of the board of trustees immediately following the date of his eligibility for a disability retirement allowance and dies before the first installment of such allowance becomes due, a death benefit of three hundred dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees: *Provided*, That

Proviso.

the deceased member had established at least one year of credit with the retirement system for full time Washington membership service: *And provided further*, That a deceased member who was not employed full time in Washington public school service during the fiscal year immediately preceding the year of his death shall have been employed full time in Washington public school service for at least fifty consecutive days during the fiscal year of his death. Proviso.

SEC. 21. There is added to chapter 80, Laws of 1947 and to chapter 41.32 RCW a new section to read as follows: New section.

Upon receipt of proper proof of death of a former member who was retired for age, service or disability, a death benefit of one hundred fifty dollars shall be paid from the death benefit fund to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees: *Provided*, That the retired former member had established not less than ten years of credit with the retirement system for full time Washington membership service. Death benefit payment to former member.
Proviso.

SEC. 22. The following acts are hereby repealed: Repeal.

(1) Section 37, chapter 80, Laws of 1947 and RCW 41.32.370;

(2) Section 40, chapter 80, Laws of 1947 and RCW 41.32.400;

(3) Section 45, chapter 80, Laws of 1947 and RCW 41.32.450.

SEC. 23. The amendment of any section by this 1963 act shall not be construed as impairing any existing right acquired or any liability incurred by any member under the provisions of the section amended; nor shall it affect any vested right of any former member who reenters public school em- Construction.

ployment or becomes reinstated as a member subsequent to the effective date of such act.

Severability. SEC. 24. If any provision of this act is held to be invalid the remainder of the act shall not be affected.

Appropriation. SEC. 25. There is hereby appropriated from the general fund to the teachers' retirement fund for the biennium ending June 30, 1965 for the purpose of paying the additional pension costs authorized for the fiscal year 1964-1965 by section 16 of this 1963 amendatory act, the sum of one hundred ninety-four thousand dollars.

Effective date. SEC. 26. The effective date of this act is July 1, 1964.

Passed the House April 4, 1963.

Passed the Senate April 3, 1963.

Approved by the Governor April 18, 1963.

CHAPTER 15.

[H. B. 2.]

APPROPRIATIONS—HIGHWAYS, BRIDGES AND FERRIES—PROJECT COMPLETION SCHEDULE.

AN ACT relating to highways; making appropriations and reappropriations for the operations and capital improvements of the state highway commission and the Washington toll bridge authority.

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

Highways, bridges, ferries. Reappropriation.

SECTION 1. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1965, and for obligations incurred and not yet paid, the sum of six hundred sixty thousand eight hundred three dollars, the same being the December 31, 1962 unexpended balance of the appropria-

tion contained in section 1, chapter 19, extraordinary session, Laws of 1961, for construction of roads in Adams, Grant and Franklin counties: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1963. Proviso.

SEC. 2. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1965, and for obligations incurred and not yet paid, the sum of two million two hundred seventy-eight thousand two hundred seventy-three dollars, the same being the December 31, 1962 unexpended balance of the appropriation contained in section 2, chapter 19, extraordinary session, Laws of 1961, for the construction of highways on primary state highway No. 1, Snoqualmie Pass, Columbia Basin secondaries and Echo Lake route: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1963. Reappropriation.

Proviso.

SEC. 3. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1965, and for obligations incurred and not yet paid, the sum of four hundred fifty-eight thousand five hundred sixty-nine dollars, the same being the unexpended balance of the appropriation contained in section 3, chapter 19, extraordinary session, Laws of 1961, for the construction of Echo Lake route: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1963. Reappropriation.

Proviso.

Highways,
bridges,
ferries. Reap-
propriation.

SEC. 4. There is hereby reappropriated from the motor vehicle fund to the Washington state highway commission, for the biennium ending June 30, 1965, and for obligations incurred and not yet paid, the sum of fifty-two million four hundred twenty-three thousand eight hundred sixty-nine dollars, the same being the unexpended balance of the appropriation contained in section 4, chapter 19, extraordinary session, Laws of 1961, for construction of the Tacoma-Seattle-Everett freeway: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the central budget agency as of June 30, 1963.

Proviso.

Appropriation.

SEC. 5. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1965, and for obligations incurred and not yet paid, the sum of fifty million six hundred forty-seven thousand eight hundred forty dollars, or so much thereof as shall be necessary for the operations of the department of highways, including the programs for the executive, general, and engineering administration; the plant operation and maintenance; the planning and research operations; the highway maintenance operations; research and studies approved by the Washington state highway commission and the joint committee on highways; and the special reimbursable services.

Appropriation.

SEC. 6. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1965, and for obligations incurred and not yet paid, the sum of two hundred fifty-six million thirty-eight thousand eight hundred thirty-four dollars, for buildings and other structures, construction and reconstruction of highways, and designated routes

through cities and towns, including location, rights-of-way, bridges and ferries, and including funds to be expended on and off the state system to be reimbursed under specific project agreements executed or to be executed under the federal aid road acts and the state acts assenting thereto; and any other expenditures off the system for which reimbursement is anticipated under agreements, and for emergencies and any other proper highway purpose, emergencies being defined as damages to highways, structures, ferries and/or conditions involving public safety or welfare which could not with the exercise of reasonable judgment have been foreseen. To the above appropriation there is to be added fifty-six million dollars or so much thereof as shall remain as the unexpended balance of the appropriation in section 7, chapter 19, extraordinary session, Laws of 1961 as shown on the records of the central budget agency as of June 30, 1963.

SEC. 7. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1965, the sum of four hundred twenty-six thousand two hundred thirty-three dollars, for salaries, wages and operations, necessary for the collection of tolls on the Tacoma Narrows Bridge. Appropriation.

SEC. 8. There is hereby appropriated from the motor vehicle fund to the authority revolving fund for the biennium ending June 30, 1965, the sum of two hundred eleven thousand three hundred thirty-eight dollars or so much thereof as shall be necessary to carry out the provisions of RCW 47.60.180. This advance is to be considered as a loan to the authority revolving fund. Appropriation.

SEC. 9. There is hereby appropriated from the authority revolving fund to the Washington toll Appropriation.

bridge authority for the biennium ending June 30, 1965, the sum of three hundred one thousand three hundred thirty-eight dollars, to carry out the provisions of RCW 47.60.180.

Highways, bridges, ferries. Appropriation.

SEC. 10. There is hereby appropriated from the Puget Sound Reserve Account to the Washington toll bridge authority for the biennium ending June 30, 1965, the sum of two million dollars to carry out the provisions of section 3, chapter 9, extraordinary session, Laws of 1961 and RCW 47.60.370.

Appropriation.

SEC. 11. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission, for the period ending June 30, 1965, the sum of three million seventy thousand dollars for the improvement of the Puget Sound transportation system in the following specified amounts and purposes:

- (1) Rebuild the Colman terminal including the purchase of piers 52A and 53 \$2,600,000
- (2) Rebuild and reorient the Lopez terminal 125,000
- (3) Remodel present buildings in the tie-up area at Winslow to provide for consolidation of shop and storage facilities... 75,000
- (4) Contract for the design of new ferry boats suitable for long-term utilization in the ferry system 120,000
- (5) Provide double-lane slip at Bremerton 100,000
- (6) Foundation investigations, right-of-way surveys and preliminary plans for Sinclair Inlet causeway 50,000

Specific projects, completion dates, specified.

SEC. 12. The Washington state highway commission is hereby directed and instructed to use unallocated highway construction funds appropriated or reappropriated by this act or otherwise avail-

able or such portion thereof as may be necessary, and with respect to subsection (1) (a) below to, if necessary, issue and sell any or all bonds authorized but remaining unsold under the provisions of chapter 189, Laws of 1957 (RCW 47.10.700 through 47.10.724), and to hire, retain or otherwise procure such professional assistance as may be proper, all in order (1) to complete the following projects on or before the dates hereinafter specified:

(a) The following portions of the Tacoma-Seattle-Everett freeway:

(i) From East "C" Street to the Puyallup river in the city of Tacoma by December 31, 1963; from "M" Street to the Puyallup river in the city of Tacoma, including the Pacific Avenue interchange, by December 31, 1965;

(ii) From South 184th Street to Boeing access road by October 31, 1965; from Boeing access road to James Street in the city of Seattle by September 30, 1966; also Tukwila to Longacres in King County, by December 31, 1965;

(iii) From secondary state highway No. 2J to Hewitt Avenue in the city of Everett by October 31, 1966; from Hewitt Avenue to the end of the Tacoma-Seattle-Everett freeway by October 31, 1967;

(b) That portion of the freeway on primary state highway No. 9 from Elma to the vicinity of the Wynoochee river bridge and four-lane construction on primary state highway No. 9 from the end of such freeway to Aberdeen, all by October 31, 1967.

(2) All dates specified in subsection (1) of this section shall be extended to the extent required by reason of strikes, delays in receipt of Federal funds, adverse weather conditions, unforeseen construction delays, acts of God, and factors over which the highway commission has no control.

Highways,
bridges,
ferries. Specific projects
completion
dates, specified.

(3) Nothing in this section shall be construed as authorizing the state highway commission to re-schedule its existing program and plans for the construction of any other portion of the Tacoma-Seattle-Everett freeway and all other projects throughout the state of Washington, and whenever possible the following projects shall be accelerated:

(a) Tacoma-Seattle-Everett freeway:

(i) From secondary state highway No. 5A to South 184th Street in King County;

(ii) From James Street to East Shelby Street in the city of Seattle;

(iii) From Ravenna Boulevard to N.E. 115th Street, in the city of Seattle;

(iv) From N.E. 115th Street in the city of Seattle to N.E. 200th Street in King County; and

(v) From N.E. 200th Street in King County to secondary state highway No. 2J in Snohomish County;

(b) Primary state highway No. 1, from the Chuckanut Drive interchange in Skagit County to the Fielding Street interchange, Bellingham, in Whatcom County;

(c) Primary state highway No. 15, from Everett to Cavalero's Corner in Snohomish County; and

(d) East Lake Washington Loop, from its junction with primary state highway No. 1 to and including the Bothell interchange, and also including the Factoria interchange.

Passed the House April 5, 1963.

Passed the Senate April 5, 1963.

Approved by the Governor April 18, 1963.

CHAPTER 16.

[H. B. 65.]

JOINT TENANCY.

AN ACT relating to property; and amending section 1, chapter 2, Laws of 1961 and RCW 64.28.010.

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

SECTION 1. Section 1, chapter 2, Laws of 1961 and RCW 64.28.010 are each amended to read as follows:

RCW 64.28.010 amended.

Whereas joint tenancy with right of survivorship permits property to pass to the survivor without the cost or delay of probate proceedings, there shall be a form of co-ownership of property, real and personal, known as joint tenancy. A joint tenancy shall have the incidents of survivorship and severability as at common law. Joint tenancy shall be created only by written instrument, which instrument shall expressly declare the interest created to be a joint tenancy. It may be created by a single agreement, transfer, deed, will, or other instrument of conveyance, or by agreement, transfer, deed or other instrument from a sole owner to himself and others, or from tenants in common or joint tenants to themselves or some of them, or to themselves or any of them and others, or from husband and wife, when holding title as community property, or otherwise, to themselves or to themselves and others, or to one of them and to another or others, or when granted or devised to executors or trustees as joint tenants: *Provided*, That such transfer shall not derogate from the rights of creditors.

Joint tenancy with right of survivorship—Method of creation—Creditors rights saved.

Proviso.

Passed the House April 5, 1963.

Passed the Senate April 5, 1963.

Approved by the Governor April 18, 1963.

CHAPTER 17.

[H. B. 66.]

STATE PUBLIC PENSION COMMISSION.

AN ACT relating to retirement and pensions; creating a state public pension commission; defining powers and duties; making an appropriation; and declaring an emergency.

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

State public pension commission.—
Creation—
Members, qualifications.

SECTION 1. There is created the state public pension commission. The commission shall consist of five members of the house of representatives to be appointed by the speaker thereof, five members of the senate to be appointed by the president of the senate, and five members to be appointed by the governor: *Provided*, That no more than three senators nor more than three representatives shall be appointed from the same political party. All original legislative members shall be appointed before the close of the 1963 extraordinary session of the legislature and successors shall be appointed at least ten days before the close of each regular session thereafter. Legislative members shall be subject to confirmation, as to senate members by the senate, and as to house members by the house. No terms of legislative members shall be extended without such confirmation.

Proviso.

The members appointed by the governor shall have the following qualifications: (1) At least one of the members shall be experienced in actuarial principles; (2) One member shall be a trustee or official of a retirement system; and (3) Three members shall have had general experience and knowledge in fields pertinent to retirement system operating, but shall not at the time of appointment or during their terms of office be trustees or officials in any retirement system.

SEC. 2. The members of the commission shall be appointed biennially for terms commencing July 1st and expiring on June 30th on each succeeding odd-numbered year and shall serve until their successors are appointed or elected, and qualified. The terms of office of legislative members who shall not continue to be members of the senate and house shall cease as of the date the certificates of election of their successors are issued. Vacancies in office of legislative members shall be filled by appointment from the same house by the remaining legislative members of that house. All vacancies shall be filled for the remainder of the unexpired term. Vacancies in memberships appointed by the governor shall be filled by appointment by the governor.

Member's terms—
Vacancies,
how filled.

SEC. 3. The members of the commission shall serve without compensation but shall be reimbursed for actual expenses incurred in the discharge of their duties in an amount not to exceed that provided in RCW 43.03.050 and 43.03.060 for other state officers and employees. The commission shall select a chairman, vice chairman and secretary from among its members and may employ and fix the compensation of such assistants as it deems necessary to carry out its powers and duties. A majority of the membership shall constitute a quorum.

Commission officers—Reimbursement for expenses—Quorum.

SEC. 4. The commission shall have the following powers and duties:

Commission powers and duties.

(1) Study the pension and benefit laws applicable to officers and employees in governmental service throughout the state and appraise and evaluate the existing laws pertaining to this subject;

(2) Study and consider the financial problems of the several retirement and pension funds and make recommendations as to revisions in financial provisions and methods of amortizing the accrued liabilities of such funds without impairment of any

State public pension commission. Powers and duties.

of the rights and equities of participants and beneficiaries but in conformity with sound and established principles of financing pension fund obligations;

(3) Study and make recommendations concerning the extension of pension coverage to public employees to whom pension protection has not been accorded;

(4) Study and make recommendations concerning the preservation and continuity of earned rights and credits in public employment for pension purposes including a thorough study of the legal, financial and other aspects of so-called legal vesting of pension rights;

(5) Evaluate all pension proposals in terms of policy, cost implications, and their impact on other public employee retirement programs;

(6) Consider all aspects of pension planning and operation aiming toward the development of a standard pension policy grounded in fundamental principles;

(7) Consider the feasibility of codifying pension laws;

(8) Make available to such public officers and employees at all levels of government as it shall deem advisable, information as to pension and benefit studies, recommendations, and evaluations as to afford them an opportunity to become familiar with all aspects of pension problems so they may develop sound legislative and fiscal policies in accordance with established concepts of good retirement planning and sound financing;

(9) Report from time to time, at least biennially, to the members of the legislature, and to the governor, its conclusions and recommendations;

(10) Prepare an explanatory note for each pension bill introduced in the legislature, which note shall briefly explain the financial impact and poli-

cies of the bill, indicate the impact on the relative position of the system affected with the other public pension systems, and which shall be attached to or printed upon the printed bill.

SEC. 5. For the biennium ending June 30, 1965 there is appropriated to the state public pension commission from the general fund the sum of fifteen thousand dollars, or so much thereof as may be necessary to carry out the purposes of this act. Appropriation.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect immediately. Emergency.

Passed the House April 6, 1963.

Passed the Senate April 6, 1963.

Approved by the Governor April 17, 1963.

CHAPTER 18.

[H. B. 34.]

INTERIM FISHERIES COMMITTEE.

AN ACT relating to food fish and shellfish; creating the interim fisheries committee.

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

SECTION 1. Former interim committees on fisheries have made studies and investigations and have reported back to various sessions of the legislature with recommendations that have proven invaluable to the fisheries program, and have materially contributed to the income from fisheries and to the general welfare of the state. It therefore appears in the best interest of the state that an interim committee on fisheries should be appointed for the ensuing biennium with power to investigate and in-

Interim committee on fisheries. Purpose.

Interim committee on fisheries. Purpose—Powers.

spect all matters relating to the production of food fish in all waters of the state, those of bordering states, the state of Alaska, and the Province of British Columbia, Canada, to study the University of Washington department of fisheries' report concerning salmon gear reduction in northern Washington waters and to report back to the thirty-ninth session its recommendations for the protection, rehabilitation and management of said food fish, which constitute an industry worth over one hundred millions dollars per year to the state. It also appears that further negotiations with an interim committee or committees or the proper officials, boards, commissions or departments of the United States government, the states of Oregon, Idaho and Alaska, and the Province of British Columbia shall be beneficial in obtaining interstate and international cooperation in the production and protection of food fish.

Membership.

SEC. 2. The President of the Senate is empowered and directed to appoint five Senate members, and the Speaker of the House of Representatives is empowered and directed to appoint five House members to serve as a committee to make a study of the fisheries of the state of Washington, particularly those affected by the Pacific Marine Fisheries Compact, the Columbia Interstate Compact, and the international treaty for rehabilitation of the Puget Sound and Fraser River sockeye salmon runs, and to serve as a legislative liaison between fisheries and power, reclamation and other industries in the development of a cooperative water use policy for the state.

Committee duties.

SEC. 3. The committee so appointed is authorized and empowered to negotiate with similar committees and officers, boards, commissions, departments, or other official agencies of the United States govern-

ment, the states of Oregon, Idaho, and Alaska, the Province of British Columbia, and the Columbia Interstate Compact Commission; and with representative groups of fishermen, sportsmen, packers and distributors of fish, to the end that the fishing industry may be improved and enlarged and sound basic protection given to the industry.

SEC. 4. The committee may promulgate rules and regulations for the administration of its duties, and may conduct hearings, administer oaths, take depositions and compel the attendance of witnesses. The committee shall elect its own chairman and officers and may employ such help and technical and legal assistance as it deems necessary for the proper and efficient performance of its duties.

Rules and regulations—
Officers.

SEC. 5. In addition and supplemental to any other powers and duties as provided by law, said interim committee shall work in cooperation with the director of fisheries of the state of Washington, the director of game of the state of Washington and the fish and game commissioner of the state of Oregon toward the promulgation of rules and regulations to assure an annual yield of aquatic products on the Columbia river and to prevent the taking of these products at such places or at such times as might actually endanger the brood stock of such aquatic products.

Additional powers and duties.

SEC. 6. The committee in addition to its other powers and duties, shall make a thorough evaluation of the report concerning salmon gear reduction in northern Washington waters, and, with the advice and cooperation of the University of Washington department of fisheries and school of law, shall develop a final proposed draft of legislation to carry out its recommendations concerning such report.

Additional powers and duties.

Interim committee on fisheries. Allowances.

SEC. 7. The members of the committee shall be entitled to the allowances provided by RCW 44.04-.120. Employees of the committee shall be entitled to the same allowances.

Report to legislature.

SEC. 8. The committee so appointed shall make a report of their proceedings, including therein recommendations for consideration by the 1965 legislative sessions of the states of Washington, Oregon, Idaho and Alaska.

Expiration date.

SEC. 9. This act shall expire upon the adjournment sine die of the thirty-ninth regular session of the legislature.

Passed the House April 6, 1963.

Passed the Senate April 6, 1963.

Approved by the Governor April 17, 1963.

CHAPTER 19.

[H. B. 24.]

INTERIM COMMITTEE ON EDUCATION.

AN ACT relating to the legislature; creating a joint interim committee on education; prescribing its powers and duties; providing for citizen participation; repealing chapter 299, Laws of 1959, chapter 296, Laws of 1961 and chapter 44.32 RCW; and declaring an emergency.

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

Joint committee on education. Committee defined.

SECTION 1. As used in this act "committee" means the joint committee on education of the legislature of the state of Washington.

Creation—Duration.

SEC. 2. There is hereby created the joint committee on education of the legislature of the state of Washington which shall meet, act, and conduct its business prior to the adjournment of the next succeeding regular session of the legislature.

SEC. 3. The committee shall consist of five senators and five representatives who shall be selected as follows:

Committee membership—
Appointment.

(1) The president of the senate shall nominate five senators to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate five members of the house of representatives to serve on the committee, and submit the list of nominees to the house for confirmation. Upon confirmation, the representatives shall be deemed installed as members.

SEC. 4. Not more than three members confirmed or elected by the senate, and not more than three members confirmed or elected by the house, shall be affiliated with any one political party.

Political affiliation of members, limitation.

SEC. 5. Members shall serve until their successors are installed as provided in section 3 of this act at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner.

Member's terms.

SEC. 6. The committee shall fill any vacancies occurring on the committee by appointment from the legislative chamber whose member departs; members filling vacancies shall serve until their successors are installed as provided in section 3 of this act or until they are no longer members of the legislature, whichever is sooner.

Committee vacancies, how filled—
Terms.

SEC. 7. The committee shall by majority vote select a chairman, create necessary or appropriate subcommittees, and prescribe rules of procedure for itself and its subcommittees which are not inconsistent with this act.

Committee officers—
Procedure.

Joint committee on education. Staff.

SEC. 8. The committee may employ an executive secretary and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation, expenses, and salaries.

Committee expenses—Reimbursement—How paid.

SEC. 9. 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 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.

Witnesses examined privately, when.

SEC. 10. When directed by a two-thirds vote of the whole committee witnesses shall be examined privately.

Committee powers and duties.

SEC. 11. The committee is authorized to ascertain and study facts and matters relating to education in the state of Washington, including but not limited to:

- (1) Methods of distributing state funds including recommendations for the simplification thereof;
- (2) The manner in which educational funds are procured;
- (3) Economies in school management and operations;

- (4) Community college problems;
- (5) Maximum utilization of school buildings, grounds, facilities, and other school properties;
- (6) Land acquisition policies;
- (7) School district reorganization;
- (8) Reorganization of the county superintendencies;
- (9) Teacher training and certification;
- (10) Academic standards, course content, curriculum and extracurricular activities;
- (11) Nonacademic testing program;
- (12) Teaching of controversial subjects;
- (13) Uses of educational TV and other audiovisual teaching aids;
- (14) Lay boards of education and rules and regulations promulgated therefrom;
- (15) Student drop outs;
- (16) Educational research;
- (17) Programs for the exceptional child;
- (18) Personnel procurement; and
- (19) Student discipline.

SEC. 12. The committee, in cooperation with the statute law committee, shall review existing laws pertaining to education with a view toward recommending a comprehensive codification thereof to the thirty-ninth session of the legislature, including such substantive changes in said laws as the committee may deem necessary.

Committee duties—Laws relating to education.

SEC. 13. The committee, in cooperation with the presidents of the state's institutions of higher education, shall prepare for the orderly growth and expansion of higher educational facilities and programs.

Committee duties—Higher education.

SEC. 14. The committee shall consult and maintain liaison with the legislative council, the legislative budget committee and all affected public agen-

Liaison with other governmental agencies.

cies, and shall seek the participation of all interested and responsible organizations.

Joint committee on education. Citizen subcommittees—Expenses of.

SEC. 15. The committee is authorized to appoint such citizen subcommittees as it deems appropriate and to pay approved expenses of subcommittee members and any other authorized expenses such subcommittees may incur.

Committee recommendations—Minority reports.

SEC. 16. The committee shall make such recommendations to the governor and the legislature relating to changes in administrative practices and existing laws as it finds necessary. If the recommendations adopted by the committee do not receive unanimous approval, any dissenting members shall have the privilege of submitting minority recommendations: *Provided*, That minority recommendations shall not be recognized, acted upon or reported unless joined in by two or more members.

Proviso.

Gifts, grants, etc. to committee—Expending.

SEC. 17. The committee shall have authority to receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the committee and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments.

Repeal.

SEC. 18. Chapter 299, Laws of 1959, chapter 296, Laws of 1961 and chapter 44.32 RCW are each repealed.

Expiration date.

SEC. 19. This act shall expire upon the adjournment sine die of the thirty-ninth regular session of the legislature.

Emergency.

SEC. 20. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its exist-

ing public institutions, and shall take effect immediately.

Passed the House April 6, 1963.

Passed the Senate April 6, 1963.

Approved by the Governor April 17, 1963.

CHAPTER 20.

[H. B. 17.]

LEGISLATIVE BUDGET COMMITTEE.

AN ACT relating to the legislative budget committee; amending section 1, chapter 43, Laws of 1951 as amended by section 4, chapter 206, Laws of 1955 and RCW 44.28.010; and declaring an emergency.

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

SECTION 1. Section 1, chapter 43, Laws of 1951 as amended by section 4, chapter 206, Laws of 1955, and RCW 44.28.010 are each amended to read as follows:

RCW 44.28.010 amended.

There is hereby created a legislative budget committee which shall consist of six senators and six representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than three members from each house shall be from the same political party. All members shall be appointed before the close of the 1951 session of the legislature and before the close of each regular session thereafter. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house. In the event of a failure to appoint committee members, either on the part of the president of the senate or on the part of the speaker of the house, or in the event of a refusal by either the

Legislative budget committee. Created—Members.

Legislative budget committee. Members.

senate or the house to confirm appointments on the committee, then the members of the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house.

Emergency.

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

Passed the House March 24, 1963.

Passed the Senate April 6, 1963.

Approved by the Governor April 17, 1963.

CHAPTER 21.

[H. B. 1.]

BUDGET AND APPROPRIATIONS.

AN ACT adopting the budget; making appropriations and reappropriations for the operation of state agencies and for miscellaneous purposes; and declaring an emergency.

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

Budget—Appropriations.

SECTION 1. That a budget is hereby adopted and subject to the provisions hereinafter set forth the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the agencies and officers of the state and for other specified purposes for the fiscal biennium beginning July 1, 1963, and ending June 30, 1965, out of the several funds of the state hereinafter named.

STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance	
premiums tax distribution	\$624,000

General Fund Appropriation for public utility district excise tax distribution	\$3,962,880
General Fund—Harbor Improvement Account Appropriation for harbor improvement revenue distribution	\$260,000
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution.....	\$8,273,000
Motor Vehicle Excise Fund Appropriation for motor vehicle excise tax distribution	\$8,652,410
Motor Vehicle Fund Appropriation for motor vehicle fuel tax and overload penalties distributions	\$73,024,677
Liquor Board Revolving Fund Appropriation for liquor profits distribution.....	\$20,525,000

STATE TREASURER—FEDERAL REVENUES
FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution	\$8,000
General Fund Appropriation for federal flood control funds distribution	\$10,000
Forest Reserve Fund Appropriation for forest reserve fund distribution	\$9,000,000

STATE TREASURER—BOND RETIREMENT
AND INTEREST

Capitol Building Bond Redemption Fund Appropriation	\$544,588
Institutional Building Bond Redemption Fund of 1949 Appropriation	\$2,550,901
Highway Bond Retirement Fund Appropriation	\$16,259,258
Public School Building Bond Redemption Fund of 1949 Appropriation	\$5,101,800
Public School Building Bond Redemption Fund of 1955 Appropriation	\$4,588,750
Public School Building Bond Redemption Fund of 1957 Appropriation	\$9,224,100
State Building Construction Bond Redemption Fund Appropriation	\$7,476,672
University of Washington Bond Redemption Fund Appropriation	\$1,882,645
War Veterans' Compensation Bond Retirement Fund Appropriation	\$8,953,286
World Fair Bond Redemption Fund Appropriation	\$1,552,250
Institutional Building Bond Redemption Fund of 1957 Appropriation	\$3,364,480
Public School Building Bond Redemption Fund of 1959 Appropriation	\$4,843,726

LAWS, EXTRAORDINARY SESSION, 1963.

General Administration Bond Retirement Fund Appropriation	\$693,884
Washington State University Bond Retirement Fund Appropriation	\$486,000
Public School Building Bond Redemption Fund of 1961 Appropriation	\$6,164,781

STATE LEGISLATURE

General Fund Appropriation	
Senate Expenses and salaries of members and employer's contribution to retirement plans.	\$139,298
House of Representatives Expenses and sal- aries of members and employer's contribu- tion to retirement plans	\$283,360

PERMANENT STATUTE LAW COMMITTEE

General Fund Appropriation	\$259,067
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SUPREME COURT

General Fund Appropriation	\$972,132
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COURT ADMINISTRATOR

General Fund Appropriation	\$77,550
General Fund Appropriation for Superior Court Judges	\$1,105,710
General Fund Appropriation	
Judges' Retirement Fund Contributions	\$161,850
Additional Judges' Retirement Fund Contri- butions in accordance with RCW 2.12.070..	\$209,966

JUDICIAL COUNCIL

Vetoed.	{	General Fund Appropriation	\$30,000
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LAW LIBRARY

General Fund Appropriation	\$209,669
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OFFICE OF THE GOVERNOR

General Fund Appropriation	
Executive Operations	\$247,150
Investigation and Emergency Purposes—to be distributed on vouchers approved by the Governor	\$16,000
Extradition Expenses (Including prior claims)	\$60,000
Mansion Maintenance	\$30,000

SPECIAL APPROPRIATIONS TO THE GOVERNOR

General Fund Appropriation	
Governor's Emergency, to be allocated for the carrying on of the critically necessary work of any agency: <i>Provided</i> , That \$275,000 may be allotted for surveys and installations: <i>Provided</i> , That not to exceed \$250,000 may	

be allocated for payment of claims under Chapter 159, Laws of 1963	\$2,500,000
Council of State Governments	\$22,000
For salary adjustments to be allotted to the agencies to continue the revised classification plan and to implement the salary survey conducted by the State Personnel Board in 1962	\$5,500,000
LIEUTENANT GOVERNOR	
General Fund Appropriation	\$32,416
SECRETARY OF STATE	
General Fund Appropriation: <i>Provided</i> , That \$99,451 shall be available only for the maintenance of the permanent registration records..	\$594,493
STATE TREASURER	
General Fund Appropriation	\$412,264
STATE AUDITOR	
General Fund Appropriation	
State Auditor	\$708,214
Payment for supplies and services furnished in previous bienniums	\$100,000
Motor Vehicle Fund Appropriation	
State Auditor	\$44,356
ATTORNEY GENERAL	
General Fund Appropriation	\$950,396
CENTRAL BUDGET AGENCY	
General Fund Appropriation	\$877,223
CAPITOL COMMITTEE	
General Fund—Capitol Building Construction Account Appropriation	\$10,000
CENSUS BOARD	
General Fund Appropriation	\$45,500
Motor Vehicle Excise Fund Appropriation.....	\$41,748
BOARD AGAINST DISCRIMINATION	
General Fund Appropriation	\$99,712
STATE EMPLOYEES' RETIREMENT SYSTEM	
Retirement System Expense Fund Appropriation	\$632,588
FINANCE COMMITTEE	
General Fund Appropriation	\$56,095
Motor Vehicle Fund Appropriation	\$27,360
General Fund—State Building Construction Appropriation	\$5,000
General Fund—Public School Building Construction Appropriation	\$9,750

TAX COMMISSION

General Fund Appropriation: *Provided*, That funds received as reimbursements pursuant to chapter 84.41 RCW are hereby appropriated to the Tax Commission in excess of this amount, and such funds as are contracted to be paid into the General Fund prior to June 30, 1965, may be allotted in advance of receipt \$6,574,573

UNIFORM LEGISLATION COMMISSION

General Fund Appropriation \$3,585

DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation \$3,566,366

DEPARTMENT OF INSTITUTIONS—HEADQUARTERS

General Fund Appropriation..... \$2,503,579

General Fund—Transfer to Probation Service Account \$35,000

General Fund—Probation Service Account Appropriation for grants to counties for juvenile probation services \$35,000

General Fund Appropriations for payments to day-care centers for the care of mentally and physically deficient persons \$70,000

PRESIDENTIAL ELECTIONS

General Fund Appropriation \$500

LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation \$13,963,680

INSURANCE COMMISSIONER

General Fund Appropriation \$1,076,853

ACCOUNTANCY BOARD

General Fund Appropriation \$83,327

AERONAUTICS COMMISSION

General Fund Appropriation \$97,492

ATHLETIC COMMISSION

General Fund Appropriation \$18,364

CEMETERY BOARD

General Fund—Cemetery Account Appropriation \$12,250

BOARD OF INDUSTRIAL INSURANCE APPEALS

Accident Fund Appropriation \$507,252

Medical Aid Fund Appropriation..... \$507,252

PHARMACY BOARD

General Fund Appropriation \$111,816

PUGET SOUND PILOTAGE COMMISSION	
General Fund—Puget Sound Pilotage Account	
Appropriation	\$6,677
POLLUTION CONTROL COMMISSION	
General Fund Appropriation	\$515,850
UTILITIES AND TRANSPORTATION COMMISSION	
Public Service Revolving Fund Appropriation..	\$2,954,801
BOARD FOR VOLUNTEER FIREMEN	
Volunteer Firemen's Relief and Pension Fund	
Appropriation	\$18,460
STATE PATROL	
Highway Safety Fund Appropriation.....	\$2,760,838
Motor Vehicle Fund—State Patrol Highway	
Account Appropriation	\$11,402,310
DEPARTMENT OF CIVIL DEFENSE	
General Fund Appropriation	\$1,357,278
DEPARTMENT OF LABOR AND INDUSTRIES	
General Fund Appropriation	\$9,735,340
General Fund—Electrical License Account	
Appropriation	\$514,877
Accident Fund Appropriation	\$1,925,305
Medical Aid Fund Appropriation.....	\$5,225,586
DEPARTMENT OF LICENSES	
General Fund Appropriation	\$702,703
General Fund Appropriation for the Medical	
Disciplinary Board	\$18,600
General Fund—Opticians Account Appropriation	\$6,843
General Fund—Real Estate Commission Account	
Appropriation	\$537,020
General Fund—Commercial Automobile Driver	
Training Schools Account Appropriation....	\$3,310
General Fund—Park and Parkways Account	
Appropriation	\$50,000
General Fund—Architects' License Account	
Appropriation	\$45,037
General Fund—Professional Engineers' Account	
Appropriation	\$78,726
General Fund—Sanitarian's Licensing Account	
Appropriation	\$5,155
Motor Vehicle Fund Appropriation.....	\$4,493,453
Highway Safety Fund Appropriation.....	\$1,666,912
Motor Vehicle Operators Revolving Fund.....	\$228,324
MILITARY DEPARTMENT	
General Fund Appropriation	\$1,690,246
Armory Fund Appropriation	\$466,685

LAWS, EXTRAORDINARY SESSION, 1963.

BOARD OF PRISON TERMS AND PAROLES	
General Fund Appropriation: <i>Provided</i> , That all allotments from this appropriation will be disbursed only upon the authorization of the chairman	
	\$1,689,533
DEPARTMENT OF INSTITUTIONS—PENITENTIARY	
General Fund Appropriation	\$5,835,554
DEPARTMENT OF INSTITUTIONS—REFORMATORY	
General Fund Appropriation	\$4,440,808
DEPARTMENT OF INSTITUTIONS—CORRECTION CENTER	
General Fund Appropriation	\$1,136,432
DEPARTMENT OF INSTITUTIONS—FORESTRY HONOR CAMPS	
General Fund Appropriation	\$832,206
DEPARTMENT OF INSTITUTIONS—MAPLE LANE SCHOOL	
General Fund Appropriation	\$1,638,670
DEPARTMENT OF INSTITUTIONS—LUTHER BURBANK SCHOOL AND MARTHA WASHINGTON SCHOOL	
General Fund Appropriation: <i>Provided</i> , That \$897,105 shall be available exclusively for the Luther Burbank School for Boys.....	
	\$1,511,530
DEPARTMENT OF INSTITUTIONS—GREEN HILL SCHOOL	
General Fund Appropriation	\$2,087,696
DEPARTMENT OF INSTITUTIONS—JUVENILE RECEPTION—DIAGNOSTIC CENTER	
General Fund Appropriation	\$1,971,599
DEPARTMENT OF INSTITUTIONS—FORT WORDEN SCHOOL	
General Fund Appropriation	\$2,412,017
DEPARTMENT OF INSTITUTIONS—YOUTH FORESTRY CAMPS	
General Fund Appropriation	\$1,580,329
DEPARTMENT OF INSTITUTIONS—JUVENILE PAROLE SERVICE	
General Fund Appropriation	\$862,735
DEPARTMENT OF INSTITUTIONS—JUVENILE DELINQUENCY PREVENTION AND CONTROL	
General Fund Appropriation: <i>Provided</i> , That in the event the department establishes new child	

guidance clinics from the money herein appropriated, consideration may be given to locating such clinics in those communities which furnish or contribute substantially to furnishing facilities for accommodating such clinics. \$705,000

VETERANS' REHABILITATION COUNCIL

General Fund Appropriation \$484,345
 General Fund—Veterans' Rehabilitation Council
 Account Appropriation \$8,087

DEPARTMENT OF INSTITUTIONS—SOLDIERS' AND VETERANS' HOME AND COLONY

General Fund Appropriation: *PROVIDED, That no part of this appropriation shall be used for the care and maintenance of members in the home having a yearly income of over \$900 or with assets of over \$900 unless all income and assets in excess of these amounts are paid into the general fund: PROVIDED, That the director of the Department of Institutions may make rules and regulations for waiver of the foregoing proviso, for all, or such portion of income over \$900, as in his discretion may be reasonably necessary for medical care not furnished by the Department of Institutions, support of dependents, and the payment of premiums on existing insurance, and such other situations as may be reasonably necessary to the welfare of such member: PROVIDED, That nothing in this proviso shall be construed to modify or change the requirements for admission as provided by law and as prescribed in the rules and regulations of the Department of Institutions* \$2,740,912

Words in italics vetoed but not appropriation.

DEPARTMENT OF HEALTH

General Fund Appropriation for tuberculosis hospitalization and control; state aid to counties \$4,350,000
 General Fund Appropriation: *Provided, That \$500,000 (\$250,000 being the amount for 1959-1961 and \$250,000 for 1963-1965) shall be transferred by the liquor control board from its receipts into the general fund prior to July 1, 1964* \$7,002,022

DEPARTMENT OF INSTITUTIONS—MENTAL HEALTH RESEARCH INSTITUTE

General Fund Appropriation \$412,766
 DEPARTMENT OF INSTITUTIONS—MENTAL HOSPITALS

General Fund Appropriation	\$28,592,039
DEPARTMENT OF INSTITUTIONS—LAKELAND VILLAGE	
General Fund Appropriation	\$5,070,529
DEPARTMENT OF INSTITUTIONS—RAINIER SCHOOL	
General Fund Appropriation	\$7,659,345
DEPARTMENT OF INSTITUTIONS—FIRCREST SCHOOL	
General Fund Appropriation	\$4,950,730

DEPARTMENT OF INSTITUTIONS—
YAKIMA VALLEY SCHOOL

General Fund Appropriation	\$1,701,954
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INTERSTATE COMPACT COMMISSION

Vetoed.

{ General Fund Appropriation	\$17,000
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PARKS AND RECREATION COMMISSION

General Fund—Park and Parkways Account Appropriation	\$3,728,516
Motor Vehicle Fund Appropriation for maintenance of vehicular roads, highways and bridges within state parks	\$150,000

DEPARTMENT OF CONSERVATION

General Fund Appropriation	\$1,776,286
General Fund—Reclamation Revolving Account Appropriation	\$318,267
General Fund—Weather Modification Board Re- volving Account Appropriation	\$5,740

DEPARTMENT OF FISHERIES

General Fund Appropriation	\$6,488,324
General Fund—Lewis River Hatchery Account Appropriation	\$28,220

DEPARTMENT OF GAME

Game Fund Appropriation provided that not more than \$40,000 shall be expended for pay- ment of game animal damages and expense..	\$9,611,389
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DEPARTMENT OF COMMERCE AND ECONOMIC
DEVELOPMENT

General Fund Appropriation	\$2,621,819
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DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation	\$7,016,149
General Fund—Forest Development Account Appropriation	\$250,000
General Fund Appropriation to Forest Insect and Disease Fund	\$100,000
General Fund Appropriation to the Contingency Forest Fire Suppression Account	\$200,000
General Fund—Contingency Forest Fire Sup- pression Account Appropriation	\$300,000

General Fund—Resource Management Cost Account Appropriation	\$4,125,885
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DEPARTMENT OF AGRICULTURE

General Fund Appropriation	\$2,137,098
General Fund—Egg Inspection Account Appropriation	\$215,625
General Fund—Feed and Fertilizer Account Appropriation	\$5,254
General Fund—Commercial Feed Account Appropriation	\$97,373
General Fund—Seed Inspection Account Appropriation	\$157,167
General Fund—Fertilizer, Agricultural Mineral and Lime Account Appropriation	\$86,073
General Fund—Nursery Inspection Account Appropriation	\$125,109
General Fund—Commission Merchants Account Appropriation	\$185,011
Grain and Hay Inspection Fund Appropriation.	\$1,992,508

DEPARTMENT OF EMPLOYMENT SECURITY

General Fund Appropriation	\$67,459
Unemployment Compensation Administration Fund	\$17,624,586
Administrative Contingency Fund	\$60,000

DEPARTMENT OF PUBLIC ASSISTANCE

General Fund Appropriation: *Provided*, That \$27,687,929 shall be available exclusively for administration including salaries, wages, and operations: *Provided*, That the department is authorized to pay necessary travel expenses and per diem for a Child Welfare-Day Care Advisory Committee; \$50,426,869 shall be available for Old Age Assistance exclusive of burial costs, and exclusive of nursing home and other medical care costs: *Provided*, That there is specifically earmarked the following amount for use in providing temporary foster home care or receiving home care including medical care together with administrative costs for children between the ages of six and eighteen who are neglected and dependent and who are detained by the juvenile court prior to an adjudication by the court that the child is a dependent child, \$80,000: *Provided*, That there is specifically earmarked the following specified amount for Aid to Dependent Children, Disability Assistance and General Assistance, exclusive of burial costs and exclusive of

nursing home and other medical costs \$82,-286,558: *Provided*, That there is specifically earmarked the following specified amount for costs of private hospitals and support of county hospitals, \$27,004,325, of which not more than \$9,879,931 shall be expended for the King County Hospital, \$3,371,406 for the Pierce County Hospital, and \$1,075,277 for the Clark County Hospital: *Provided*, That county hospitals shall be required to report all their revenue and expenditures as required by the department of public assistance: *Provided*, That there is specifically earmarked the following specified amount for nursing home costs and support of county infirmaries, \$36,-533,802, of which not more than \$1,230,277 shall be expended for county infirmaries, including \$366,858 for operation of the Whatcom County Hospital as a 75 bed infirmary: *Provided*, That not more than \$50,000 shall be expended to provide any foster home care authorized under the provisions of the Juvenile Court Act: *Provided*, That if federal matching funds are made available there is specifically earmarked \$100,000 of which not to exceed \$50,000 in state funds shall be available for a study of the federally matched programs of old age assistance, aid to dependent children, aid to the permanently and totally disabled, and aid to the blind during the 1963-65 biennium, which study shall be made by a management consulting organization with experience in the health and welfare field under direction of the Department of Public Assistance and in consultation with a citizens committee which shall consist of the members of the state advisory committee to the Department of Public Assistance and one member from each of the other departmental advisory committees and ten additional persons who shall be appointed by the governor *from various areas of the state representing institutions of higher learning, governmental agencies, and statewide private social agencies*. Members of the committee shall be entitled to statutory travel and per diem expense for attendance at all meetings of the committee as approved by the director. The selection of the organization to do the study shall be made by the director with the advice of the com-

Words in italics were vetoed.

mittee on the basis of a bid or negotiated contract which provides for the completed study for a fixed fee to be paid from this appropriation. The study made of such programs shall be limited to: (1) The federal programs enumerated herein; (2) the nature and scope of the services which are an appropriate part of such programs; (3) areas where policies existing in such programs may be deficient or inconsistent with the purposes thereof as stated in the state and federal legislation pertaining to such programs; (4) availability and utilization of supportive community resources, both public and private as they affect such programs. A plan for the study shall be formulated by the department in consultation with the committee in order to qualify the study for federal matching funds and such plan and application for a federal grant shall be promptly presented to the Federal government. No expenditure of funds from this appropriation shall be made prior to the approval of the plan by the Federal government. A written report by the management consulting organization shall be made to the director and the governor on or before June 30, 1965. All expenditures of funds from this appropriation shall be authorized by the director of the Department of Public Assistance:

\$250,147,478

The Department of Public Assistance is hereby directed to administer the programs for which funds are herein appropriated in such a manner as to strictly comply with the existing statutes relating to public assistance, to adjust assistance payment if necessary, and to effect all economies possible in the administration of such programs during the 1963-1965 biennium in order that expenditures for said biennium shall not exceed the funds herein appropriated: *Provided*, That payments to applicants or recipients from this appropriation shall not be increased due to increased costs of living unless funds are available: *Provided*, That the Department shall not pay increased rates for supplies or services unless it has been clearly determined that adequate funds are available to provide for the increased rates during the remainder of the biennium: *Provided*, That no payments of general assistance shall be made from this

appropriation unless the applicant or recipient for general assistance has resided in the State of Washington for three out of the last four years immediately preceding the date of application: *Provided*, That the Director may make payments of emergency general assistance to an applicant or recipient notwithstanding the residence provision above for a period of not to exceed ninety days if a denial of assistance would cause undue hardship: *Provided*, That the amount paid from this appropriation to or on behalf of a recipient in a nursing home or a hospital for clothing and personal incidentals shall not exceed fifty percent of the amount which would be paid to such recipient if he were living in his own home: *Provided*, That where a dependent child lives with his mother and a stepfather or an adult male person assuming the role of a spouse to the mother although not legally married to her, the amount of the grant shall be computed after consideration is given to the income and resources of the stepfather or such adult male person and the state department of public assistance shall determine if the stepfather or such adult male person is able to support the child either wholly or in part; said determination shall be based upon a standard which takes into account the stepfather's or such adult male person's income, resources, and expenses under regulations set forth by the department of public assistance; a natural father is not relieved of any legal obligation to support his children by the liability for their support imposed upon their stepfather or adult male person by this proviso: *Provided*, That if any part of this act shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules and regulations under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the State.

General Fund Appropriation for medical serv-

ices and supplies not in excess of the unexpended balance of the 1961-1963 appropriation or allotment for this purpose \$150,000

DEPARTMENT OF INSTITUTIONS—SCHOOL
FOR THE BLIND

General Fund Appropriation \$863,480

DEPARTMENT OF INSTITUTIONS—SCHOOL
FOR THE DEAF

General Fund Appropriation \$1,658,155

SUPERINTENDENT OF PUBLIC INSTRUCTION
(Including Board of Education)

General Fund Appropriations

Office of Superintendent of Public Instruction and Board of Education: *Provided*, That \$24,000 shall be available only for assistance to blind students pursuant to RCW 28.76.130 \$2,108,714

Aid to handicapped children and research related to educational services for exceptional children \$13,919,578

Civil Defense Education \$134,000

Education of Indian Children \$140,000

School lunch and school milk programs \$6,000,000

To carry out the provisions of Public Law 85-864 (National Defense Education Act of 1958) \$2,349,040

To State Board of Education for allocation as needed to County Superintendents of Schools: *Provided*, That any county wherein the office of county superintendent has been abolished pursuant to RCW 28.19.180 shall receive an allotment from this appropriation commensurate with the amount said county would have received had the office of county superintendent not been abolished \$500,000

Distribution to counties, equalization: *Provided*, That no part of this \$26,800,000 be for community colleges or type I extended secondary education classes \$26,800,000

Distribution to counties for school districts in accordance with the provisions of chapter 141, Laws of 1945, and acts amendatory or supplementary thereto, \$378,024,632 (being \$8,000,000 from the current school fund and \$370,024,632 from the general fund): *Provided*, That such distribution not exceed \$378,024,632 for the 1963-1965 bien-

nium: *Provided*, That the equalization level of a school district for any equalization payment made from these appropriations shall be fifty-two and one-eighth cents times the total number of days attendance credit for the district computed on the basis of the estimate of attendance provided for in RCW 28.41.060 and on the basis of the factors prescribed in RCW 28.41.070 and adjusted, if necessary, to provide a minimum of forty-five hundred days of attendance credit for each educational unit to be maintained by the district during the school years 1963-1964 and 1964-1965: *Provided*, That apportionment on the attendance credit basis shall be forty-five cents per day: *Provided*, That the apportionment on the education unit basis shall be determined by the superintendent of public instruction for 1963-1964 and 1964-1965 in accordance with RCW 28.41.060: *Provided*, That not to exceed \$900,000 shall be an apportionment to equalization districts at fifty-four dollars per pupil for any increase in the school enrollment of the district in excess of five percent between October 1 of the current school year and October 1 of the preceding school year: *Provided*, That state support for kindergartens shall be at a level of seventy percent of full support: *Provided*, That none of these appropriations shall be expended for type I extended secondary education classes or for community colleges: *Provided*, That the total apportionment to a school district for the year shall be reduced for each school year by the amount that its revenue as prescribed in RCW 28.41.080, exceeds one-and-one-third times the equalization level defined: *Provided*, That none of these appropriations shall be expended for adult evening classes unless such classes have been approved by the board of education.

General Fund Appropriation	\$370,024,632
Current School Fund Appropriation	\$8,000,000
Office of Superintendent of Public Instruction and Board of Education, for distribution to community colleges in accordance with chapter 2, Laws of 1963, first extraordinary session (Senate Bill No. 19)	\$20,600,000

STATE BOARD FOR VOCATIONAL EDUCATION	
General Fund Appropriation: <i>Provided</i> , That the appropriation for the extended services program shall not be reduced by receipt of federal reimbursements below the amounts estimated in the budget	\$6,499,726
TEACHERS' RETIREMENT SYSTEM	
Teachers' Retirement Fund Appropriation	\$356,219
General Fund Appropriation	
Contributions to Teachers' Retirement Fund.	\$12,128,000
Contributions to Teachers' Retirement Pension Reserve Fund	\$14,878,000
WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION	
General Fund Appropriation	\$30,000
UNIVERSITY OF WASHINGTON	
General Fund Appropriation	\$63,264,724
Motor Vehicle Excise Fund Appropriation.....	\$244,700
WASHINGTON STATE UNIVERSITY	
General Fund Appropriation	\$37,153,739
EASTERN WASHINGTON STATE COLLEGE	
General Fund Appropriation	\$5,779,192
CENTRAL WASHINGTON STATE COLLEGE	
General Fund Appropriation	\$6,021,085
WESTERN WASHINGTON STATE COLLEGE	
General Fund Appropriation	\$8,304,301
ARTS COMMISSION	
General Fund Appropriation	\$2,000
STATE LIBRARY	
General Fund Appropriation	\$993,799
WASHINGTON STATE HISTORICAL SOCIETY	
General Fund Appropriation	\$119,698
EASTERN WASHINGTON HISTORICAL SOCIETY	
General Fund Appropriation	\$76,269
STATE CAPITOL HISTORICAL ASSOCIATION	
General Fund Appropriation	\$75,295

SEC. 2. The following sums, or so much thereof as shall severally be found necessary, are hereby appropriated out of the several funds indicated, for the period from the effective date of this act to June 30, 1965, except as otherwise provided.

Appropriations.

COURT ADMINISTRATOR

General Fund Appropriations to carry out the provisions of Chapters 48 and 35, Laws of 1963, relating to the addition of five Superior Court Judges.	
Superior Court Judges	\$79,175
Judges' Retirement Fund Contributions...	\$9,995
Court Administrator	\$1,250

SECRETARY OF STATE

General Fund Appropriation for temporary session laws, including deficiencies	\$35,273
General Fund Appropriation — For preparation, printing and distribution of legislative district maps: <i>Provided</i> , That this appropriation shall be available only in the event of redistricting by legislative action or by final decision of a court of competent jurisdiction.	\$17,500

STATE TREASURER—
BOND RETIREMENT AND INTEREST

Public School Building Bond Redemption Fund of 1955 Appropriation to validate the advance calling of Bond No. 132, issued April 1, 1957, due April 1, 1972, called April 1, 1961	\$49,000
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STATE AUDITOR:

General Fund Appropriation to provide working capital to carry out the provisions of Chapter 209, Laws of 1963 relating to the establishment of a Municipal Revolving Fund ...	\$80,000
General Fund Appropriation—Criminal Cost Bills	\$25,000
Motor Vehicle Fund Appropriation to carry out the provisions of Chapter 115, Laws of 1963 relating to cost accounting for street expenditures of cities and towns	\$28,937

CENTRAL BUDGET AGENCY

General Fund Appropriation to carry out the provisions of Chapter 20, Laws of 1963 relating to assessments against state lands: <i>Provided</i> , That any expenditures from this appropriation on behalf of an agency which is financed by other than General Fund moneys shall be repaid to the General Fund from any balances in the fund or funds which finance such agency, and no appropriation shall be necessary to effect such repayment	\$100,000
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General Fund Appropriation to carry out the provisions of Chapter 126, Laws of 1963, relating to employers' contribution to state employees' retirement \$2,000

To carry out the provisions of Chapter 160, Laws of 1963, relating to a teletype network: *Provided*, That \$84,000 may be allocated to the Department of Licenses: *Provided further*, That cost records be maintained to provide a proper basis for allocating costs to funds in subsequent bienniums.
 General Fund Appropriation \$90,140
 Motor Vehicle Fund Appropriation \$84,000

STATE FINANCE COMMITTEE

General Fund—State Building Construction Account Appropriation (Bonds of 1961) \$5,000
 General Fund—Public School Building Construction Account Appropriation (Bonds of 1961) \$14,000
 General Fund—Public School Building Construction Account Appropriation (Bonds of 1963) \$25,000

TAX COMMISSION

General Fund Appropriation to carry out the provisions of Chapter 249, Laws of 1963, relating to the reproduction of a timber appraisal manual \$2,500

DEPARTMENT OF GENERAL ADMINISTRATION

General Fund—State Capitol Vehicle Parking Account Appropriation to carry out the provisions of Chapter 158, Laws of 1963, relating to the control of traffic on capitol grounds .. \$70,900

LIQUOR CONTROL BOARD

Liquor Revolving Fund Appropriation to carry out the provisions of Chapter 237, Laws of 1963, relating to administrative procedure act 35,000

PHARMACY BOARD

General Fund Appropriation to carry out the provisions of Chapter 38, Laws of 1963, relating to drug and medicine administration and fees \$113,340

STATE PATROL

Motor Vehicle Fund—State Patrol Highway Account Appropriation to carry out the provisions of Chapter 175, Laws of 1963, relating to the State Patrol Retirement System \$288,409

DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation to carry out the provisions of Chapter 26, Laws of 1963, relating to the elevator inspection and fees ..	\$35,000
General Fund—Electrical License Account Appropriation to carry out the provisions of Chapter 207, Laws of 1963, relating to regulation of electricians and electrical installations and fees	\$506,428

DEPARTMENT OF LICENSES

General Fund Appropriation to carry out the provisions of Chapter 15, Laws of 1963, relating to licensing and regulation of practical nurses	\$11,800
General Fund appropriation to carry out the provisions of Chapter 77, Laws of 1963, relating to the registration of contractors	\$232,000
To carry out the provisions of Chapter 169, Laws of 1963, relating to financial responsibility	
Highway Safety Fund Appropriation	\$108,000
Motor Vehicle Operators Revolving Fund Appropriation	\$110,000
Motor Vehicle Fund Appropriation to carry out provisions of Chapter [22], Laws of 1963, First Extraordinary Session (Senate Bill No. 27) relating to use fuel tax	\$20,000
General Fund—Optometry Account Appropriation to carry out the provisions of Chapter 25, Laws of 1963, relating to licensing and regulation of Optometrists	\$15,066

DEPARTMENT OF PUBLIC ASSISTANCE

General Fund Appropriation to carry out the provisions of Chapter 45, Laws of 1963, relating to reciprocal enforcement of support..	\$49,019
General Fund Appropriation to carry out the provisions of Chapter 206, Laws of 1963, relating to the support of dependent children..	\$26,924
General Fund Appropriation for continuing quality control review of Federal aid programs	\$131,288
General Fund Appropriation for community work and training	\$156,636

SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund—Driver Education Account Appropriation to carry out the provisions of Chapter 39, Laws of 1963, relating to driver training, not to exceed this amount or such lesser amount as may become available under	
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the terms of Chapter 39, for the purposes described therein, to be used only for implementing those provisions, and to be administered under rules and regulations promulgated by the state superintendent of public instruction	\$2,648,884
UNIVERSITY OF WASHINGTON	
General Fund Appropriation to carry out the provisions of Chapter 178, Laws of 1963, relating to infant autopsy performed by the medical school	\$20,000
DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT	
General Fund Appropriation to carry out the provisions of Chapter 161, Laws of 1963, relating to planning	\$89,297
World Fair Fund Reappropriation for Century 21 Exposition	\$150,000
DEPARTMENT OF CONSERVATION	
General Fund Appropriation to carry out the provisions of Chapter 201, Laws of 1963, relating to underground storage of natural gas..	\$5,000
DEPARTMENT OF NATURAL RESOURCES	
General Fund—Harbor Improvement Account Appropriation to carry out the provisions of Chapter 139, Laws of 1963 (Senate Bill No. 103) relating to change of harbor lines	\$20,000
DEPARTMENT OF AGRICULTURE	
General Fund Appropriation to carry out the provisions of Chapter 232, Laws of 1963, relating to beneficial insects	\$8,059
DEPARTMENT OF EMPLOYMENT SECURITY	
Administrative Contingency Fund Appropriation for the period beginning April 1, 1963 and ending June 30, 1963, which fund is hereby declared to be a fund in the state treasury...	\$15,000
TRANSFERS	
General Fund—Institutional Building Construction Account Appropriation to the Institutional Building Bond Redemption Funds of 1949 and 1957, being the unexpended balances of the bond issues authorized by Chapter 230, Laws of 1949 and Chapter 299, Laws of 1957.	665,000
War Veterans' Compensation Fund Appropriation to transfer the fund balance as of March 31, 1963, to the War Veterans' Compensation Bond Retirement Fund	\$23,181.08

STATE LEGISLATURE

Vetoed. *General Fund Appropriation for all legislative interim committees duly constituted by the Legislature: Provided, That expenditures for each committee shall not exceed the amounts designated herein as follows: Legislative Council, \$177,741; Legislative Budget Committee, \$160,000; Joint Committee on Education, \$55,000; Joint Committee on Local Government, \$45,000; Joint Committee on Governmental Cooperation, \$45,000; Interim Fisheries Committee, \$10,000; Public Pension Committee, \$15,000; Committee on Labor Management Relations, \$40,000;* \$547,741

Game Fund Appropriation
 Interim Committee on Game and Game Fish.. \$5,000
 Notwithstanding any other provisions or limitations, the members of the foregoing legislative interim committees shall be reimbursed for their expenses incurred while attending sessions of such committees or while engaged on committee business authorized by such committees to the extent of twenty-five dollars per day plus ten cents per mile for authorized travel.

BELATED CLAIMS

To Reimburse General Fund for Expenditures from Appropriation for Belated Claims, to be disbursed on vouchers approved by the State Auditor:

GENERAL FUND—Architects License Account Appropriation	\$40.00
GENERAL FUND—Commercial Feed Account Appropriation	\$21.16
GENERAL FUND—Commission Merchants Account Appropriation	\$428.88
GENERAL FUND—Contingency Forest Fire Suppression Account Appropriation	\$3.75
GENERAL FUND—Egg Inspection Account Appropriation	\$475.52
GENERAL FUND—Fertilizer, Agricultural Mineral and Lime Account Appropriation	\$136.37
GENERAL FUND—Nursery Inspection Account Appropriation	\$203.22
GENERAL FUND—Parks and Parkways Account Appropriation	\$6,448.60
GENERAL FUND—Real Estate Commission Account Appropriation	\$198.08

GENERAL FUND—Reclamation Revolving Account Appropriation	\$64.91
GENERAL FUND—Seed Account Appropriation.	\$220.15
GENERAL FUND—State Building Construction Account Appropriation	\$171.06
GAME FUND—Appropriation	\$9,138.07
GRAIN AND HAY INSPECTION FUND Appropriation	\$372.84
HIGHWAY SAFETY FUND Appropriation	\$834.41
MOTOR VEHICLE FUND Appropriation	\$1,631.84
MOTOR VEHICLE FUND—State Patrol Highway Account Appropriation	\$10,716.67
ACCIDENT FUND Appropriation	\$159.35
MEDICAL AID FUND Appropriation	\$195.07

STATE EMPLOYEES' RETIREMENT SYSTEM

General Fund Appropriation for employer's contribution, to be disbursed on vouchers approved by the State Auditor, on behalf of:	
BERTHA HAVENS, for August 1960 through June, 1961	\$111.67
EMPLOYEES OF SECRETARY OF STATE'S OFFICE, for June, 1949 through June, 1961	\$3,366.88
JOAN G. KARL, for January 1, 1959 through June 30, 1961	\$429.81
KEIRON W. REARDON, for November, 1959 through December, 1960	\$418.56
JOE K. ALDERSON, for July 1, 1959 through June 30, 1961	\$1,206.48
WILLIAM D. SHANNON	\$39.10
PAULINE STOOKEY	\$58.18
WILLIAM D. SHANNON, for April 1, 1949 through July 16, 1950	\$81.66
LOUIS HOFMEISTER, for April, 1949 through July, 1950	\$84.08
GENEVA L. JENKINS, for January 1, 1951 through October 31, 1951	\$244.86
HARRIS HUNTER, for October, 1957 through June, 1961	\$1,924.64
ROBERT S. NEILSON, for September, 1958 through February, 1959	\$183.13
TIMOTHY MALONE, for August 1, 1960 through June 30, 1961	\$63.97
GERALD D. LAVECK, for April 1, 1958 through September 30, 1958	\$428.22
HERBERT H. FREISE, for January, 1957 through December, 1962	\$440.26
RICHARD W. MORPHIS, for January, 1957 through December, 1960	\$293.02
DWIGHT S. HAWLEY, for July, 1950 through December, 1952	\$153.07

F. STUART FOSTER, for July 17, 1950 through November 30, 1950	\$23.47
F. STUART FOSTER, for April, 1949, through July 16, 1950	\$81.66

JUDGMENTS

General Fund Appropriation for judgments, to be disbursed on vouchers approved by the State Auditor, as follows:

C. E. LEMAN, dba A-1 BONDING COMPANY	
Court Order Remitting Penalty in re: State of Washington vs. Arna D. Wick King County Superior Court No. 34163.....	\$1,500.00
KADISH & KANE, Attorneys for George A. Michaels	
Remittitur of Judgment for costs in re: State of Washington vs. George A. Michaels, King County No. 33476, Supreme Court No. 35473	\$322.32
COLUMBIA IRRIGATION DISTRICT OF BENTON COUNTY	
Judgment against the State of Washington Benton County Cause No. 18610.....	\$86.90
J. EDMUND QUIGLEY, Attorney for Mable Smith	
Judgment for costs in Supreme Court Case No. 34714	\$455.20
TAYLOR, MATSON & BUCKMAN, Trustees of a Charitable Trust established by Harriet I. Perry	
Judgment for costs in Supreme Court Case No. 35361	\$239.65
WILLIAM H. SIMMONS	
Judgment for costs in Supreme Court Case No. 35937	\$1,458.00
BLAINE McCOOL	
Judgment against the State of Washington Thurston County Cause No. 33127.....	\$6,000.00
JAMES GRAMPS	
Judgment against the State of Washington Spokane County Cause No. 168177.....	\$14,115.00
Motor Vehicle Fund Appropriation for judgments, to be disbursed on vouchers approved by the State Auditor, as follows:	
THOMAS E. HUGHES, JR., RAYMOND C. BUCKNER, JAMES E. JONAS, HAMER L. RAINES, in full settlement and satisfaction of judgments entered in re: Thomas E. Hughes, Jr. vs. William S. Christian, et al, King County No. 572001; and Raymond C. Buckner, James E. Jonas and Hamer L. Raines vs. William S. Christian, et al, King County No. 557406,	

the total amount of such award to be paid, upon execution of releases of the named defendants, into the registry of the King County Superior Court to be apportioned and divided among the above named claimants as their interests may appear..... \$11,000.00

LOCAL IMPROVEMENT ASSESSMENTS

General Fund Appropriation for local improvement assessments, to be disbursed on vouchers approved by the State Auditor, as follows:

TREASURER, YAKIMA COUNTY
 Roza Irrigation District \$47.56

TREASURER, CITY OF VANCOUVER
 Interest due Local Improvement District No. 255 \$183.30

TREASURER, PIERCE COUNTY
 Local Improvement Assessments against State-owned lands in Pierce County Escheat No. 345—Drainage Dist. No. 14... \$8.27

TREASURER, CITY OF OLYMPIA
 Local Improvement Assessments Against State-owned lands as certified by the State Land Commissioner \$5,560.24
 Interest 244.65
 Total \$5,804.89

TREASURER, THURSTON COUNTY
 Local Improvement Assessments against State-owned lands as certified by the State Land Commissioner \$5.00

TREASURER, WAHKIAKUM COUNTY
 Local Improvement Assessments against State-owned lands as certified by the State Land Commissioner \$599.42

TREASURER, YAKIMA COUNTY
 Local Improvement Assessments against State-owned lands. Roza Irrigation District for the years 1962 and 1963 \$718.70
 Interest 21.35
 Total \$740.05

TREASURER, CITY OF ANACORTES
 Local Improvement Assessments for District No. 154 (State Military Department) as certified by the State Land Commissioner \$7,296.95
 Interest 875.63
 Total \$8,172.58

TREASURER, COWLITZ COUNTY	
Local Improvement Assessments against State-owned lands as certified by the State Land Commissioner (State Military Department)	\$103.19
TREASURER, COWLITZ COUNTY	
Local Improvement Assessments against State-owned lands (State Military Department) as certified by the State Land Commissioner	\$107.08
TREASURER, YAKIMA COUNTY	
Local Improvement Assessments against State-owned lands as certified by the State Land Commissioner	\$55.50
TREASURER, GRANT COUNTY	
East Columbia Basin Irrigation District, 1962 and 1963 Assessments.....	\$796.27
Weed Control District No. 1, 1962 and 1963 Assessments	\$31.27
Weed Control District No. 2, 1962 and 1963 Assessments	\$38.07
Weed Control District No. 1, 1961, 1962 and 1963 Assessments	\$81.87
Quincy-Columbia Basin Irrigation District.	\$1,810.96
TREASURER, OKANOGAN COUNTY	
Wolf Creek Reclamation District, 1961 and 1962 Assessments	\$448.00
TREASURER, BENTON COUNTY	
(Sunnyside Irrigation District)	
Local Improvement Assessments against State-owned lands as certified by the State Land Commissioner	\$12,208.53
TREASURER, BENTON COUNTY	
Local Improvement Assessments against State-owned lands for the Kennewick Irrigation District for the years 1962-1963	\$8,337.60
Billing Charge	7.00
Total	\$8,344.60
TREASURER, CLARK COUNTY	
Local Improvement Assessments against State-owned lands for Weed Control District No. 1	\$16.80
TREASURER, FRANKLIN COUNTY	
Local Improvement Assessments against State-owned lands for South Columbia Basin Irrigation District	\$384.12

TREASURER, KITTITAS COUNTY		
Kittitas Reclamation District Assessments against State-owned lands....	\$2,565.00	
Interest	\$38.50	
Total		\$2,603.50
TREASURER, OKANOGAN COUNTY		
Brewster Flat Irrigation District for assess- ments against State-owned lands.....		\$724.45
TREASURER, WHATCOM COUNTY		
Local Improvement Assessments against State-owned lands covering Macaulay Creek Flood Control District.....		\$4.72
TREASURER, YAKIMA COUNTY		
Local Improvement Assessments against State-owned lands as certified by the State Land Commissioner	\$82.50	
Interest	2.48	
Total		\$84.98
General Fund — Parks and Parkways Account		
Appropriation for local improvement assess- ments, to be disbursed on vouchers approved by the State Auditor, as follows:		
TREASURER, GRAYS HARBOR COUNTY		
Local Improvement Assessments against State-owned lands as certified by the State Land Commissioner		\$4.36
TREASURER, THURSTON COUNTY		
Local Improvement Assessments against State-owned lands as certified by the State Land Commissioner		\$14.00
General Fund — Capitol Building Construction Account Appropriation for local Improvement assessments, to be disbursed on vouchers ap- proved by the State Auditor, as follows:		
TREASURER, CITY OF OLYMPIA		
Local Improvement Assessments against State-owned lands (Capitol Committee) as certified by the State Land Commis- sioner	\$3,292.94	
Interest	144.89	
Total		\$3,437.83
Motor Vehicle Fund Appropriation for local im- provement assessments, to be disbursed on vouchers approved by the State Auditor, as follows:		
BUREAU OF INDIAN AFFAIRS		
Western Washington Indian Agency Lummi Diking Project (1961 and 1962).....		\$15.40

TREASURER, WHATCOM COUNTY	
Macaulay Creek Flood Control Diking District	\$928.76
TREASURER, CHELAN COUNTY	
Wenatchee Reclamation District	\$46.50
TREASURER, YAKIMA COUNTY	
Sunnyside Valley Irrigation District.....	\$3,316.90
Motor Vehicle Fund—State Patrol Highway Account Appropriation for local improvement assessments, to be disbursed on vouchers approved by the State Auditor, as follows:	
TREASURER, CITY OF HOQUIAM	
Local Improvement Assessments against State-owned lands (Washington State Patrol) as certified by the State Land Commissioner	\$1,284.50
Interest	128.46
Total	\$1,412.96
TREASURER, CITY OF SPOKANE	
Local Improvement Assessments against State-owned lands (Washington State Patrol) as certified by the State Land Commissioner	\$4,002.90
Interest	320.23
Total	\$4,323.13
TREASURER, BENTON COUNTY	
Local Improvement Assessments against State-owned lands (Washington State Patrol) as certified by the State Land Commissioner	\$21.62
TREASURER, COWLITZ COUNTY	
Local Improvement Assessments against State-owned lands (Washington State Patrol) as certified by the State Land Commissioner	\$11.62

REFUNDS

General Fund Appropriation for refunds, to be disbursed on vouchers approved by the State Auditor, as follows:	
SYBIL L. FOSTER, executrix for the estate of Harry Ellsworth Foster, deceased, refund of moneys paid into the Judges' Retirement Fund	\$2,977.98
MRS. JESSIE V. MCCARTHY, refund of moneys escheated to the Permanent School Fund...	\$18.28
General Fund—Parks and Parkways Account Appropriation for refunds, to be disbursed on vouchers approved by the State Auditor, as follows:	

DEPARTMENT OF NATURAL RESOURCES, share of condemnation proceeds (Beacon Rock State Park), for deposit to the Permanent School Fund	\$760.00	
Interest	304.00	
Total	—————	\$1,064.00
Authority Revolving Fund Appropriation for refunds, to be disbursed on vouchers approved by the State Auditor, as follows:		
STATE TREASURER, reimbursement due Motor Vehicle Fund, principal for the period April through June, 1959, and two items 1961-1963 biennium		\$20,183.60
Motor Vehicle Excise Fund Appropriation for refunds, to be disbursed on vouchers approved by the State Auditor, as follows:		
WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION, transfer of funds to the Public Service Revolving Fund for reimbursement for costs incurred in collecting excise tax in accordance with chapter 152, Laws of 1945		\$3,743.59

SUNDRY CLAIMS

General Fund Appropriation for relief of various individuals, firms and corporations for sundry reasons, to be disbursed on vouchers approved by the State Auditor, as follows:		
WASHINGTON STATE HOSPITAL ASSOCIATION in payment of claims from various hospitals ..		\$193,271.55
FOR GOODS AND SERVICES supplied to the Military department:		
RISER'S HEATING		\$58.35
PLATT ELECTRIC SUPPLY INC.		\$11.81
SCHOLL HEATING Co.		\$14.56
BESTLOCK Co.		\$63.42
DONALD M. STEWART, M.D.....		\$49.00
GRANT H. ECKMAN, Salary for month of August, 1954, while employed at Eastern Hospital		\$35.36
CAROLINE KUENHE, Salaries and Wages due to illness while employed at Lakeland Village.		\$187.95
EDWARD A. ANTONELLI, refund of certain priv- ilege taxes paid on fresh fish imported from Canada in years 1950 through 1956		\$1,177.43
McCAULEY'S INC., refund of certain privilege taxes paid in error		\$627.86
JESSEE C. HUNTER, in full settlement for damage to automobile		\$14.40

VARIOUS EMPLOYEES, WASHINGTON VETERANS HOME, for OASI claims	\$203.72
TRAVEL ALLOWANCE REIMBURSEMENT, for employees of Department of Public Assistance, as follows:	
WAYNE HIXSON	\$29.26
JOANN WOLTERING	\$8.80
HENRIETTA ADMUNDSEN	\$26.76
MAXINE SIRES	\$27.60
HELEN MAR JEWETT	\$76.68
SENATOR RAUGUST, Salaries and wages on or about December 1, 1956	\$95.00
FOR REIMBURSEMENT OF TRAVEL EXPENSE (Department of Health)	
BYRON J. FRANCIS, M.D.	\$39.30
THEODORE SHIPLEY	\$8.05
WILLIS E. PARR	\$36.43
FREDERICK W. MAIRE, M.D., Reimbursement for registration fee to the 3rd World Congress of Psychiatry	\$40.00
DUTTON O. TEAGUE, reimbursement for travel expense while employed at Maple Lane School	\$20.00
JOHN A. WHALLY Co., premiums due, policy No. 1RN1325 (Tax Commission)	\$101.05
PETROLANE GAS SERVICE, INC., Adjustment charges, 1957-1958, for Petrolane Gas	\$19.99
FOR REIMBURSEMENT OF TRAVEL EXPENSE (Department of Commerce and Economic Development)	
ART CRABTREE	\$40.35
ART CRABTREE	\$32.45
D. W. WALTERS	\$71.04
DICK MERFELD	\$32.24
CITY OF VANCOUVER, For water, sewer, and sanitary service furnished Department of Commerce and Economic Development April 28 to July 1, 1961	\$33.68
PHOTOSTAT CORPORATION, for supplies delivered to Secretary of State, 1958-1959	\$67.65
G. F. BUCKNER, Refund of moneys escheated to the Permanent School Fund	\$374.86
T. C. BOYLE, Attorney for the estate of TED JOHNSON, deceased, refund for moneys escheated to the Permanent School Fund	\$427.41
STARK AND WIELAND, Attorneys for New River-view Hospital and Clinic, in full settlement for operation and hospitalization covering	

EMMA STANTON, deceased, a recipient of public assistance and a patient at Western State Hospital	\$438.96
CITY OF SEATTLE, DEPARTMENT OF LIGHTING, in full settlement of claim for damages re fire at Seattle Armory about January 8, 1962	\$292.20
RALPH W. BRISCHLE, reimbursement for payment of 1958 assessment on irrigation farm unit in Columbia Basin	\$478.30
MRS. BERTHA HOLSWORTH, in full settlement for injury and time loss due to auto collision with truck driven by State National Guardsman (SSH No. 5M on or about June 12, 1958)	\$7,500.00
EDNA HOOK, widow of WILLIAM W. HOOK, on behalf of William Ward, Dennis Michael, John Conrad, Juanita Ann, Debra Bernice and Christie Louise Hook, children of Edna and William Hook, in full settlement of all claims arising out of the death of William W. Hook September 7, 1961, at the Washougal Honor Camp	\$3,000.00
NORMAN TRIPLETT, in full settlement for loss in purchasing mining machinery to which state did not own title	\$500.00
MARVIN G. PALMER, M.D., in full settlement for services rendered public assistance recipient for cataract operation	\$225.00
MRS. EDNA SEMPILL, for prescriptions supplied to public assistance recipients	\$4,174.32
GENERAL PLUMBING, HEATING, ELECTRICAL AND SHEET METAL, for services rendered State Military Department	\$52.72
FRANK W. CONNOLLY, for unjust imprisonment in Washington State Penitentiary	\$5,000.00
STATE TREASURER, as trustee, in behalf of GEITHER HORN as indemnity payment for unjust imprisonment at Washington State Penitentiary for a period of twenty-three and one-half years, to be deposited and invested by the State Treasurer in the State Treasury as a special trust fund of a proprietary nature, payments of \$250.00 per month from the effective date of this act, upon warrant of the State Treasurer pursuant to demand by a guardian of said GEITHER HORN, said guardian to be appointed by the King County Superior Court,	

and upon the death of said GEITHER HORN, all moneys remaining in the fund shall re- vert to the State General Fund	\$6,000.00
ANTON MESNER, Reimbursement of overpay- ment of private home care by recipient of public assistance	\$116.00
General Fund—Architect's License Account Ap- propriation for relief of the following persons, to be disbursed on vouchers approved by the State Auditor, as follows:	
ELSIE E. POINTS, Reimbursement for services as reporter of meeting of State Registration Board of Architects	\$220.00
CARL H. JOHNSON, Reimbursement for services in connection with preparation of profes- sional examination	\$45.00
General Fund—Parks and Parkways Account Appropriation for relief of the following indi- vidual to be disbursed on vouchers approved by the State Auditor, as follows:	
NED P. KRILICH, Reimbursement of private car mileage	\$103.28
General Fund—Real Estate Commission Account Appropriation for relief of the following indi- vidual, to be disbursed on vouchers approved by the State Auditor, as follows:	
JANICE M. ENYEART, Reimbursement of travel expense	\$118.97
Game Fund Appropriation, for relief of the fol- lowing individual, to be disbursed on vouchers approved by the State Auditor, as follows:	
DELL M. MILLER, in full settlement of game damage to his property, 1955-1956	\$75.00
Highway Safety Fund Appropriation, for relief of the following individual, to be disbursed on vouchers approved by the State Auditor, as follows:	
GARY L. SCHIMMELS, reimbursement of travel expense	\$88.60
Motor Vehicle Fund Appropriation, for relief of various individuals, firms, and corporations for sundry reasons, to be disbursed on vouchers approved by the State Auditor, as follows:	
BYRAN R. SCOTT, in full settlement for damage to auto on Lake Washington Bridge	\$98.83
TOM LONERS, in full settlement for damage to auto at Snoqualmie Summit	\$62.40
LT. ROLAND A. HUBLou, in full settlement for damage to auto at Snoqualmie Summit	\$51.87

GARY BERGSTROM, in full settlement for damage to auto in vicinity of Deer Park	\$100.78
CLAYTON WASHBURN, in full settlement for bodily injury and damage to auto on U.S. 99 in vicinity of Boeing Plant	\$374.50
JUDITH HARTMEN, in full settlement for damage to auto	\$87.98
RUBY BJORNSEN, in full settlement for damage to auto on White Pass	\$12.59
MENASHA WOODEN WARE CORP., in full settlement for damage to property adjacent to Johnson Creek Bridge	\$75.00
DON DWINELL, in full settlement of damage to neon sign near Teanaway Junction	\$56.16
WESLEY E. WOOD, in full settlement for damage to auto on U.S. 99 in vicinity of Woodland ..	\$88.08
J. W. BUSSING, in full settlement for paint damage to auto	\$62.93
MARION E. KENNEDY, in full settlement for damage to auto	\$93.73
UNIVERSITY OF WASHINGTON, for services performed by engineering department in testing for earth slides	\$709.86
WILLIAM A. SCULLY, in full settlement for damage to a window	\$4.37
TOM ARCHER, in full settlement for damage to antenna and lead line	\$32.68
GLEN CURTIS, in full settlement for damage to a window	\$9.46
RALPH SIZEMORE, reimbursement for travel expense	\$52.05
CITY OF KELSO, reimbursement for moneys paid for lighting facilities in relation to Cowlitz River Bridge on limited access highway PSH 12	\$8,582.70
E. C. SIMPSON, reimbursement for travel expense	\$32.91
TED R. WIGHT, in his own behalf and as guardian for minor son GREGORY WIGHT in full settlement of suit for damages for property damage, and for personal injuries to claimants and death of wife and minor son resulting from accident allegedly caused by negligence of highway commission employees in failing to install proper signs at the intersection of a newly constructed highway with an arterial highway (Wight vs. Bugge, et al, Thurston County No. 31449), the total amount of such award to be paid, upon execution of releases of the named de-	

fendants, into the registry of the Thurston County Superior Court for distribution to the above named claimants as their interests may appear	\$25,000.00
WILLIAM D. AIKEN, Attorney for JUANITA SOMMERS, in full settlement for injuries and damage sustained when a power pole main- tained by the Department of Highways toppled over	\$5,500.00
Motor Vehicle Fund—State Patrol Highway Ac- count Appropriation, for relief of various individuals, firms and corporations for sundry reasons, to be disbursed on vouchers ap- proved by the State Auditor, as follows:	
LESLIE L. DEWEY, repayment of time loss (re RCW 51.24.010) for deduction from salary..	\$362.50
JOHN W. HAIGH, reimbursement for travel ex- pense	\$24.25
BRUCE D. HUME, reimbursement for travel expense	\$6.45
ELDON J. PARKE, reimbursement for travel expense	\$9.75
CARLOS J. SPENCER, reimbursement for travel expense	\$7.66
CLYDE E. SINGLETON, reimbursement for travel expense	\$6.80
Public Service Revolving Fund Appropriation, for relief of the following company, to be dis- bursed on vouchers approved by the State Auditor, as follows:	
SKAGIT VALLEY TELEPHONE Co., for telephone service supplied to the Public Service Com- mission, October 1957.....	\$41.10
Teachers' Retirement Fund Appropriation, for relief of the following, to be disbursed on vouchers approved by the State Auditor, as follows:	
INDUSTRIAL INSURANCE AND MEDICAL AID, 4th quarter, 1960-1961	\$106.33
General Fund — Washington State University Building Account Appropriation for relief of the following named individual, to be dis- bursed on vouchers approved by the State Auditor, as follows:	
FRANCES LEE BLOMBERG, refund of tuition paid to Washington State University	\$175.00
Medical Aid Fund Appropriation for the relief of the following named individual, to be dis- bursed on vouchers approved by the State	

Auditor, as follows:

DAVID JONES, for salary in lieu of terminal notice	\$257.00
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CRIMINAL COSTS

General Fund Appropriation reimbursing counties for various cost bills in felony cases:

TREASURER, King County	\$804.40
TREASURER, King County	\$6,651.00
TREASURER, King County	\$508.81
TREASURER, Cowlitz County	\$160.50
TREASURER, Pierce County	\$64.00
TREASURER, Yakima County	\$13.20

SEC. 3. The word "agency" used herein shall mean and include every state government office, officer, each institution, whether educational, correctional, or other, and every department, division, board and commission, except as otherwise provided in this act.

"Agency" defined.

The phrase "agencies headed by elective officials" used herein shall mean those executive offices or departments of the state which are directly supervised, administered, or controlled by the governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands, or insurance commissioner, but it shall not include those boards, commissions, or committees on which one or more of the above named elected officials serve.

"Agencies headed by elective officials" defined.

SEC. 4. In order to carry out the provisions of these appropriations and the state budget, the budget director, with the approval of the governor, may:

Budget director's powers enumerated.

(1) Allot all or any portion of the funds herein appropriated, or included in the state budget, to the various agencies by such periods as he shall determine and may place any funds not so allotted in reserve available for subsequent allotment: *Provided*, That the budget director shall not alter allotment requests filed with him, nor shall he place in reserve any funds, for the following: Agencies headed by elective officials; University of Washing-

Proviso.

Budget—Appropriations. Budget director's powers enumerated.

ton; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; Washington State Apple Advertising Commission; Washington State Fruit Commission; Washington Dairy Products Commission or any agricultural commodity commission created under the provisions of chapter 15.66 RCW; the legislative branch of state government including the legislative council, the legislative budget committee, the statute law committee, and any legislative interim committee; or the judicial branch of state government: *Provided, however,* That the aggregate of allotments for any agency shall not exceed the total of applicable appropriations and local funds available to the agency concerned. It shall be unlawful for any officer or employee to incur obligations in excess of approved allotments or to incur a deficiency and any obligation so made shall be deemed invalid. Nothing in this section or in chapter 328, Laws of 1959 shall prevent revision of any allotment when necessary to prevent the making of expenditures under appropriations in this act in excess of available revenues.

Proviso.

(2) Issue rules and regulations to establish uniform standards and business practices throughout the state service, including regulation of travel by officers and employees and the conditions under which per diem shall be paid, so as to improve efficiency and conserve funds.

(3) Prescribe procedures and forms to carry out the above.

(4) Allot funds from appropriations in this act in advance of July 1, 1963, for the sole purpose of authorizing agencies to order goods, supplies or services for delivery after July 1, 1963: *Provided,* That no expenditures may be made from the appropriations contained in section 1 until after July 1, 1963.

Proviso.

SEC. 5. Except as otherwise provided in this act, any receipts from federal or other sources or from gifts or grants in excess of those estimated in the budget may be received and allotted by the governor but in the event that receipts shall be less than those estimated in the budget from any source the appropriation shall be limited to the amount actually received and allotments made as provided in section 4. Whenever possible, the receipt of federal or other funds which are not anticipated by the governor's budget or the legislature shall be used to support regular programs instead of using appropriated funds.

Excess receipts from federal or other sources. use—Limitation when receipts less than anticipated.

SEC. 6. Agencies are authorized to make refunds of erroneous or excessive payments and in the case of other refunds, which may be provided by law, without express appropriation therefor.

Refunds authorized.

SEC. 7. Whenever allocations are made from the governor's emergency appropriation to an agency which is financed by other than general fund moneys, the budget director may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance such agency. No appropriations shall be necessary to effect such repayment.

Repayment of allocations from governor's emergency appropriation, when.

SEC. 8. In addition to the amounts appropriated in this act for revenue for distribution and bond retirement and interest, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made in accordance with law.

Additional appropriations.

SEC. 9. Amounts received by an agency as reimbursements pursuant to RCW 43.09.210 shall be considered as returned loans of materials supplied or services rendered. Such amounts may be expended as a part of the original appropriation of the fund to

Reimbursements under RCW 43.09.210 considered original appropriation.

which it belongs, without further or additional appropriation, subject to conditions and procedures prescribed by the budget director which shall provide for determination of full costs, disclosure of such reimbursements in the governor's budget, maximum inter-agency usage of data processing equipment and services and such restrictions as will promote more economical operations of state government without incurring continuing costs beyond those reimbursed.

Budget—Appropriations. Employee tax deferred annuities authorized.

SEC. 10. The regents, trustees or board of directors of any of the state educational institutions or school districts are authorized to use funds appropriated by this act to provide and pay for tax deferred annuities for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C. section 403(b) as amended by Public Law 87-370, 75 Stat. 796, as now or hereafter amended.

Transfer of balance of prior appropriations.

SEC. 11. The balance of the appropriation to the Liquor Control Board from the General Fund in chapter 26, Laws of 1961 Extraordinary Session, remaining unexpended as of April 1, 1963, is hereby transferred to and authorized to be expended from the Liquor Revolving Fund.

The balance of the appropriation to the Department of Employment Security from the General Fund in chapter 26, Laws of 1961 Extraordinary Session, remaining unexpended as of April 1, 1963 is hereby transferred to and authorized to be expended from the Unemployment Compensation Administration Fund, which fund is hereby declared to be a fund in the state treasury.

The budget director shall certify such amounts available to the Liquor Control Board and the Department of Employment Security.

SEC. 12. This act is necessary for the immediate Emergency.
 preservation of the public peace, health and safety,
 the support of the state government and its existing
 public institutions, and shall take effect immediately.

Passed the House April 6, 1963.

Passed the Senate April 6, 1963.

Approved by the Governor April 18, 1963, with
 the exception of certain items in Section 1 and Sec-
 tion 2, which were vetoed.

GOVERNOR'S EXPLANATION OF ITEMS VETOED IS AS FOLLOWS:

**Governor's
 veto explana-
 tion.**

"Two years ago the Legislature appropriated six million dollars more than was available to be spent by the state. This was a situation that I could not allow to exist. Accordingly, I put into effect stringent economies in the agencies under my control that corrected the situation.

"This year, once again, the Legislature has pressed upon me a critical fiscal problem. I find myself faced with a legislative budget proposal that asks the state to spend three million dollars more than it will have available during the next two years. This, despite the fact that such a budget would be directly contrary to state law, which stipulates that spending may NOT exceed income.

"As Governor, I am obligated to assure that this law is fully carried out. Therefore, I must choose one of two alternatives.

"I can veto the entire budget proposal and call the Legislature back into a costly special session to correct this over-appropriation of funds. Or, I can follow a responsible course of action, as I did two years ago—that is, to veto certain items and require further stringent economies in departments under my control in order to achieve a balanced budget.

"I choose the latter method.

"My decision will result in a reduction of more than three million dollars in proposed spending, and bring the state budget into balance.

"Through veto action I have assured savings of \$565,000. The remaining imbalance through over-appropriated funds shall be absorbed by the state agencies over which I have direct control. I have instructed that State Budget Director plan for economies in the next two years to assure a reduction in spending by those agencies to a figure of two and a half million dollars below the totals appropriated to them by the Legislature. Only by instituting such sacrifices was I able to return the budget to a balanced condition.

"Since the Legislature was instrumental in creating this situation, I decided that it must share the burden of the overall financial sacrifices that were necessary. Accordingly, the most substantial of the vetoed items relates to appropriations approved by the Legislature for its own interim committees.

"In Section 2, under the heading of 'STATE LEGISLATURE' there is a General Fund appropriation for all legislative interim committees in the amount of \$547,741. This appropriation, together with other allowances for legislative salaries and expenses of \$422,058 appropriated elsewhere in this bill; plus individual appropriations for the Commission on Game and Game Fish, the Joint Committee on Highways, the Public Pension Committee, amount to a total appropriation for legislative expenses of OVER ONE MILLION DOLLARS DURING A PERIOD WHEN THE LEGISLATURE IS NOT IN SESSION. It seems curiously inconsistent that the Legislature does not exercise the same frugality necessary in every other agency of government when they appropriate for their own use.

Budget—Appropriations. Governor's veto explanation.

"In terms of interim committee membership, there are 131 committee positions available during the interim period for the 148 members of the House and Senate. I believe it is time to curb this practice which can only result in needless expense to the taxpayers. Although essential expenditures must be maintained, less desirable expenses must be eliminated. By combining the appropriation for numerous committees in one sum, the Legislature purposely insulated unnecessary committees from executive veto.

"While some of the committees included within this appropriation serve useful purposes, and many members of the Legislature serve commendably without selfish interest, other committees need serious re-evaluation. When the Legislative Council was first authorized in 1947, the express purpose was to stop the trend toward proliferation of interim committees which were used only as publicity and political tools. The Council was constituted with a balanced political representation to secure non-partisan interim study of important legislative problems. Yet the present Legislature has continued the coalition government by making the appointments strictly for political gain. There is even a serious question as to whether the Council is legally constituted because political considerations delayed the appointment of members. The original moral intent and legal directive has been violated.

"It is patently clear that coalition government, which has resulted only in controversy, bitterness and rancor, should not be promoted during the interim period at an expense to the taxpayers of over a half million dollars.

"During the past years, numerous committee staff studies having merit have been conducted, but the results have not been thoroughly analyzed by the Legislature. The elimination of the appropriation does not necessarily make the committees inoperative. This may be a good time for the members to catch up on the deluge of studies made in the past.

"For the foregoing reasons, the appropriation of \$547,741 to the legislative interim committees is vetoed. Interim committee appropriations from non-General Fund sources are not included in this appropriation and therefore substantial interim committee expenditures still remain.

"In Section 1, under the general heading 'DEPARTMENT OF INSTITUTIONS—SOLDIERS' AND VETERANS' HOME AND COLONY' three provisos were attached to the appropriation as follows:

"PROVIDED, That no part of this appropriation shall be used for the care and maintenance of members in the home having a yearly income of over \$900 or with assets of over \$900 unless all income and assets in excess of these amounts are paid into the general fund: PROVIDED, that the director of the Department of Institutions may make rules and regulations for waiver of the foregoing proviso, for all, or such portion of income over \$900, as in his discretion may be reasonably necessary for medical care not furnished by the Department of Institutions, support of dependents, and the payment of premiums on existing insurance, and such other situations as may be reasonably necessary to the welfare of such member: PROVIDED, that nothing in this proviso shall be construed to modify or change the requirements for admission as provided by law and as prescribed in the rules and regulations of the Department of Institutions."

"These provisos place a \$900 per year income limitation on those persons otherwise eligible to receive the veterans' benefits made available by this appropriation. Income and assets in excess of this amount must be paid to the General Fund. While the intent of the Legislature in setting such a limitation is desirable, the \$900 amount is both undesirable and unnecessary.

"It is undesirable because the limitation is so low as to place a severe hardship on veterans and because of its doubtful legality, as indicated by an adverse Superior Court decision on a similar proviso in

the 1961 Appropriations Act. It is unnecessary because the department can administratively set a more equitable limitation and because the total appropriation will effectively set the limits on membership.

"For the foregoing reason, I am vetoing the above section.

"In Section 1 under the heading of 'INTERSTATE COMPACT COMMISSION' there is a General Fund appropriation of \$17,000.

"I am vetoing this item because I believe continuation of the staff work on the Columbia River Compact will in no way inure to the benefit of the people of the State of Washington. A proposed compact has been presented to the Legislature on several occasions and in each instance, the State of Washington has been asked to surrender much more than can be gained by entry into the compact. Washington State has by far the largest stake in the northwest river system and would have been relegated to a minority position if proposed Columbia River Compacts had been adopted.

"Vetoing this appropriation does not dissolve the Commission. Should further work on the compact be indicated, present state and local agencies charged with the administration and control of our natural resources are available to provide the necessary staff review.

"In Section 1, under the heading of 'DEPARTMENT OF PUBLIC ASSISTANCE,' within the proviso earmarking \$100,000 for a study of federally-matched programs, there appears a limitation on the Governor's authority to select committee members in the following words:

" . . . from the various areas of the state representing institutions of higher learning, governmental agencies, and statewide private social agencies."

"While representation of these groups may be desirable, and will receive proper recognition in my appointments, any limitation on my authority to select the advisory committee for a study for which I will be held responsible is unwise.

"Accordingly, I am vetoing this item.

"Under the same general heading of the Department of Public Assistance, I note that the Legislature has added the \$1,000,000 that I requested for restoration of medical care. But I also note that the Legislature reduced my request for aid to dependent children, general assistance, and disability assistance by \$1,500,000, a cut that will force a ratable reduction in the grants to these needy persons.

"In Section 1 under the heading of 'JUDICIAL COUNCIL,' a General Fund appropriation of \$30,000 is made. This appropriation represents an increase of over 200% from that appropriated in the previous biennium. The work of the Judicial Council is most commendable, but this increase is difficult to justify in light of policies establishing present program levels.

"Most of the work of the Council has traditionally been donated. I am confident that with the assistance of the outstanding law schools in our state, the work can continue.

"For the foregoing reasons, I am vetoing the item appropriation to the Judicial Council.

"In the area of education, I am gratified by the fact that the Legislature, on the basis of my request, has appropriated \$450,575,964 for the State Superintendent of Public Instruction, an increase of \$36.9 million, or 8.9 per cent. The appropriations for higher education likewise have moved forward to a total of \$120,767,741, an increase of \$17.3 million.

"With the exception of the foregoing items which are vetoed, the remainder of House Bill No. 1 (Extraordinary Session) is approved."

ALBERT D. ROSELLINI,
Governor.

CHAPTER 22.

[S. B. 27.]

MOTOR VEHICLE FUEL IMPORTER TAX ACT.

AN ACT relating to revenue and taxation; imposing a motor vehicle fuel tax on the importation of gasoline into this state in the fuel supply tanks of commercial vehicles being used on the highways of this state for commercial purposes; providing for the payment, collection, and lien of the tax, and the distribution and use of the proceeds thereof; providing for the retention of records and the making of reports; providing for refunds; conferring powers and imposing duties on certain state officers and departments; imposing penalties; amending section 82.36.220, chapter 15, Laws of 1961 as amended by section 31, chapter 21, Laws of 1961 extraordinary session and RCW 82.36.220; amending section 82.36.300, chapter 15, Laws of 1961 and RCW 82.36.300; and providing an effective date.

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

Motor vehicle fuel importer use tax. Purpose—Use of proceeds.

SECTION 1. It is hereby declared to be the purpose of this act to levy a tax on those importing gasoline into the state of Washington in the fuel supply tanks of commercial motor vehicles being used on the highways of this state for commercial purposes as a just and reasonable contribution to the cost of constructing, maintaining, and policing such highways incident to the use thereof by such persons and to the end that said highway users shall pay to the state of Washington an equal amount in taxes as is paid by other commercial highway users who use gasoline on which the motor vehicle fuel excise tax has been paid to this state. The revenues collected shall be used to partially defray the cost of construction, reconstruction, and maintenance of the public highways and the regulation of traffic thereon, and for no other purposes.

Definitions.

SEC. 2. The following words, terms, and phrases when used in this act have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

(1) "Commercial motor vehicle" means and includes any bus, or any road tractor, or any tractor truck, truck, or other conveyance, the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

(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 liquid, 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.

Motor vehicle
fuel importer
use tax. Levied
—Rate.

SEC. 3. In consideration of the use of the public highways of this state, motor carriers who import motor vehicle fuel into the state of Washington in the fuel supply tank or tanks of commercial motor vehicles for use in propelling said vehicles on said highways shall be subject to a tax for such use of the highways as hereinafter provided. A tax at the rate of seven and one-half cents per gallon is hereby imposed upon every motor carrier measured and determined by the number of gallons of motor vehicle fuel so imported and actually used by such motor carrier in its operations within this state.

Voluntary
reports of
carriers—
Remittances.

SEC. 4. Motor carriers may file with the director a report at any time, provided the reporting period includes a full calendar month or months, upon a form prescribed and furnished by the director, showing the amount of motor vehicle fuel imported for use within this state and such other information as the director may require to carry out the purpose of this act. Each report shall be accompanied by a remittance payable to the state treasurer for the amount of tax due and payable hereunder.

Motor carriers who voluntarily file the report as in this section provided, are not to include commercial motor vehicles used exclusively in intrastate operations in this state for which tax paid motor vehicle fuel is purchased or received entirely within this state.

Additional
assessments—
Notice.

SEC. 5. If the director is not satisfied with the report filed or amount of tax paid to the state by any motor carrier pursuant to the requirements of this act, he may make an additional assessment of tax due from such carrier based upon the best information available to him. The director shall give

to the carrier written notice of any such added amount of tax determined to be due under the provisions of this section. Each such notice may 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 carrier at his address as the same appears in the records of the director.

SEC. 6. The tax imposed hereunder, with respect to which tax liability hereunder accrues, shall be collected by the assessment of tax through periodic audit examination of the carrier's records, pursuant to the provisions of section 8 of this act: *Provided*, That the tax imposed hereunder, with respect to which tax liability hereunder accrues, may be paid by the motor carrier before such time of audit, as provided by the provisions of section 4 of this act. The tax shall be computed and paid, multiplied by the tax rate imposed hereunder, on the total number of gallons of motor vehicle fuel used by such motor carrier within this state during the taxable period of the carrier's operations on the public highways of this state.

Collection of
tax, procedure.

Proviso.

Every motor carrier subject to the tax shall be entitled to deduct from the total number of gallons of motor vehicle fuel used in Washington, to determine the number of gallons of motor vehicle fuel upon which the tax levied by this act is to be computed and paid, the number of gallons of motor vehicle fuel shown to have been purchased or received in Washington for use in its operations either within or without this state on which the tax levied by chapter 82.36 RCW has been paid by such carrier to this state. Evidence of the payment of such tax in such form as may be required by, or is satisfactory to, the director shall be furnished by each such carrier taking the deduction herein allowed.

When the amount of the credit herein provided

to which any motor carrier is entitled for the month or months that the report covers exceeds the amount of the tax for which such carrier is liable for the same month or months, such excess may be refunded by the director pursuant to the provisions of section 14 of this act.

Motor vehicle fuel importer use tax. Exemptions.

SEC. 7. The tax levied by this act shall not apply to motor vehicle fuel imported into and used on the public highways of this state by:

(1) Persons operating motor vehicles commonly designated as automobiles which are constructed for and being used solely for the transportation of persons, regardless of whether for hire or compensation or not for hire or compensation.

(2) Motor vehicle fuel used in vehicles owned and operated by any department, board, bureau, agency, or taxing area or any other agency of the federal government, or by any state and political subdivision thereof.

Tax levy when record audit discloses discrepancy—Time of payment—Penalty when late.

SEC. 8. Whenever it is established by audit of the motor carrier's records and books that such carrier subject to the imposition of the tax herein did not purchase sufficient fuel within this state commensurate with the miles traveled on public highways of this state, the director or his duly appointed representative is hereby authorized to make an assessment of the tax with respect to that amount of motor vehicle fuel consumed on the public highways of this state in excess of the amount of motor vehicle fuel purchased in this state.

Any motor carrier against whom a tax assessment is made under this section shall pay to the director the amount of the tax assessment within thirty days after service upon the carrier of notice thereof. Every assessment made by the director shall become due and payable at the time it becomes final, and if not paid to the director when due and payable there shall be added thereto a penalty of

ten percent of the amount of the tax assessment and interest at the rate of one-half of one percent per month, or a fraction thereof, from the time said tax became due until the date of payment. Any notice required by this section shall be served in the manner prescribed by section 5 of this act.

SEC. 9. If any motor carrier liable for the payment of the tax assessment 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, whether such property is employed by such carrier in the prosecution of business 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.

Tax as lien—
Filing procedure—
Certificate of release
of lien—
Recording of.

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 director has filed 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.

The auditor, upon presentation of a notice of lien, and without requiring the payment of any fee, shall file and index it in the manner now provided for deeds and other conveyances, except that he shall not be required to include, in the index, any description of the property affected by the lien. The lien shall continue until the amount of the tax, together with any penalties and interest subsequently accruing thereon, is paid. The director may

issue a certificate of release of lien when the amount of the tax, together with any penalties and interest subsequently accruing thereon, has been satisfied, and such release may be recorded with the auditor of the county in which the notice of lien has been filed.

The director shall furnish to any person applying therefor a certificate showing the amount of all liens for motor vehicle fuel tax, penalties, and interest that may be of record in the files of the director against any motor carrier under the provisions of this act.

Motor vehicle fuel importer use tax. Attorney general's duties—Certificate as evidence.

SEC. 10. Whenever any motor carrier is delinquent in the payment of any obligation hereunder, the director may transmit notice of such delinquency to the attorney general who shall at once proceed to collect by appropriate legal action the amount due the state from such motor carrier. In any suit brought to enforce the rights of the state hereunder, a certificate of the tax assessment and penalty shall be prima facie evidence that the motor carrier therein named is indebted to the state in the amount of the tax and penalty therein stated.

Remedies cumulative.

SEC. 11. The foregoing remedies of the state shall be cumulative, and no action by the director shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this act.

Petition for reassessment—Burden of proof on challenger—Hearings—Decision—Notice of.

SEC. 12. Any motor carrier against whom a tax assessment is made under the provisions of section 8 of this act may petition for a reassessment thereof within thirty days after service upon the carrier of notice thereof. If such petition is not filed within such thirty day period, the amount of the tax assessment becomes final at the expiration thereof.

An assessment of tax made by the director pur-

suant to the provisions of section 8 of this act shall be presumed to be correct, and in any case where the validity of the assessment is questioned, the burden, except as to proof of alleged fraud, 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. Except in the case of a fraud, no assessment shall be made for any period for which the motor carrier's records are no longer required to be kept or maintained.

If a petition for reassessment is filed within the thirty day period above provided, the director shall reconsider the assessment and, if the motor carrier has so requested in his petition, shall grant such carrier an oral hearing and give the carrier ten days' notice of the time and place thereof. The director may continue the hearing from time to time. The decision of the director upon a petition for reassessment shall become final sixty days after service upon the motor carrier of notice thereof. Any notice required by this section shall be served in the manner prescribed by section 5 of this act.

SEC. 13. Every notice of assessment of tax proposed to be assessed hereunder shall be served on the motor carrier within five years from the date upon which such assessed taxes became due.

Assessment
notice served
within five
years of due
date.

SEC. 14. Every motor carrier subject to the tax hereby imposed who has paid any tax on motor vehicle fuel levied or directed to be paid by chapter 82.36 RCW, either directly by the collection of the tax by the vendor from the consumer, or indirectly by adding the amount of the tax to the price of the fuel and paid by the consumer, shall be reimbursed and repaid the amount of such tax paid by him, if such motor carrier has purchased and exported such fuel in the fuel supply tank or tanks of a commercial motor vehicle and has used such fuel to operate said

Refunds when
tax paid under
chapter 82.36
RCW.

Motor vehicle
fuel importer
use tax. Re-
funds when
tax paid under
chapter 82.36
RCW.

vehicle upon the highways of another state, and if the motor carrier pays to the other state a similar motor vehicle fuel tax on the same fuel, or pays any other highway use tax the rate for which is increased because such fuel was not purchased in, and the tax thereon paid, to such state: *Provided*, That the refund rate shall be the current rate per gallon of the then current motor vehicle fuel tax of this state.

Proviso.

Before any such refund may be granted, the motor carrier claiming such refund must present to the director a statement accompanied by information showing the source of the fuel used and evidence of payment of tax to the state in which the fuel was used and such other information as the director may require. The request for refund shall be made over the signature of the claimant, and shall state the total amount of such fuel for which he is entitled to be reimbursed under this section.

The director or his duly appointed representative shall have the right, in order to establish the validity of any claim for refund, as provided herein, to examine the books and records of such claimant. The records must be sufficient in scope and detail to substantiate the accuracy of the claim, and the director or his duly appointed representative shall have full authority to determine the adequacy of such records and books and the amount of the refund due the claimant from the taxes collected on motor vehicle fuel.

All claims for refunds based upon exportation of motor vehicle fuel from this state in the fuel supply tank or tanks of a commercial motor vehicle must be filed with the director before the expiration of five years from the last day of the month in which the fuel was used.

Carrier to
keep records.

SEC. 15. Each motor carrier under this act shall make and retain for a period of five years records

of gallons of motor vehicle fuel purchased or received, mileage traveled within and without this state, commercial motor vehicles owned, operated, leased, or operated under any other form of contract, and other pertinent papers that are reasonably necessary to substantiate any such tax liability imposed by this act.

Each motor carrier under this act shall be required to retain for five years all purchase or sales invoices reflecting purchases of motor vehicle fuels in this state, and such invoices shall be identified by imprinted serial numbers thereon and with the imprinted name and location of the seller, showing the date of sale, the name and address of the purchaser, the license or equipment number, the type of fuel sold, the number of gallons sold, the price per gallon, the total sale price, and a statement by the seller that the Washington motor vehicle fuel tax has been paid or assumed.

SEC. 16. The director or his duly authorized representative may examine, during the usual business hours of the day, the books, records, papers, and equipment of any motor carrier and investigate the disposition which any such carrier or other person makes of fuel to determine whether the tax imposed by this act has been paid.

Carrier records to be available for examination—Reimbursement if without state.

Every such motor vehicle fuel importer for use not maintaining records in this state so that an audit of such records may be made by the director or his duly authorized representative shall be required to make the necessary records available to the director at his request and at his designated office within this state; or, in lieu thereof, shall agree to pay as reimbursement to the director or his duly appointed representative subsistence and travel allowance at the rates prescribed by statute of this state to proceed to any out-of-state office at which the records

are prepared and maintained to make such examination.

Motor vehicle fuel importer use tax. Rules, regulations—Divulging information unlawful.

SEC. 17. The director is hereby empowered with full authority to promulgate rules and regulations that are necessary to the administration of this act.

It shall be unlawful for the director, or any person having an administrative duty under this act, to divulge or to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any motor carrier or other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any report, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law: *Provided*, That the director may, upon request from the officials to whom are entrusted the enforcement of the motor vehicle fuel importer use tax law of any other state or any political subdivision, 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 mileage traveled, fuel imported and used, or any other disposition of motor vehicle fuel imported and used by such motor carrier, provided such other state or states furnish like information to this state.

Proviso.

Unlawful acts enumerated—Penalty.

SEC. 18. It shall be unlawful for any person to commit any of the following acts:

(1) To defraud the state or evade the payment of any tax, penalty, or interest which shall be due pursuant to the provisions of this act;

(2) To use a false or fictitious name or give a false or fictitious address in any form required under

the provisions of this act, or otherwise commit a fraud in any record or report;

(3) To refuse to permit the director, or any representative appointed by him in writing, to examine his books, records, papers, or other equipment pertaining to the importation and use of motor vehicle fuel within this state;

(4) To fail or refuse to keep proper books, records, or papers as shall be required by the provisions of this act;

(5) To engage in any act or activity with the intent to evade payment to, or prevent collection by, the state of the tax hereby imposed; and any such act or activity shall also render the person or persons liable, jointly or severally, for such unpaid tax, with penalties and interest prescribed by the provisions of this act;

(6) To make a false statement in connection with any claim for refund, or to knowingly collect or attempt to collect or cause to be repaid to himself or to any other person any refund of any amount paid to the state hereunder without being entitled to the same.

Any person violating any of the provisions of this act 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.

SEC. 19. All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. A duplicate of such statement shall be sent to the state auditor.

Disposition of
tax proceeds.

The proceeds of the motor vehicle fuel importer use tax imposed by this act shall be distributed as follows: Of the seven and one-half cents collected,

Motor vehicle fuel importer use tax. Disposition of proceeds.

six and one-half cents shall be distributed between the state, cities and counties under the provisions of RCW 46.68.090 and 46.68.100, one-quarter cent shall be distributed to the state and expended pursuant to RCW 46.68.130, one-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by RCW 47.60.350, and one-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110: *Provided*, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this act shall be matched twenty-five percent by such city or town and seventy-five percent from the proceeds of such one-half cent of additional tax: *And provided further*, That the proceeds of such one-half cent of additional tax and the matching funds provided by such city or town shall be used exclusively for the construction, improvement, and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

Proviso.

Proviso.

RCW 82.36.220 amended.

SEC. 20. Section 82.36.220, chapter 15, Laws of 1961 as amended by section 31, chapter 21, Laws of 1961 extraordinary session and RCW 82.36.220 are each amended to read as follows:

Motor vehicle fuel tax. Exemptions.

Every person who imports motor vehicle fuel into this state for his own use in equipment other than motor vehicles shall not, for that reason alone, be required to secure a distributor's license or to comply with any of the provisions of this chapter imposed upon a distributor or with the provisions of RCW 82.36.100; but such person shall make a report verified under oath and file the same with the director on or before the tenth day of the succeeding month,

showing the number of gallons of motor vehicle fuel so imported and the number of gallons of such motor vehicle fuel used during the preceding month, the name of the person from whom the motor vehicle fuel was purchased, the date of purchase, the place of storage, and the manner of use or intended use together with a description of the equipment in which the same is used. These reports shall be filed upon blanks furnished by the director: *Provided*, That any person coming into this state in an aircraft or motor boat shall not be required to make such a report in respect to any motor vehicle fuel carried in the fuel tanks of such vehicle for the purpose of propelling such vehicle, and every person coming into this state in a motor vehicle who shall transport in the fuel tanks of such vehicle motor vehicle fuel for the propulsion thereof shall be subject to all the provisions of the motor vehicle fuel importer use tax act applying to taxation of fuel in vehicles coming into this state, but if the motor vehicle fuel so brought into the state be removed from the fuel tanks of such vehicles or used for any purpose other than the propulsion of the vehicles, the person so importing motor vehicle fuel shall be subject to all the provisions of this chapter applying to distributors. The director shall have the right in order to establish the validity of any exemption, to examine the books and records of the claimant for such purpose, and the failure of the claimant to accede to the demand for such examination shall constitute a waiver of all rights to the exemption herein granted.

Proviso.

SEC. 21. Section 82.36.300, chapter 15, Laws of 1961 and RCW 82.36.300 are each amended to read as follows:

RCW 82.36.300 amended.

Every person who shall export any motor vehicle fuel for use outside of this state and who has

Refunds on exported fuel.

paid the motor vehicle fuel excise tax upon such motor vehicle fuel shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so exported.

Motor vehicle
fuel importer
use tax.
Severability.

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

Short title.

SEC. 23. Sections 1 through 19 of this act shall be known and may be cited as the "Motor Vehicle Fuel Importer Use Tax Act".

SEC. 24. This act shall take effect July 1, 1963.

Passed the Senate March 26, 1963.

Passed the House April 2, 1963.

Approved by the Governor April 18, 1963.

CHAPTER 23.

[S. B. 45.]

ELECTIONS—ABSENTEE VOTING.

AN ACT relating to elections and absentee voting therein; amending sections 2, 3 and 4, chapter 167, Laws of 1955 and RCW 29.36.010, 29.36.020, and 29.36.030; amending section 2, chapter 50, Laws of 1955 as amended by section 7, chapter 167, Laws of 1955 and RCW 29.36.060; amending section 7, chapter 159, Laws of 1917 and RCW 29.36.110; adding a new section to chapter 29.36 RCW; and repealing section 21, chapter 130, Laws of 1961 and RCW 29.36.015, section 18, chapter 14, Laws of 1950 extraordinary session as last amended by section 20, chapter 130, Laws of 1961 and RCW 29.36.080, section 20, chapter 14, Laws of 1950 extraordinary session and RCW 29.36.090.

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

RCW 29.36.010
amended.

SECTION 1. Section 2, chapter 167, Laws of 1955 and RCW 29.36.010 are each amended to read as follows:

Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter providing that one of the following conditions is applicable:

Elections—
Absentee vot-
ing. Applica-
tion for ab-
sentee ballot.

(1) The voter expects to be absent from his precinct during the polling hours on the day of the primary or election; or

(2) The voter is unable to appear in person at his polling place to cast a ballot because of illness or physical disability; or

(3) The voter, because of his religious tenets, cannot with clear conscience cast his ballot on the day of the primary or election.

A voter desiring to cast an absentee ballot must apply in writing to his county auditor or city clerk (if he lives in a city or town) no earlier than forty-five days nor later than the day prior to any election or primary.

Such application must contain the voter's signature and may be made in person or by mail or messenger. If by mail or messenger, the registrar must honor a written application in any form if it states that the applicant cannot vote in person for any one of the three reasons enumerated in this section: *Provided*, That no application for an absentee ballot shall be approved unless the voter's signature upon the certificate or application compares favorably with the voter's signature upon his permanent registration record.

Proviso.

SEC. 2. Section 3, chapter 167, Laws of 1955 and RCW 29.36.020 are each amended to read as follows:

RCW 29.36.020
amended.

The certificate to be issued by a county or city registrar honoring a request for an absentee ballot shall state that:

Certificate
issued to
absentee ballot
voter.

(1) The registrar can identify the applicant by his signature;

Elections—
Absentee vot-
ing. Certificate
issued to
absentee
ballot voter.

(2) The applicant is a voter, registered and qualified to vote, giving the county or city or town and precinct in which he is qualified to vote and also his place of residence;

(3) The applicant has affixed his signature to the certificate in the place provided therefor in the presence of the registrar; or the registrar has identified the applicant from the signature on his written application.

The certificate must be made in duplicate. If the voter is making his application in person, he shall sign both copies of said certificate. If the voter is making application by mail, the original certificate shall be affixed to his application.

All original certificates, together with applications affixed thereto, must be delivered to the officer having jurisdiction of the election, or his duly authorized representative, before an absentee ballot can be issued.

The duplicate certificate shall be securely attached to the applicant's permanent registration card until after the election.

RCW 29.36.030
amended.

SEC. 3. Section 4, chapter 167, Laws of 1955 and RCW 29.36.030 are each amended to read as follows:

Issuance of
ballots.

Upon receipt of the certificate, either signed by the voter or attached to the voter's signed application, the officer having jurisdiction of the election, or his duly authorized representative, shall issue an absentee ballot for the election concerned.

In addition, if other elections, including special or general, are also being held on the same day and it can be determined that the absentee voter is qualified to vote at such elections, such additional absentee ballots shall be automatically issued to the end that, whenever possible, each absentee voter receives the ballots for all elections he would have received if he had been able to vote in person.

The election officer, or his duly authorized representative, shall include the following additional items when issuing an absentee ballot:

(1) Instructions for voting.

(2) A size #9 envelope, capable of being sealed and free of any identification marks, for the purpose of containing the voted absentee ballot.

(3) A size #10 envelope, capable of being sealed and pre-addressed to the issuing officer, for the purpose of returning the #9 envelope containing the marked absentee ballot.

Upon the left hand portion of the face of the larger envelope shall also be printed a blank statement in the following form:

State of }
County of } ss.

I, do solemnly swear under the penalty as set forth in RCW 29.36-.110 (see below), that I am a resident of and qualified voter in precinct of city in county, Washington; that I have the legal right to vote at the election to be held in said precinct on the day of, 19.....: That I have not voted another ballot and have herein enclosed my ballot for such election.

(signed)

Voter

Penalty Provision: Any person who violates any of the provisions, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment.

SEC. 4. There is added to chapter 29.36 RCW a *New section.* new section to read as follows:

Elections—
Absentee vot-
ing. Qualifica-
tions as to
delivery of
ballot.

The delivery of an absentee ballot for any primary or election shall be subject to the following qualifications:

(1) Only the voter, himself, or a member of his family may pick up an absentee ballot at the office of the issuing officer.

(2) Except as noted in subsection (1) above, the issuing officer shall mail the absentee ballot directly to each applicant.

(3) No absentee ballot shall be issued on the day of the primary or election concerned.

RCW 29.36.060
amended.

SEC. 5. Section 2, chapter 50, Laws of 1955 as amended by section 7, Chapter 167, Laws of 1955 and RCW 29.36.060 are each amended to read as follows:

Opening,
counting and
canvassing
of ballots.

The opening, counting and canvassing of absentee ballots cast at any primary or election, special or general, may begin on the day after such primary or election is held but must be completed on or before the tenth day following the primary or election: *Provided*, That when a state general election is held, the canvassing period shall be extended to and including the fifteenth day following such election.

Proviso.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for counting and canvassing of absentee ballots.

The canvassing board or its duly authorized representatives shall examine the postmark, receipt mark and statement on the outer envelope containing the absentee ballot and verify that the voter's signature thereon is the same as that on the original application. The board then shall open each outer envelope postmarked or received (if not delivered by mail) not later than the primary or election day and upon which the statement has been executed according to law in such a way as not to mar the

statement, and remove therefrom the inner envelope containing the ballot.

The inner envelopes shall be initialed by the canvassing board or its duly authorized representatives. The inner envelopes thus initialed must be filed by the county auditor under lock and key. The outer envelopes to which must be attached the corresponding original absentee voters' certificates shall be sealed securely in one package and shall be kept by the auditor for future use in case any question should arise as to the validity of the vote.

SEC. 6. The following acts or parts of acts and RCW sections are hereby repealed: Repeal.

(1) Section 21, chapter 130, Laws of 1961, and RCW 29.36.015;

(2) Section 18, chapter 14, Laws of 1950, extraordinary session, as amended by section 20, chapter 130, Laws of 1961, and RCW 29.36.080;

(3) Section 20, chapter 14, Laws of 1950, extraordinary session, and RCW 29.36.090.

SEC. 7. Section 7, chapter 159, Laws of 1917 and RCW 29.36.110 are each amended to read as follows: RCW 29.36.110 amended.

Any person who violates any of the provisions of this chapter, relating to swearing and voting, shall be guilty of a felony and shall be punished by imprisonment for not more than five years or a fine of not more than five thousand dollars, or by both such fine and imprisonment. Violations and penalty.

Passed the Senate March 28, 1963.

Passed the House April 2, 1963.

Approved by the Governor April 17, 1963.

CHAPTER 24.

[S. B. 46.]

GENERAL ELECTIONS—CHECKING LISTS OF VOTERS AT POLLING PLACES.

AN ACT relating to elections; and adding a new section to chapter 29.51 RCW.

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

New section.

SECTION 1. There is added to chapter 29.51 RCW a new section to read as follows:

Check-off of voters at polling places authorized.

Each major political party, at any general election, may assign any one of its precinct election officers at each polling place to check a list of registered voters of the precinct so that they may determine who has and who has not voted: *Provided*, That such lists shall be furnished by the major political parties concerned.

Proviso.

Passed the Senate April 3, 1963.

Passed the House April 2, 1963.

Approved by the Governor April 17, 1963.

CHAPTER 25.

[S. B. 47.]

ELECTIONS—STATUTORY RECOUNT PROCEEDINGS.

AN ACT relating to elections and canvassing; amending section 1, chapter 215, Laws of 1955 as amended by section 1, chapter 50, Laws of 1961 and RCW 29.64.010; and adding a new section to chapter 29.64 RCW.

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

RCW 29.64.010 amended.

SECTION 1. Section 1, chapter 215, Laws of 1955 as amended by section 1, chapter 50, Laws of 1961 and RCW 29.64.010 are each amended to read as follows:

An officer of a political party or any person for whom votes were cast in a primary election for nomination as a candidate for election to an office who was not declared nominated may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such primary in any precinct for all persons for whom votes were cast in such precinct for such nomination.

Elections—
Statutory
recount pro-
ceedings. Ap-
plication for
recount—Scope
of chapter.

An officer of a political party or any person who was a candidate at any general election for election to an office or position who was not declared elected, may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at such election in any precinct in such county for all candidates for election to such office or position.

Any group of five or more registered voters may file with the appropriate canvassing board or boards a written application for a recount of the votes cast at any election, regular or special, in any precinct upon any question or issue, provided that the members of such group shall state in such application that they voted on such question or proposition. Such group of electors shall, in such application, designate one of the members of the group as chairman, and shall indicate therein the voting residence of each member of such group. In the event the recount requested concerns a regular or special district election whereat the precincts were combined and the election results of the individual precincts impossible to determine, the application for the recount shall embrace all ballots cast at such district election.

All applications for recount shall be filed within three days, excluding Saturdays and Sundays, after the canvassing board has declared the official results of the primary or election, as the case may be.

The provisions of this chapter shall apply to the

Statutory re-count proceedings. Scope of chapter.

recounting of votes cast by paper ballots and counted at the polling places and to the recheck of votes recorded on voting machines. The provisions of this chapter shall neither apply to votes cast by absentee ballot and counted by the canvassing authority, nor to votes cast on voting machines printing election returns: *Provided*, That this chapter shall apply to votes cast by absentee and counted by the canvassing authority if specific request for such recount is made at the time the application is filed and the additional deposit is made as provided in RCW 29.64.020.

Proviso.

New section.

SEC. 2. There is added to chapter 29.64 RCW a new section to read as follows:

Mandatory recount, when.

If the official canvass of the returns of any primary or election reveals that the difference in the number of votes cast for a candidate apparently nominated or elected to office, as the case may be, and the number of votes cast for his closest apparently defeated opponent is not more than one-half of one percent of the total number of votes cast for both candidates, the canvassing board shall, of its own motion, make a recount of all votes cast on such position in the manner provided by RCW 29.64.030 and 29.64.040, and no cost of such recount shall be charged to either candidate concerned.

Passed the Senate March 28, 1963.

Passed the House April 2, 1963.

Approved by the Governor April 17, 1963.

CHAPTER 26.

[S. B. 9.]

PUBLIC SCHOOL PLANT FACILITIES—FINANCING.

AN ACT relating to education; providing funds for the construction of public school plant facilities; authorizing the issuance and sale of limited obligation bonds of the state and providing ways and means to pay said bonds; continuing the imposition of taxes; prescribing the powers and duties of certain officers; providing for a vote of the people under certain circumstances; and declaring an emergency.

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

SECTION 1. For the purpose of furnishing funds for state assistance in providing public school plant facilities, there shall be issued and sold, at any time prior to April 1, 1967, limited obligation bonds of the state of Washington in the sum of fifty-nine million dollars to be paid and discharged not more than twenty years after the date of issuance. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee.

School plant facilities financing. Bonds authorized—Form, sale, maturity, etc.

The state finance committee is authorized to prescribe the forms of such bonds; the provisions of sale of all or any portion or portions of such bonds; the terms, provisions, and covenants of said bonds, and the sale, issuance, and redemption thereof. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall state distinctly that they shall not be a general obligation of the state of Washington, but shall be payable in the manner prescribed in this act from the proceeds of motor vehicle excise taxes as imposed by chapter 82.44 RCW. As part of the contract of sale of the aforesaid bonds, the state agrees to continue to levy the motor vehicle excise taxes referred to herein and to fix and maintain said taxes in such amounts as will provide sufficient proceeds thereof available to

pay said bonds and interest thereon until all such obligations have been paid in full.

The committee may provide that the bonds, or any of them, may be called prior to the maturity date thereof under such terms, conditions, and provisions as it may determine and may authorize the use of facsimile signatures in the issuance of such bonds and upon any coupons attached thereto. Such bonds shall be payable at such places as the state finance committee may provide.

School plant facilities financing. Bond sale proceeds, disposition and use.

SEC. 2. The proceeds from the sale of the bonds authorized herein shall be deposited in the public school building construction account of the general fund and shall be used exclusively for the purposes of carrying out the provisions of this act, and for payment of the expense incurred in the printing, issuance and sale of such bonds.

Bond redemption fund. Created—Tax moneys deposited in—Use.

SEC. 3. The public school building bond redemption fund of 1963 is hereby created in the state treasury which fund shall be exclusively devoted to the retirement of the bonds and interest authorized by this act. The state finance committee shall, on or before June thirtieth of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet interest payments on and retirement of bonds authorized by this act. The state treasurer shall thereupon deposit such amount in the public school building bond redemption fund of 1963 from that portion of the motor vehicle excise tax allocable to the state school equalization fund under chapter 82.44 RCW. The amount so deposited in the aforesaid fund shall be devoted exclusively to payment of interest on and to retirement of the bonds authorized by this act. Such amount certified by the state finance committee to the state treasurer shall be a first and prior charge, subject only to amounts previously pledged for the payment

of interest on and the retirement of bonds heretofore issued, against all motor vehicle excise tax revenues of the state allocable to the state school equalization fund, which amounts so allocable shall never be less than seventy percent of said excise tax revenues. Said bond redemption fund shall be kept segregated from all moneys in the state treasury and shall, while any of such bonds or interest thereon remains unpaid, be available solely for the payment thereof.

SEC. 4. The legislature may provide additional means for raising funds for the payment of the interest and principal of the bonds authorized by this act and this act shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section is permissive and shall not be construed to constitute a pledge of the general credit of the state of Washington.

Bond redemption method not exclusive—State's credit not pledged.

SEC. 5. The bonds herein authorized shall be fully negotiable instruments and shall be legal investment for all state funds or for funds under state control and all funds of municipal corporations, and shall be legal security for all state, county and municipal deposits.

Bonds as negotiable instruments, legal investments.

SEC. 6. For the purpose of carrying out the provisions of this act funds appropriated to the state board of education from the public school building construction account of the general fund shall be allotted by the state board of education in accordance with the provisions of sections 7 through 15, chapter 3, Laws of 1961, extraordinary session: *Provided*, That no allotment shall be made to a school district for the purpose aforesaid until such district has provided funds for school building construction purposes through the issuance of bonds or through the authorization of excess tax levies or both in an amount equivalent to ten percent of its taxable valuation

Appropriated funds, allotting of.

Proviso.

plus such further amount as may be required by the state board of education. The state board of education shall prescribe and make effective such rules and regulations as are necessary to equate insofar as possible the efforts made by school districts to provide capital funds by the means aforesaid.

School plant facilities financing. Bond issuance affected by federal funds.

SEC. 7. The total amount of bonds authorized for issue under the provisions of this act shall be reduced by the amount of federal funds made available during each biennium for school construction purposes under any applicable federal law. In the event the entire bond issue authorized shall have been sold by the state finance committee, the proceeds in the public school building construction account available for allotment by the state board of education shall be reduced by the amount of such federal funds made available. Notwithstanding the foregoing provisions of this section, the total amount of bonds authorized for issue under this act and/or the total proceeds from the sale thereof shall not be reduced by reason of any grants to any school district of federal moneys paid under Public Law 815 or any other federal act authorizing school building construction assistance to federally affected areas.

Alternative method if prior authorization invalidated.

SEC. 8. In order to provide an alternative method for furnishing funds for state assistance in providing public school plant facilities, in the event the issuance of bonds by the state finance committee pursuant to the authority given it by sections 1 through 7 of this act is held by the supreme court of the state of Washington to be invalid for the sole reason that the proposition to issue such bonds must have been referred to the people under the provisions of section 3 of Article VIII of the state Constitution or in the event none of the bonds heretofore authorized for issue by sections 1 through 7 of this act are sold by the state finance committee on or before July 1, 1964, then a proposition as to whether or not fifty-nine

million dollars in bonds shall be issued and sold under the terms and conditions as set forth in sections 1 through 7 of this act shall be submitted to the people for their adoption and ratification, or rejection, at the next general election.

SEC. 9. If any section, paragraph, sentence, clause, phrase or word of this act should be held to be invalid or unconstitutional, such act shall not affect nor impair the validity or constitutionality of any other section, paragraph, sentence, clause, phrase or word of this act. It is hereby declared that had any section, paragraph, sentence, clause, phrase or word as to which this act is declared invalid been eliminated from the act at the time the same was considered, the act would have nevertheless been enacted with such portions eliminated. Severability.

SEC. 10. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the Senate March 27, 1963.

Passed the House April 5, 1963.

Approved by the Governor April 18, 1963.

CHAPTER 27.

[S. B. 25.]

CORRECTIONAL INSTITUTION FOR JUVENILES—
BUILDINGS—FINANCING.

AN ACT relating to the state operated charitable, educational and penal institutions; authorizing the issuance and sale of state general obligation bonds to provide for needful buildings for the juvenile correctional institution situated in King county in the vicinity of Echo Lake; providing ways and means to pay said bonds; making an appropriation; providing for submission of this act to a vote of the people.

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

Juvenile correctional institution financing. Bonds authorized—Form, sale, maturity, etc.

SECTION 1. For the purpose of providing needful buildings at the correctional institution for the confinement and rehabilitation of juveniles situated in King county in the vicinity of Echo Lake which institution was established by the provisions of chapter 183, Laws of 1961 as amended by chapter [165], Laws of 1963 (Senate Bill No. 32), the state finance committee is hereby authorized to issue, at any time prior to January 1, 1870, general obligation bonds of the state of Washington in the sum of four million six hundred thousand dollars, or so much thereof as shall be required to finance the program above set forth, to be paid and discharged within twenty years of the date of issuance.

Proviso.

The state finance committee is authorized to prescribe the form of such bonds, and the time of sale of all or any portion or portions of such bonds, and the conditions of sale and issuance thereof: *Provided*, That none of the bonds herein authorized shall be sold for less than the par value thereof, nor shall they bear interest at a rate in excess of four percent per annum.

The bonds shall pledge the full faith and credit of the state of Washington and contain an unconditional promise to pay the principal and interest when due. The committee may provide that the bonds, or

any of them, may be called prior to the due date thereof under such terms and conditions as it may determine. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds.

SEC. 2. The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the state finance committee may direct the state treasurer to deposit therein shall be deposited in the juvenile correctional institution building construction account hereby created in the state general fund.

Bond sale proceeds, disposition—Account created.

SEC. 3. The sum of four million six hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the juvenile correctional institution building construction account in the state general fund to the state finance committee to be expended by the committee for the payment of expense incident to the sale of [and] issuance of the bonds authorized herein and through allotments made when requested by the director of institutions as approved by the budget director for the purpose of constructing such buildings at said correctional institution for the confinement and rehabilitation of juveniles.

Appropriation.

SEC. 4. The juvenile correctional institution building bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements and the state treasurer shall thereupon deposit such amount in said juvenile correctional institution building bond redemption fund from moneys transmitted to the state treasurer

Bond redemption fund. Created—Funds deposited in—Use.

Juvenile cor-
rectional insti-
tution
financing.
Bond redemp-
tion fund.

by the tax commission and certified by the tax commission to be sales tax collections and such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of said bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein.

Bond redemp-
tion method
not exclusive.

SEC. 5. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and this act shall not be deemed to provide an exclusive method for such payment.

Bonds as legal
investment.

SEC. 6. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and all funds of municipal corporations.

Act to be sub-
mitted to the
people.

SEC. 7. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1964, in accordance with the provisions of section 3, Article VIII of the state Constitution; and in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.

Passed the Senate April 6, 1963.

Passed the House April 6, 1963.

Approved by the Governor April 17, 1963.

CHAPTER 28.

[S. B. 54.]

REVENUE AND TAXATION.

AN Act relating to revenue and taxation; amending section 82.04.030, chapter 15, Laws of 1961 and RCW 82.04.030; amending section 82.04.290, chapter 15, Laws of 1961 and RCW 82.04.290; amending section 82.08.030, chapter 15, Laws of 1961, as amended by section 7, chapter 293, Laws of 1961, and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961, as amended by section 10, chapter 293, Laws of 1961, and RCW 82.12.030; amending section 82.32.080, chapter 15, Laws of 1961 and RCW 82.32.080; amending section 82.32.090, chapter 15, Laws of 1961 and RCW 82.32.090; amending section 82.32.160, chapter 15, Laws of 1961 and RCW 82.32.160; amending section 82.32.180, chapter 15, Laws of 1961 and RCW 82.32.180; amending section 82.32.330, chapter 15, Laws of 1961 and RCW 82.32.330; adding a new section to chapter 15, Laws of 1961 and to chapter 82.26 RCW; adding a new section to chapter 15, Laws of 1961 and to chapter 82.32 RCW; amending section 83.40.040, chapter 15, Laws of 1961 and RCW 83.40.040; amending section 3, chapter 168, Laws of 1961 and RCW 84.36.171; and adding new sections to chapter 84.36 RCW; and providing an effective date.

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

SECTION 1. Section 82.04.030, chapter 15, Laws of 1961, and RCW 82.04.030 are each amended to read as follows:

RCW 82.04.030 amended.

"Person" or "company," herein used interchangeably, means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof.

B&O tax.
"Person,"
"Company,"
defined.

SEC. 2. Section 82.04.290, chapter 15, Laws of 1961 and RCW 82.04.290 are each amended to read as follows:

RCW 82.04.290 amended.

B&O tax. Tax on other business or service activities.

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.275 and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of one percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section. The additional tax imposed in RCW 82.04.296 shall not apply to persons or activities taxable under this section.

RCW 82.08.030 amended.

SEC. 3. Section 82.08.030, chapter 15, Laws of 1961, as amended by section 7, chapter 293, Laws of 1961, and RCW 82.08.030 are each amended to read as follows:

Retail sales tax. Exemptions.

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

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36: *Provided*, Proviso. That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through 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

Retail sales
tax.
Exemptions.

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;

Proviso.

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers used by the holder of a carrier permit issued by the Interstate Commerce Commission 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: *Provided*, That the purchaser must be the holder of a carrier permit issued by the Interstate Commerce Commission and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16.100; Proviso.

(13) Sales of motor vehicles and trailers to non-residents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of licenses 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

Retail sales
tax.
Exemptions.

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 tax commission 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 tax commission 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 tax commission 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 per-

sonal 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.

SEC. 4. Section 82.12.030, chapter 15, Laws of 1961, as amended by section 10, chapter 293, Laws of 1961, and RCW 82.12.030 are each amended to read as follows:

RCW 82.12.030
amended.

The provisions of this chapter shall not apply:

Use tax.
Exemptions.

(1) In respect to the use of any article of tangible personal property brought into the state by a non-resident 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

**Use tax.
Exemptions**

under chapter 82.08 or 82.12 and such tax has been paid by the present user or by his bailor or donor;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer used primarily 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 licenses pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for re-

search, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of licenses 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 tax commission; Proviso.

(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;

**Use tax.
Exemptions.**

(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 school districts and used by such districts exclusively in connection with their high school driver training program;

(14) In respect to the use by a bailee of any article of tangible personal property which is entirely consumed in the course of research, development, experimental and testing activities conducted by the user, provided the acquisition or use of such articles by the bailor was not subject to the taxes imposed by chapter 82.08 or chapter 82.12.

(15) In respect to the use by residents of this state of motor vehicles and trailers acquired and used while such persons are members of the armed services and are stationed outside this state pursuant to military orders, but this exemption shall not apply to the use of motor vehicles or trailers acquired less than thirty days prior to the discharge or release from active duty of such person from the armed services.

NOTE: See also Section 1, Chapter 76, Laws of 1963.

New section.

SEC. 5. There is added to chapter 15, Laws of 1961, and to chapter 82.26 RCW a new section to read as follows:

**Tobacco products tax.
Chapter 82.32
applicable to.**

All of the provisions contained in chapter 82.32 shall have full force and application with respect to taxes imposed under the provisions of this chapter.

**RCW 82.32.080
amended.**

SEC. 6. Section 82.32.080, chapter 15, Laws of 1961 and RCW 82.32.080 are each amended to read as follows:

Payment of the tax may be made by uncertified check under such regulations as the commission shall prescribe, but, if a check so received is not paid by the bank on which it is drawn, the taxpayer, by whom such check is tendered, shall remain liable for payment of the tax and for all legal penalties, the same as if such check had not been tendered.

Excise taxes—
Administrative
provisions.
Payment by
check—Mail-
ing—Time
extension—
Payment must
accompany
tax return.

A return or remittance which is transmitted to the tax commission by United States mail shall be deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it.

The tax commission, for good cause shown, may extend the time for making and filing any return, and may grant such reasonable additional time within which to make and file returns as it may deem proper, but any permanent extension granting the taxpayer a reporting date without penalty more than ten days beyond the due date, and any extension in excess of thirty days shall be conditional on deposit with the commission of an amount to be determined by the commission which shall be approximately equal to the estimated tax liability for the reporting period or periods for which the extension is granted. In the case of a permanent extension or a temporary extension of more than thirty days the deposit shall be deposited within the state treasury with other tax funds and a credit recorded to the taxpayer's account which may be applied to taxpayer's liability upon cancellation of the permanent extension or upon reporting of the tax liability where an extension of more than thirty days has been granted.

The commission shall review the requirement for deposit at least annually and may require a change in the amount of the deposit required when it believes that such amount does not approximate the

Excise taxes—
General
administration.
Record of
funds received,
disbursed—
Payment must
accompany
tax return.

tax liability for the reporting period or periods for which the extension is granted.

The commission shall keep full and accurate records of all funds received and disbursed by it.

The commission may refuse to accept any return which is not accompanied by a remittance of the tax shown to be due thereon. When such return is not accepted, the taxpayer shall be deemed to have failed or refused to file a return and shall be subject to the penalties provided in RCW 82.32.100. In any such case, the taxpayer shall, in the discretion of the commission, be subject to a penalty in the amount of ten percent of the tax or of one dollar, plus interest thereon at the rate of one percent per month, even though the remittance, transmitted separately, is received by the commission before or at the same time as the return was received, and even though such remittance is received before the due date of the tax.

RCW 82.32.090
amended.

SEC. 7. Section 82.32.090, chapter 15, Laws of 1961 and RCW 82.32.090 are each amended to read as follows:

Late payments
—Penalties—
Notice.

If payment of any tax due is not received by the tax commission by the twenty-fifth day of the month in which the tax becomes due, there shall be added to the tax a penalty of two percent of the amount of the tax; and if the tax is not received within forty days of the due date, there may be added an additional penalty of five percent of the amount of the tax; and if the tax is not received within seventy days of the due date, there may be added an additional penalty of five percent of the amount of the tax. The commission shall notify the taxpayer of any delinquency and penalties; such notice shall contain an "additional penalty date," which date must be at least ten days from the date of the mailing of such notice; if the tax and penalty are not received by the tax commission by the "additional penalty

date," there may be added, in addition to any other penalty assessed by this section, a penalty of ten percent of the amount due; but none of the penalties so added shall be less than two dollars.

If a warrant be issued by the tax commission for the collection of taxes, increases, and penalties, there may be added thereto a penalty of five percent of the amount of the tax, but not less than five dollars.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, but shall in no case be less than the minimum penalties prescribed herein.

SEC. 8. Section 82.32.160, chapter 15, Laws of 1961 and RCW 82.32.160 are each amended to read as follows:

RCW 82.32.160
amended.

Any person having been issued a notice of additional taxes, delinquent taxes, interest, or penalties assessed by the tax commission, may within twenty days after the issuance of the original notice of the amount thereof petition the commission in writing for a hearing and correction of the amount of the assessment. The petition shall set forth the reasons why the hearing should be granted and the amount of the tax, interest, or penalties, which the petitioner believes to be due. The commission shall promptly grant such hearing, fix the time and place therefor and notify the petitioner thereof by mail. After the hearing the commission may make such order as may appear to it to be just and lawful and shall mail a copy of its order to the petitioner. If no such petition is filed within the twenty day period the assessment covered by the notice shall become final.

Correction of
tax—Adminis-
trative proce-
dure—Hearing
—Order.

SEC. 9. Section 82.32.180, chapter 15, Laws of 1961 and RCW 82.32.180 are each amended to read as follows:

RCW 82.32.180
amended.

Excise taxes—
General
administration.
Court appeal—
Procedure.

Any person, except one who has failed to keep and preserve books, records, and invoices as required in this chapter and chapter 82.24, having paid any tax as required and feeling aggrieved by the amount of the tax may appeal to the superior court of Thurston county, within the time limitation for a refund provided in this chapter, or within thirty days after the date of the notice denying a hearing, or within thirty days after the date of the notice of the amount of any adjustment of tax liability authorized by the commission in the order provided in RCW 82.32.170, or within thirty days after the date of the order provided in RCW 82.32.170 if no adjustment is authorized. In the appeal the taxpayer shall set forth the amount of the tax imposed upon him which he concedes to be the correct tax and the reason why the tax should be reduced or abated. The appeal shall be perfected by serving a copy of the notice of appeal upon the tax commission within the time herein specified and by filing the original thereof with proof of service with the clerk of the superior court of Thurston county. Within ten days after filing notice of appeal, the taxpayer shall file with the clerk of the superior court a good and sufficient surety bond payable to the state in the sum of two hundred dollars, conditioned to diligently prosecute the appeal and pay the state all costs that may be awarded if the appeal of the taxpayer is not sustained.

The trial in the superior court on the appeal shall be de novo and without the necessity of any pleadings other than the notice of appeal. The burden shall rest upon the taxpayer to prove that the tax as paid by him is incorrect, either in whole or in part, and to establish the correct amount of the tax. In such proceeding the taxpayer shall be deemed the plaintiff, and the state, the defendant; and both parties shall be entitled to subpoena the attendance of witnesses as in other civil actions and to produce

evidence that is competent, relevant, and material to determine the correct amount of the tax that should be paid by the taxpayer. Either party shall be allowed to appeal to the supreme court in the same manner as other civil actions are appealed to that court.

It shall not be necessary for the taxpayer to protest against the payment of any tax or to make any demand to have the same refunded or to petition the commissioner for a hearing in order to appeal to the superior court, but no court action or proceeding of any kind shall be maintained by the taxpayer to recover any tax paid, or any part thereof, except as herein provided.

SEC. 10. Section 82.32.330, chapter 15, Laws of 1961 and RCW 82.32.330 are each amended to read as follows:

RCW 82.32.330
amended.

Except as hereinafter provided it shall be unlawful for the tax commission or any member, deputy, clerk, agent, employee, or representative thereof or any other person to make known or reveal any facts or information contained in any return filed by any taxpayer or disclosed in any investigation or examination of the taxpayer's books and records made in connection with the administration hereof. The foregoing, however, shall not be construed to prohibit the commission or a member or employee thereof from: (1) Giving such facts or information in evidence in any court action involving tax imposed hereunder or involving a violation of the provisions hereof or involving another state department and the taxpayer; (2) giving such facts and information to the taxpayer or his duly authorized agent; (3) publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof; (4) giving such facts or information, for official purposes only, to the governor or attorney general, or to any state department or any commit-

Secrecy
enjoined—
Exceptions.

Excise taxes—
General
administration.
Secrecy
enjoined
—Exception.

tee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions; (5) permitting its records to be audited and examined by the proper state officer, his agents and employees; (6) giving any such facts or information to the proper officer of the internal revenue service of the United States or to the proper officer of the tax department of any state, for official purposes, but only if the statutes of the United States or of such other state, as the case may be, grants substantially similar privileges to the proper officers of this state; or (7) giving any such facts or information to the Department of Justice or the army or navy departments of the United States, or any authorized representative thereof, for official purposes.

Any person acquiring knowledge of such facts or information in the course of his employment with the tax commission and any person acquiring knowledge of such facts and information as provided under (4), (5), (6) and (7) above, who reveals or makes known any such facts or information to another not entitled to knowledge of such facts or information under the provisions of this section, shall be punished by a fine of not exceeding one thousand dollars and, if the offender or person guilty of such violation is an officer or employee of the state, he shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

New section.

SEC. 11. There is added to chapter 15, Laws of 1961 and to chapter 82.32 RCW a new section to read as follows:

Notice and
order to with-
hold and
deliver—
Procedure.

In addition to the remedies provided in this chapter the tax commission is hereby authorized to issue to any person, or to any political subdivision or department of the state, a notice and order to withhold and deliver property of any kind whatsoever when

there is reason to believe that there is in the possession of such person, political subdivision or department, property which is due, owing, or belonging to any taxpayer against whom a warrant has been filed.

The notice and order to withhold and deliver shall be served by the sheriff of the county wherein the service is made, or by his deputy or by any duly authorized representative of the tax commission. Any person, or any political subdivision or department upon whom service has been made is hereby required to answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice.

In the event there is in the possession of any such person or political subdivision or department, any property which may be subject to the claim of the tax commission, such property shall be delivered forthwith to the commission or its duly authorized representative upon demand to be held in trust by the commission for application on the indebtedness involved or for return, without interest, in accordance with final determination of liability or nonliability, or in the alternative, there shall be furnished a good and sufficient bond satisfactory to the tax commission conditioned upon final determination of liability.

Should any person or political subdivision fail to make answer to an order to withhold and deliver within the time prescribed herein, it shall be lawful for the court, after the time to answer such order has expired, to render judgment by default against such person or political subdivision for the full amount claimed by the tax commission in the notice to withhold and deliver, together with costs.

RCW 83.40.040 amended.

SEC. 12. Section 83.40.040, chapter 15, Laws of 1961 and RCW 83.40.040 are each amended to read as follows:

Inheritance tax—Adjustment with federal tax. Valuation adjusted to federal appraisalment.

If after the values have been determined under this title for inheritance tax purposes, the same estate is valued under the federal estate tax statute and the date of death value of the property, or any portion thereof, fixed under the federal law, is increased above or decreased below the value theretofore fixed under the inheritance tax provisions of this title, and this valuation under the federal estate tax is accepted by the estate either by agreement or through final determination in the federal court, the value as fixed under the inheritance tax provisions of this title upon such property or portion thereof shall be increased or decreased to this amount.

RCW 84.36.171 amended.

SEC. 13. Section 3, chapter 168, Laws of 1961 and RCW 84.36.171 are each amended to read as follows:

Property tax exemptions—Goods, raw furs, merchandise, etc., in transit. Affidavit of exemption.

Goods, wares, raw furs and merchandise manufactured or produced in any of the states, territories, or possessions of the United States or foreign countries and brought into this state for the purpose of transportation or sale through and to points without the state, and identified at the time the affidavit is filed as property ultimately destined for out-of-state shipment, while being so transported, or while held in storage in a public or private warehouse awaiting such transportation, shall be considered and held to be property in transit and nontaxable if actually shipped to points outside the state. The county assessor shall list and assess all such goods, wares and merchandise as of January 1st of each year, without regard to any average inventory, but shall cancel any such assessment in whole or in proportionate part upon receipt of the affidavit of exemption as set forth in section 14 of this amendatory act. A sale of or transfer of title to any such property, while being

so transported or held in storage, shall not operate to defeat the intent or purpose of this section.

SEC. 14. There is added to chapter 84.36 RCW a New section. new section to read as follows:

Any owner or agent claiming property in transit as defined in RCW 84.36.171 as of January 1st of any year shall file with his listing of property as provided by RCW 84.40.040 an affidavit of exemption in such form and manner as prescribed by the state tax commission which shall adequately describe the nature and amount of such property. Such property for which an exemption is sought must be shipped to an out-of-state destination not later than December 31st of the year for which the exemption is claimed. Affidavit of exemption—
Filing date.
Final shipping date.

SEC. 15. There is added to chapter 84.36 RCW a New section. new section to read as follows:

If any property claimed to be tax exempt as property in transit as defined in RCW 84.36.171 is reconsigned to a final destination in the state of Washington or is not shipped out of the state by December 31st the owner or agent shall file a report not later than March 31st of the following year with the county assessor of the county in which the goods were located. Such report shall be on a form prescribed by the state tax commission. For each year the property would have been taxed, except for the provisions of this amendatory act, all such properties so reconsigned or not shipped out of the state by December 31st shall be assessed and taxed as otherwise provided by law, including (but not limited to) assessments as omitted property pursuant to RCW 84.40.080: *Provided*, That the three year limitations granted other omitted property shall not apply to property in transit reconsigned for delivery in the state of Washington. Such property shall be subject to taxation for any year during which they were held as exempt property within the state prior to their Reconsigning of goods claimed in transit—
Taxation of.

Proviso.

Proviso.

delivery to some point in the state: *Provided further*, That any property first declared to be exempt as in transit and later reconsigned for delivery within the state shall be subject to a penalty equal to eight percent of the tax found to be payable on such property during the period it was declared as exempt.

New section.

SEC. 16. There is added to chapter 84.36 RCW a new section to read as follows:

Property tax exemptions. Goods, raw furs, merchandise, etc., in transit. Books and records to show— Inspection of.

All property claimed to be property in transit under section 1 of this amendatory act shall be so designated upon the books and records of the owner or his agent, or if the owner or agent maintains no records within this state, then upon the records of the warehouse or other person or agency having custody of such property in this state. An owner or agent filing an affidavit of exemption under this amendatory act shall consent to the inspection of his books and records upon which the claimed property has been designated, such inspection to be similar in manner to that provided by RCW 84.40.340, or if the owner or agent does not maintain records within this state, the consent shall apply to the records of the warehouse, person or agent having custody of the property in this state. Consent to the inspection of the records shall be executed as a part of the affidavit of exemption. The owner, his agent, warehouseman or other person having custody of the property referred to herein shall retain within this state for a period of at least two years from the date of the affidavit of exemption a copy of the records showing shipment of such property to a destination outside this state. If adequate records are not made available to the assessor within the county wherein the exemption is sought then the exemption shall be denied.

SEC. 17. This act shall take effect on July 1, 1963.

Passed the Senate April 6, 1963.

Passed the House April 5, 1963.

Approved by the Governor April 18, 1963.

AUTHENTICATION

EXTRAORDINARY SESSION LAWS

I, Victor A. Meyers, Secretary of State of the State of Washington, do hereby certify that I have caused to be carefully compared the foregoing published laws passed by the Extraordinary Session of the Thirty-Eighth Legislature of the State of Washington, held from March 15, 1963, until April 6, 1963, inclusive, with the original enrolled laws, now on file in my office, and find the same to be a full, true and correct copy of said originals with the exception of such corrections in spelling and use of words bracketed, thus [], as provided by law.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the seal of the State of Washington.

Dated at Olympia, Washington, this tenth day of October, 1963.



VICTOR A. MEYERS,
Secretary of State

HISTORY OF STATE INITIATIVE AND REFERENDUM MEASURES

INITIATIVES:

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HISTORY OF STATE MEASURES FILED WITH THE SECRETARY OF STATE

INITIATIVES TO THE PEOPLE

- INITIATIVE MEASURE NO. 1 (**State Wide Prohibition**)—Filed January 2, 1914. Refiled as Initiative Measure No. 3.
- INITIATIVE MEASURE NO. 2 (**Eight Hour Law**)—Filed January 3, 1914. Refiled as Initiative Measure No. 5.
- *INITIATIVE MEASURE NO 3 (State Wide Prohibition)**—Filed January 8, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For**—189,840 **Against**—171,208. Act is now identified as Chapter 2, Laws of 1915.
- INITIATIVE MEASURE NO. 4 (**Drugless Healers**)—Filed January 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 5 (**Eight Hour Law**)—Filed January 15, 1914. No petition filed. See Initiative Measure No. 13, covering same subject.
- INITIATIVE MEASURE NO. 6 (**Blue Sky Law**)—Filed January 30, 1914. Submitted to voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—142,017 **Against**—147,298.
- INITIATIVE MEASURE NO. 7 (**Abolishing Bureau of Inspection**)—Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—117,882 **Against**—167,080.
- *INITIATIVE MEASURE NO. 8 (Abolishing Employment Offices)**—Filed January 30, 1914. Submitted to the voters at the state general election held on November 3, 1914. Measure approved into law by the following vote: **For**—162,054 **Against**—144,544. Act is now identified as Chapter 1, Laws of 1915.
- INITIATIVE MEASURE NO. 9 (**First Aid to Injured**)—Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—143,738 **Against**—154,166.
- INITIATIVE MEASURE NO. 10 (**Convict Labor Road Measure**)—Filed January 29, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—111,805 **Against**—183,726.
- INITIATIVE MEASURE NO. 11 (**Fish Code**)—Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 12 (**Abolishing Tax Commission**)—Filed January 29, 1914. Petition failed. Not enough valid signatures obtained to place the measure on the November 3, 1914 state general election ballot.
- INITIATIVE MEASURE NO. 13 (**Eight Hour Law**)—Filed February 10, 1914. Submitted to the voters at the state general election held on November 3, 1914. Failed to pass by the following vote: **For**—118,881 **Against**—212,935.
- INITIATIVE MEASURE NO. 14 (**Legislative Reapportionment**)—Filed May 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 15 (**Fundamental Reform Act**)—Filed May 15, 1914. No petition filed.
- INITIATIVE MEASURE NO. 16 (**Legislative Reapportionment**)—Filed May 20, 1914. No petition filed.
- INITIATIVE MEASURE NO. 17 (**State Road Measure**)—Filed June 13, 1914. No petition filed.
- INITIATIVE MEASURE NO. 18 (**Brewers' Hotel Bill**)—Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For**—48,354 **Against**—263,390.
- (This initiative was erroneously numbered since it was actually an initiative to the Legislature. Now renumbered as Initiative to the Legislature No. 1A.)
- INITIATIVE MEASURE NO. 19 (**Non-Partisan Election and Presidential Primary**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 20 (**First Aid**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 21 (**Home Rule**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 22 (**Fisheries Code**)—Filed February 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 23 (**Politicians' Code**)—Filed March 29, 1916. No petition filed.
- INITIATIVE MEASURE NO. 24 (**Brewers' Bill**)—Filed April 20, 1916. Submitted to the voters at the state general election held on November 7, 1916. Failed to pass by the following vote: **For**—98,843 **Against**—245,399.
- INITIATIVE MEASURE NO. 25 (**Repealing State Wide Prohibition**)—Filed May 11, 1916. No petition filed.
- INITIATIVE MEASURE NO. 26 (**Making the State a Prohibition District**)—Filed October 13, 1916. No petition filed.
- INITIATIVE MEASURE NO. 27 (**Repealing Chapter 57, Laws of 1915, Relating to Regulation of Common Carriers**)—Filed October 13, 1916. No petition filed.

- INITIATIVE MEASURE NO. 28 (**Non-Partisan Elections**)—Filed October 26, 1916. No petition filed.
- INITIATIVE MEASURE NO. 29 (**Capitol Removal Bill**)—Filed November 27, 1916. No petition filed.
- INITIATIVE MEASURE NO. 30 (**Eight Hour Law**)—Filed January 9, 1918. No petition filed.
- INITIATIVE MEASURE NO. 31 (**Municipal Marketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 32 (**Picketing Measure**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 33 (**Non-Partisan Elections and Presidential Primary**)—Filed February 5, 1918. No petition filed.
- INITIATIVE MEASURE NO. 34 (**Relating to Salmon Fishing**)—Filed February 8, 1918. No petition filed.
- INITIATIVE MEASURE NO. 35 (**Repealing Chapter 174, Laws of 1919, Relating to Prevention of Criminal Syndicalism**)—Filed October 7, 1920. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 36 (**Municipal Marketing Measure**)—Filed November 16, 1920. No petition filed.
- INITIATIVE MEASURE NO. 37 (**Relating to Ownership of Land by Aliens**)—Filed November 19, 1920. No petition filed.
- INITIATIVE MEASURE NO. 38 (**Repealing Chapter 209, Laws of 1907, Relating to the Nomination of Candidates for Public Office**)—Filed January 11, 1922. No petition filed.
- INITIATIVE MEASURE NO. 39 (**Repealing Chapter 138, Laws of 1913, Relating to the Initiative Procedure**)—Filed January 11, 1922. No petition filed.
- *INITIATIVE MEASURE NO. 40 (**Repealing Chapter 174, Laws of 1921, Relating to the Poll Tax**)—Filed January 18, 1922. Submitted to the voters at the state general election held on November 7, 1922. Measure approved into law by the following vote: **For**—193,356 **Against**—63,494. Act is now identified as Chapter 1, Laws of 1923.
- INITIATIVE MEASURE NO. 41 (**Non-Partisan Elections**)—Filed January 18, 1922. No petition filed.
- INITIATIVE MEASURE NO. 42 (**Workmen's Compensation Measure**)—Filed January 24, 1922. Same as Initiative Measure No. 47; no petition filed.
- INITIATIVE MEASURE NO. 43 (**Relating to Injunctions in Labor Disputes**)—Filed January 24, 1922. No petition filed.
- INITIATIVE MEASURE NO. 44 (**Relating to Municipal Ownership**)—Filed January 28, 1922. No petition filed.

*Indicates measure became law.

INITIATIVE MEASURE NO. 45 (**Legislative Reapportionment**)—Filed February 14, 1922. No petition filed.

INITIATIVE MEASURE NO. 46 ("**30-10**" **School Plan**)—Filed February 21, 1922. Submitted to the voters at the state general election held on November 7, 1922. Failed to pass by the following vote: **For**—99,150 **Against**—150,114.

INITIATIVE MEASURE NO. 47 (**Workmen's Compensation Measure**)—Filed March 27, 1922. No petition filed.

INITIATIVE MEASURE NO. 48 (**Compulsory School Attendance**)—Filed January 7, 1924. No petition filed.

INITIATIVE MEASURE NO. 49 (**Compulsory School Attendance**)—Filed January 15, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—158,922 **Against**—221,500.

INITIATIVE MEASURE NO. 50 (**Limitation of Taxation**)—Filed February 21, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—128,677 **Against**—211,948.

INITIATIVE MEASURE NO. 51 (**Pertaining to Salmon Fishing**)—Filed April 2, 1924. No petition filed.

INITIATIVE MEASURE NO. 52 (**Electric Power Measure**)—Filed April 8, 1924. Submitted to the voters at the state general election held on November 4, 1924. Failed to pass by the following vote: **For**—139,492 **Against**—217,393.

INITIATIVE MEASURE NO. 53 (**Relating to Sanipractic**)—Filed February 4, 1926. No petition filed.

INITIATIVE MEASURE NO. 54 (**State Commission to License and Regulate Horse-racing, Pool-selling, etc.—Pari-mutuel Measure**)—Filed February 5, 1926. No petition filed.

INITIATIVE MEASURE NO. 55 (**Prohibiting Use of Purse Seines, Fish Traps, Fish Wheels, etc.**)—Filed February 16, 1928. No petition filed.

INITIATIVE MEASURE NO. 56 (**Re-districting State for Legislative Purposes**)—Filed April 24, 1930. Re filed as Initiative Measure No. 57.

*INITIATIVE MEASURE NO. 57 (**Re-districting State for Legislative Purposes**)—Filed April 25, 1930. Submitted to the voters at the state general election held on November 4, 1930. Measure approved into law by the following vote: **For**—116,436 **Against**—115,641. Act is now identified as Chapter 2, Laws of 1931.

*INITIATIVE MEASURE NO. 58 (**Permanent Registration**)—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote:

*Indicates measure became law.

- For—372,061 Against—75,381.** Act is now identified as Chapter 1, Laws of 1933.
- INITIATIVE MEASURE NO. 59 (**Tax Free Homes**)—Filed January 9, 1932. No petition filed.
- INITIATIVE MEASURE NO. 60 (**Licensing of Mercantile Establishments**)—Filed January 9, 1932. No petition filed.
- *INITIATIVE MEASURE NO. 61 (Relating to Intoxicating Liquors)**—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For—341,450 Against—208,211.** Act is now identified as Chapter 2, Laws of 1933.
- *INITIATIVE MEASURE NO. 62 (Creating Department of Game)**—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For—270,421 Against—231,863.** Act is now identified as Chapter 3, Laws of 1933.
- INITIATIVE MEASURE NO. 63 (**Exemption of Homes from Taxation**)—Filed January 9, 1932. No petition filed.
- *INITIATIVE MEASURE NO. 64 (Limits Tax Levy on Real and Personal Property to 40 Mills)**—Filed January 9, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For—303,384 Against—190,619.** Act is now identified as Chapter 4, Laws of 1933.
- INITIATIVE MEASURE NO. 65 (**Cascade Mountain Tunnel**)—Filed February 19, 1932. No petition filed.
- INITIATIVE MEASURE NO. 66 (**Scientific Birth Control**)—Filed February 26, 1932. No petition filed.
- INITIATIVE MEASURE NO. 67 (**Abolishes Excise Tax on Butter Substitutes**)—Filed March 7, 1932. No petition filed.
- INITIATIVE MEASURE NO. 68 (**Unemployment Insurance**)—Filed March 21, 1932. No petition filed.
- *INITIATIVE MEASURE NO. 69 (Income Tax Measure)**—Filed March 22, 1932. Submitted to the voters at the state general election held on November 8, 1932. Measure approved into law by the following vote: **For—322,919 Against—136,983.** Act is now identified as Chapter 5, Laws of 1933.
- INITIATIVE MEASURE NO. 70 (**Compulsory Military Training Prohibited**)—Filed April 4, 1932. No petition filed.
- INITIATIVE MEASURE NO. 71 (**Liquor Control**)—Filed January 8, 1934. No petition filed.

- INITIATIVE MEASURE NO. 72 (**Distribution of Highway Funds**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 73 (**Catching of Fish**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 74 (**Tax Free Homes**)—Filed January 8, 1934. No petition filed.
- INITIATIVE MEASURE NO. 75 (**Unemployment Insurance**)—Filed January 19, 1934. No petition filed.
- INITIATIVE MEASURE NO. 76 (**Tax Free Homes**)—Filed January 22, 1934. No petition filed.
- *INITIATIVE MEASURE NO. 77 (**Fish Traps and Fishing Regulations**)—Filed February 1, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: **For**—275,507 **Against**—153,811. Act is now identified as Chapter 1, Laws of 1935.
- INITIATIVE MEASURE NO. 78 (**Distribution of Highway Funds**)—Filed February 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 79 (**Liquor Control**)—Filed February 20, 1934. No petition filed.
- INITIATIVE MEASURE NO. 80 (**Liquor Control**)—Filed February 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 81 (**Liquor Control**)—Filed February 28, 1934. No petition filed.
- INITIATIVE MEASURE NO. 82 (**Fishing Regulations**)—Filed March 10, 1934. No petition filed.
- INITIATIVE MEASURE NO. 83 (**State Sale of Gasoline**)—Filed March 16, 1934. No petition filed.
- INITIATIVE MEASURE NO. 84 (**Blanket Primary**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 85 (**State Fire Insurance**)—Filed March 17, 1934. No petition filed.
- INITIATIVE MEASURE NO. 86 (**State Fire Insurance**)—Filed March 21, 1934. No petition filed.
- INITIATIVE MEASURE NO. 87 (**Workmen's Compensation**)—Filed March 22, 1934. No petition filed.
- INITIATIVE MEASURE NO. 88 (**Liquor Control**)—Filed March 24, 1934. No petition filed.
- INITIATIVE MEASURE NO. 89 (**One Man Grand Jury**)—Filed March 30, 1934. No petition filed.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 90 (**Criminal Appeals**)—Filed March 30, 1934. No petition filed.
- INITIATIVE MEASURE NO. 91 (**Regulating Motor Carriers**)—Filed March 31, 1934. No petition filed.
- INITIATIVE MEASURE NO. 92 (**Regulating Motor Carriers**)—Filed April 9, 1934. No petition filed.
- INITIATIVE MEASURE NO. 93 (**Distribution of Highway Funds**)—Filed May 10, 1934. Insufficient number of signatures on petition; failed.
- *INITIATIVE MEASURE NO. 94 (**40-Mill Tax Limit**)—Filed May 18, 1934. Submitted to the voters at the state general election held on November 6, 1934. Measure approved into law by the following vote: **For**—219,635 **Against**—192,168. Act is now identified as Chapter 2, Laws of 1935.
- INITIATIVE MEASURE NO. 95 (**Liquor Control**)—Filed May 26, 1934. No petition filed.
- INITIATIVE MEASURE NO. 96 (**Repeal of Business Occupation Tax**)—Filed June 4, 1934. No petition filed.
- INITIATIVE MEASURE NO. 97 (**Dog Racing**)—Filed June 7, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE MEASURE NO. 98 (**Business and Occupation Tax**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 99 (**Distribution of Highway Funds**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 100 (**40-Mill Tax Limit**)—Filed January 4, 1936. No petition filed.
- INITIATIVE MEASURE NO. 101 (**Civil Service**)—Filed January 14, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—208,904 **Against**—300,274.
- INITIATIVE MEASURE NO. 102 (**Creating "State Government Bank" Department**)—Filed January 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 103 (**Old Age Pension**)—Filed January 17, 1936. No petition filed.
- INITIATIVE MEASURE NO. 104 (**Tax on Gasoline**)—Filed February 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 105 (**Relating to Gill Nets**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 106 (**Voter's Identification Certificate**)—Filed March 3, 1936. No petition filed.
- INITIATIVE MEASURE NO. 107 (**Tax on Gasoline**)—Filed March 7, 1936. No petition filed.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 108 (**40-Mill Tax Limit**)—Filed March 12, 1936. No petition filed.
- INITIATIVE MEASURE NO. 109 (**Admission of Sick to Hospitals**)—Filed March 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 110 (**Annuity for Crippled and Blind**)—Filed March 27, 1936. No petition filed.
- INITIATIVE MEASURE NO. 111 (**Admission of Sick to Hospitals**)—Filed April 8, 1936. No petition filed.
- INITIATIVE MEASURE NO. 112 (**Abolishing Compulsory Military Training**)—Filed April 9, 1936. No petition filed.
- INITIATIVE MEASURE NO. 113 (**Tax on Gasoline**)—Filed April 15, 1936. No petition filed.
- *INITIATIVE MEASURE NO. 114 (40-Mill Tax Limit)**—Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Measure approved into law by the following vote: **For**—417,641 **Against**—120,478. Act is now identified as Chapter 1, Laws of 1937.
- INITIATIVE MEASURE NO. 115 (**Old Age Pension**)—Filed April 21, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—153,551 **Against**—354,162.
- INITIATIVE MEASURE NO. 116 (**Tax on Gasoline**)—Filed April 24, 1936. No petition filed.
- INITIATIVE MEASURE NO. 117 (**Production for Use**)—Filed May 1, 1936. No petition filed.
- INITIATIVE MEASURE NO. 118 (**Liens for Labor**)—Filed May 5, 1936. No petition filed.
- INITIATIVE MEASURE NO. 119 (**Production for Use**)—Filed May 9, 1936. Submitted to the voters at the state general election held on November 3, 1936. Failed to pass by the following vote: **For**—97,329 **Against**—370,140.
- INITIATIVE MEASURE NO. 120 (**Tax on Gasoline**)—Filed May 11, 1936. No petition filed.
- INITIATIVE MEASURE NO. 121 (**Beer on Sunday**)—Filed May 14, 1936. No petition filed.
- INITIATIVE MEASURE NO. 122 (**Pertaining to Bribery and Grafting**)—Filed May 21, 1936. No petition filed.
- INITIATIVE MEASURE NO. 123 (**Business and Occupation Tax**)—Filed January 27, 1938. No petition filed.
- INITIATIVE MEASURE NO. 124 (**Distribution of Highway Funds**)—Filed February 9, 1938. No petition filed.
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*Indicates measure became law.

INITIATIVE MEASURE NO. 125 (**Tax on Intoxicating Liquors**)—Filed February 15, 1938. No petition filed.

***INITIATIVE MEASURE NO. 126 (Non-Partisan School Election)**—Filed February 24, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**—293,202 **Against**—153,142. Act is now identified as Chapter 1, Laws of 1939.

INITIATIVE MEASURE NO. 127 (**Distribution of Highway Funds**)—Filed March 14, 1938. No petition filed.

INITIATIVE MEASURE NO. 128 (**Civil Service**)—Filed March 14, 1938. No petition filed.

***INITIATIVE MEASURE NO. 129 (40-Mill Tax Limit)**—Filed March 18, 1938. Submitted to the voters at the state general election held on November 8, 1938. Measure approved into law by the following vote: **For**—340,296 **Against**—149,534. Act is now identified as Chapter 2, Laws of 1939.

INITIATIVE MEASURE NO. 130 (**Regulation of Labor Disputes**)—Filed April 6, 1938. Submitted to voters at the state general election held on November 8, 1938. Failed by the following vote: **For**—268,848 **Against**—295,431.

INITIATIVE MEASURE NO. 131 (**Civil Service**)—Filed April 7, 1938. No petition filed.

INITIATIVE MEASURE NO. 132 (**Old Age Assistance**)—Filed April 12, 1938. No petition filed.

INITIATIVE MEASURE NO. 133 (**Relating to Licensing Gambling**)—Filed April 15, 1938. No petition filed.

INITIATIVE MEASURE NO. 134 (**Old Age Assistance**)—Filed April 19, 1938. No petition filed.

INITIATIVE MEASURE NO. 135 (**40-Mill Tax Limit**)—Filed May 14, 1938. Insufficient number of signatures on petition; failed.

INITIATIVE MEASURE NO. 136 (**Relating to Retail Beer and Wine Licenses**)—Filed June 3, 1938. No petition filed.

INITIATIVE MEASURE NO. 137 (**Relating to Gambling**)—Filed June 9, 1938. No petition filed.

INITIATIVE MEASURE NO. 138 (**Relating to Gambling**)—Filed June 13, 1938. No petition filed.

INITIATIVE MEASURE NO. 139 (**P. U. D. Bonds**)—Filed January 5, 1940. Submitted to voters at the state general election held on November 5, 1940. Failed by the following vote: **For**—253,318 **Against**—362,508.

INITIATIVE MEASURE NO. 140 (**Liquor Control**)—Filed January 9, 1940. No petition filed.

*Indicates measure became law.

- ***INITIATIVE MEASURE NO. 141 (Old Age Pension)**—Filed January 11, 1940. Submitted to the voters at the state general election held on November 5, 1940. Measure approved into law by the following vote: **For—358,009 Against—258,819**. Act is now identified as Chapter 1, Laws of 1941.
- INITIATIVE MEASURE NO. 142 (Chain Store Tax)**—Filed January 16, 1940. No petition filed.
- INITIATIVE MEASURE NO. 143 (Relating to State Sale of Gas and Oil)**—Filed February 2, 1940. No petition filed.
- INITIATIVE MEASURE NO. 144 (Unicameral Legislature)**—Filed February 23, 1940. Withdrawn. Re filed as Initiative Measure No. 147.
- INITIATIVE MEASURE NO. 145 (Government Reorganization)**—Filed March 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 146 (Relating to Sabbath Breaking)**—Filed March 22, 1940. No petition filed.
- INITIATIVE MEASURE NO. 147 (Unicameral Legislature)**—Filed April 9, 1940. No petition filed.
- INITIATIVE MEASURE NO. 148 (Liquor Control)**—Filed May 18, 1940. No petition filed.
- INITIATIVE MEASURE NO. 149 (Anti-Subversive Activities)**—Filed May 23, 1940. No petition filed.
- INITIATIVE MEASURE NO. 150 (Intoxicating Liquor Sold by the Drink)**—Filed January 3, 1942. No petition filed.
- INITIATIVE MEASURE NO. 151 (Old Age Assistance)**—Filed January 3, 1942. Submitted to voters at the state general election held on November 3, 1942. Failed to pass by the following vote: **For—160,084 Against—225,027**.
- INITIATIVE MEASURE NO. 152 (Creating State Elective Offices of Director of Labor and Industries, Director of Social Security and Director of Agriculture)**—Filed January 27, 1942. No petition filed.
- INITIATIVE MEASURE NO. 153 (Re-constitution of Board of State Land Commissioners)**—Filed February 24, 1942. No petition filed.
- INITIATIVE MEASURE NO. 154 (After Discharge Benefits to Persons in the Armed Forces)**—Filed April 28, 1942. No petition filed.
- INITIATIVE MEASURE NO. 155 (Washington Employment Peace Act)**—Filed January 10, 1944. No petition filed.
- INITIATIVE MEASURE NO. 156 (Liberalization of Old Age Assistance Laws)**—Filed February 19, 1944. Re filed as Initiative Measure No. 157.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 157 (**Liberalization of Old Age Assistance Laws**)—Filed March 3, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: **For**—240,565 **Against**—403,756.
- INITIATIVE MEASURE NO. 158 (**Liberalization of Old Age Assistance Laws by the Townsend Clubs of Washington**)—Filed March 28, 1944. Submitted to the voters at the state general election November 7, 1944. Failed to pass by the following vote: **For**—184,405 **Against**—437,502.
- INITIATIVE MEASURE NO. 159 (**Increase of Injured Workmen's Compensation**)—Filed January 5, 1946. Insufficient signatures presented July 10, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 160 (**Increase of Injured Workmen's Compensation**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 161 (**Changing Form of General Election Ballot to Conform with Primary Election Ballot**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 162 (**Prohibiting the Governor from Employing Members of the Legislature During the Term for Which He Shall Have Been Elected**)—Filed January 5, 1946. No petition filed.
- INITIATIVE MEASURE NO. 163 (**Prohibiting the Sale of Beer or Wine by any Person other than the State of Washington**)—Filed January 9, 1946. Insufficient signatures presented July 6, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 164 (**Prohibiting the Sale of Fortified Wines**)—Filed February 25, 1946. No petition filed.
- INITIATIVE MEASURE NO. 165 (**Providing for the Sale of Liquor by the Drink**)—Filed March 1, 1946. Insufficient signatures presented July 8, 1946, and measure not certified to general election ballot.
- INITIATIVE MEASURE NO. 166 (**Relating to Public Utility Districts; requiring approval of voters as prerequisite to acquisition of any operating electrical utility properties, etc.**)—Filed April 24, 1946. Signature petitions filed June 29, 1946, submitted to the voters at the state general election held on November 5, 1946. Failed by the following vote: **For**—220,239 **Against**—367,836.
- INITIATIVE MEASURE NO. 167 (**Providing Liquor by the Drink at Licensed Establishments**)—Filed January 2, 1948. Insufficient valid signatures presented July 6, 1948, and measure not certified to state general election ballot.
- INITIATIVE MEASURE NO. 168 (**Providing Liquor by the Drink for Consumption on Premises Where Sold**)—Filed January 2, 1948. No signature petitions filed for canvassing.

***INITIATIVE MEASURE NO. 169 (Providing Bonus to Veterans of World War II)**—Filed January 2, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For—438,518 Against—337,410**. However, State Supreme Court ruled measure unconstitutional February 4, 1949. As consequence similar measure passed into law by 1949 Legislature (Chapter 180, Laws of 1949).

INITIATIVE MEASURE NO. 170 (Relating to Liberalization of Social Security Laws)—Filed January 13, 1948. Because sponsor desired changes in text of proposed law, measure refiled as Initiative Measure No. 172.

***INITIATIVE MEASURE NO. 171 (Providing Liquor by the Drink with Certain Restrictions)**—Filed January 19, 1948. Signature petitions filed July 7, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For—416,227 Against—373,418**. Act is now identified as Chapter 5, Laws of 1949.

***INITIATIVE MEASURE NO. 172 (Relating to Liberalization of Social Security Laws)**—Filed February 26, 1948. Signature petitions filed July 9, 1948, and found sufficient. Submitted to the voters at the state general election held on November 2, 1948. Measure approved into law by the following vote: **For—420,751 Against—352,642**. Act is now identified as Chapter 6, Laws of 1949.

INITIATIVE MEASURE NO. 173 (Providing for the Observance of Daylight Saving Time in the State of Washington)—Filed May 20, 1948. No signature petitions presented for canvassing.

INITIATIVE MEASURE NO. 174 (Making application to Congress to call a Convention for the sole purpose of proposing an amendment to the Constitution of the United States to expedite and insure participation of the United States in a world federal government)—Filed January 16, 1950. No signature petitions presented for canvassing.

INITIATIVE MEASURE NO. 175 (Establishing a Department of Youth Protection to operate the Washington State Training School and the State School for Girls under non-partisan control)—Filed March 31, 1950. No signature petitions presented for canvassing. Essential provisions of this measure enacted by the 1951 Legislature (Chapter 234, Laws of 1951).

INITIATIVE MEASURE NO. 176 (Increasing to sixty-five dollars monthly the minimum grant for certain categories of public assistance, otherwise extending the social security program, and making an appropriation)—Filed April 20, 1950. Submitted to the voters at the state general election held on November 7, 1950. Failed to pass by the following vote: **For—159,400 Against—534,689**.

INITIATIVE MEASURE NO. 177—Filed May 1, 1950. Refiled May 5, 1950, as Initiative Measure No. 178.

*Indicates measure became law.

***INITIATIVE MEASURE NO. 178 (Modifying the Citizens' Security Act of 1948 (Initiative Measure No. 172) and transferring the public assistance medical program to the State Department of Health)**—Filed May 5, 1950. Submitted to the voters at the state general election held on November 7, 1950. Measure approved into law by the following vote: **For—394,261 Against—296,290**. Act is now identified as Chapter 1, Laws of 1951.

INITIATIVE MEASURE NO. 179 (Liberalizing unemployment compensation benefits and repealing that portion of the Unemployment Compensation Act providing for employer experience rating)—Filed May 5, 1950. No signature petitions presented for canvassing.

***INITIATIVE MEASURE NO. 180 (Authorizing the Manufacture, Sale and Use of Colored Oleomargarine)**—Filed February 4, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: **For—836,580 Against—163,752**. Act is now identified as Chapter 1, Laws of 1953.

***INITIATIVE MEASURE NO. 181 (Prescribing the Observance of Standard Time)**—Filed February 27, 1952. Submitted to the voters at the state general election held on November 4, 1952. Measure approved into law by the following vote: **For—597,558 Against—397,928**. Act is now identified as Chapter 2, Laws of 1953.

INITIATIVE MEASURE NO. 182 (Repealing Sunday Blue Laws)—Filed March 24, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 183 (Petitioning Congress to declare a policy of the United States to live in peaceful coexistence with other nations and to call a conference of the heads of leading nations to negotiate a settlement of existing differences)—Filed March 26, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 184 (Liberalizing Old Age Pension Laws)—Filed April 3, 1952. Submitted to the voters at the state general election held on November 4, 1952. Failed by the following vote: **For—265,193 Against—646,534**.

INITIATIVE MEASURE NO. 185 (Liberalizing Old Age Pension Laws)—Filed April 11, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 186 (Providing a Civil Service System for Employees of County Sheriffs)—Filed April 14, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 187 (Permitting a Modified Coloring of Oleomargarine)—Filed May 15, 1952. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 188 (Raising Standards for Chiropractic Examinations)—Filed January 4, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For—320,179 Against—493,108**.

*Indicates measure became law.

- INITIATIVE MEASURE NO. 189 (**Legislative Reapportionment**)—Filed January 4, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 190 (**Presidential Preference Primary**)—Filed January 6, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 191 (**Attorneys' Fees in Probate**)—Filed January 21, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 192 (**Regulation of Commercial Salmon Fishing**)—Filed February 16, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For—237,004 Against—555,151.**
- INITIATIVE MEASURE NO. 193 (**Statewide Daylight Saving Time**)—Filed February 23, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For—370,005 Against—457,529.**
- INITIATIVE MEASURE NO. 194 (**Restricting Television Alcoholic Beverage Advertising**)—Filed March 26, 1954. Submitted to the voters at the state general election held on November 2, 1954. Failed by the following vote: **For—207,746 Against—615,794.**
- INITIATIVE MEASURE NO. 195 (**State Toll Commission**)—Filed March 30, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 196 (**Amending the Unemployment Compensation Act**)—Filed April 23, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 197 (**Restricting Dams: Columbia River Tributaries**)—Filed May 12, 1954. No signature petitions presented for checking.
- INITIATIVE MEASURE NO. 198 (**Affecting Employer-Employee Relations**)—Filed January 19, 1956. Submitted to the voters at the state general election held on November 6, 1956. Failed to pass by the following vote: **For—329,653 Against—704,903.**
- *INITIATIVE MEASURE NO. 199 (**Legislative Reapportionment and Redistricting**)—Filed February 16, 1956. Submitted to the voters at the November 6, 1956 state general election. Measure approved into law by the following vote: **For—448,121 Against—406,287.** However, 1957 Legislature extensively amended this act by passing Chapter 289, Laws of 1957 by two-thirds approval of both branches of the Legislature.
- INITIATIVE MEASURE NO. 200 (**Increasing Public Assistance Benefits**)—Filed February 27, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE NO. 201 (**Washington Fair Labor Standards Act**)—Filed March 2, 1956. No signature petitions submitted for checking.
- INITIATIVE MEASURE NO. 202 (**Restricting Labor Agreements**)—Filed January 6, 1958. Signature petitions filed July 3, 1958 and found sufficient.
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*Indicates measure became law.

Submitted to voters at the state general election held on November 4, 1958. Failed by the following vote: **For**—339,742 **Against**—596,949.

INITIATIVE MEASURE NO. 203 (**Wood Pulp Waste Tax**)—Filed February 28, 1959. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 204 (**Civil Service for State Employees**)—Filed January 8, 1960. No signature petitions presented for checking.

INITIATIVE MEASURE NO. 205 (**Authorizing Tavern Spiritous Liquor Licenses**)—Filed January 8, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Failed by the following vote: **For**—357,455 **Against**—799,643.

INITIATIVE MEASURE NO. 206 (**Authorizing and Licensing "Dentistry"**)—Filed January 11, 1960. No signature petitions presented for checking.

*INITIATIVE MEASURE NO. 207 (**Civil Service for State Employees**)—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—606,511 **Against**—471,730. Act is now identified as Chapter 1, Laws of 1961.

*INITIATIVE MEASURE NO. 208 (**Authorizing Joint Tenancies in Property**)—Filed January 13, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—643,529 **Against**—430,698. Act is now identified as Chapter 2, Laws of 1961.

INITIATIVE MEASURE NO. 209 (**Minimum Old Age Assistance Grants**)—Filed February 8, 1960. No signature petitions presented for checking.

*INITIATIVE MEASURE NO. 210 (**Statewide Daylight Saving Time**)—Filed April 15, 1960. Signature petitions filed July 8, 1960 and found sufficient. Submitted to the voters at the November 8, 1960 state general election. Measure approved into law by the following vote: **For**—596,135 **Against**—556,623. Act is now identified as Chapter 3, Laws of 1961.

INITIATIVE MEASURE NO. 211 (**State Legislative Reapportionment and Redistricting**)—Filed January 8, 1962 by the League of Women Voters of Washington. Signature petitions filed on June 29, 1962 and as of August 22, 1962 it was determined that the necessary number of valid signatures had been submitted to certify measure to the voters for decision at the 1962 state general election. Measure was rejected by the voters by the vote: **For**—396,419 **Against**—441,085.

INITIATIVE MEASURE NO. 212 (**Repealing Certain 1961 Tax Laws**)—Filed January 8, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

INITIATIVE MEASURE NO. 213 (**Authorizing and Licensing "Dentistry"**)—Filed January 8, 1962 by the Washington Society of Denturists. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

INITIATIVE MEASURE NO. 214 (**Restricting the Legislature's Tax Power**)—Filed February 19, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

INITIATIVES TO THE LEGISLATURE

- *INITIATIVE TO THE LEGISLATURE NO. 1 (District Power Measure)**—
Filed October 25, 1928. The 1929 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 4, 1930 state general election. Measure was approved into law by the following vote: **For**—152,487 **Against**—130,901. The act is now identified as Chapter 1, Laws of 1931.
- INITIATIVE TO THE LEGISLATURE NO. 1A (Brewers' Hotel Bill)**—Filed December 14, 1914. The 1915 Legislature failed to take action, and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 7, 1916 state general election. Measure was defeated by the following vote: **For**—48,354 **Against**—263,390.
- *INITIATIVE TO THE LEGISLATURE NO. 2 (Blanket Primary Ballot)**—
Filed August 21, 1934. Passed by the Legislature February 21, 1935. Now identified as Chapter 26, Laws of 1935.
- INITIATIVE TO THE LEGISLATURE NO. 3 (Tax Free Homes)**—Filed August 25, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 4 (Unemployment Insurance)**—
Filed September 5, 1934. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 5 (Prohibiting Fishing with Purse Seines)**—Filed November 20, 1934. Insufficient number of signatures on petition; failed.
- INITIATIVE TO THE LEGISLATURE NO. 6 (Legal Holiday on Saturday)**—
Filed August 17, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 7 (Pension for Blind)**—Filed October 7, 1938. Re filed as Initiative to the Legislature No. 8.
- INITIATIVE TO THE LEGISLATURE NO. 8 (Pension for Blind)**—Filed October 10, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 9 (Relating to Intoxicating Liquors)**—Filed December 8, 1938. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 10 (Unicameral Legislature)**—
Filed May 23, 1940. No petition filed.
- INITIATIVE TO THE LEGISLATURE NO. 11 (Re-apportionment of State Legislative Districts)**—Filed July 8, 1942. No petition filed.
- *INITIATIVE TO THE LEGISLATURE NO. 12 (Public Power Resources)**—
Filed August 29, 1942. Passed by the Legislature February 17, 1943. Now identified as Chapter 15, Laws of 1943. Act invalidated through Referendum Measure No. 25.
- INITIATIVE TO THE LEGISLATURE NO. 13 (Restricting Sales of Beer and Wine to State Liquor Stores)**—This measure the same as Initiative Measure No. 163 and was filed August 23, 1946. Signature petitions filed

*Indicates measure became law.

January 3, 1947. The 1947 Legislature failed to take action and as provided by the state constitution the measure then was submitted to the voters for final decision at the November 2, 1948 state general election. **Measure** was defeated by the following vote: **For—48,354 Against—263,390.**

INITIATIVE TO THE LEGISLATURE NO. 14 (**Reapportionment of State Legislative Districts**)—Filed September 19, 1946. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 15 (**Establishing a Civil Service System for the Employees of the State of Washington**)—Filed October 16, 1946. No petition filed.

INITIATIVE TO THE LEGISLATURE NO. 16 (**Providing for the Election of State Game Commissioners**)—Filed September 8, 1948. No signature petitions presented.

INITIATIVE TO THE LEGISLATURE NO. 17 (**Regulating Legislative Committee Hearings**)—Filed October 16, 1948. No signature petitions filed.

INITIATIVE TO THE LEGISLATURE NO. 18 (**Petitioning Congress to declare that it is the policy of the United States to live in peaceful coexistence with other nations, etc.**)—This measure the same as Initiative Measure No. 183 and was filed September 3, 1952. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 19 (**Repealing the Subversive Activities Act**)—Filed September 19, 1952. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 20 (**Legislative and Congressional Districting**)—Filed April 16, 1954. Sponsors dissatisfied with ballot title and as a consequence, measure (with some minor changes, all occurring in section 5) was refiled as of May 17, 1954 and measure refiled as Initiative No. 22 to the Legislature.

INITIATIVE TO THE LEGISLATURE NO. 21 (**Professional Practice Boards**)—Filed April 20, 1954. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 22 (**Legislative and Congressional Districting**)—Filed May 17, 1954. No signature petitions presented for checking.

***INITIATIVE TO THE LEGISLATURE NO 23 (Civil Service for Sheriff's Employees)**—Measure filed August 7, 1956. Signature petitions filed December 5, 1956, and found sufficient. The 1957 Legislature failed to take action, and as provided by the state constitution the measure was then submitted to the voters for final decision at the November 4, 1958 state general election. Measure was approved by the following vote: **For—539,640 Against—289,575.** Act is now identified as Chapter 1, Laws of 1959.

*Indicates measure became law.

INITIATIVE TO THE LEGISLATURE NO. 24 (**Limiting Dams in Fish Sanctuaries**)—Measure filed September 18, 1956. Signature petitions containing approximately 85,600 signatures filed January 3, 1957. However, attorney general ruled that provisions of the 30th amendment to the state constitution approved by the voters at the 1956 state general election applied at the time signatures were presented. This amendment provided that the number of signatures necessary to validate an initiative must be equal to at least 8% of the votes cast on the position of governor at the last preceding gubernatorial election. This computation set the necessary number as 90,319 valid signatures. Sponsors appealed to the State Supreme Court which held that the attorney general was correct. For this reason the Secretary of State did not check signature petitions and the initiative was not certified to the 1957 Legislature.

***INITIATIVE TO THE LEGISLATURE NO. 25 (Dam Construction and Water Diversion)**—Measure filed April 3, 1958. Signature petitions filed January 2, 1959 and upon completion of canvass found sufficient. The 1959 Legislature failed to take final action and as provided by the state constitution the measure was submitted to the voters for final decision at the November 8, 1960 state general election. Measure was approved by the following vote: **For**—526,130 **Against**—483,449. Act is now identified as Chapter 4, Laws of 1961.

INITIATIVE TO THE LEGISLATURE NO. 26 (**Abolishing Capital Punishment**)—Measure filed March 10, 1960. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 27 (**Restricting Federal Taxation and Activities**)—Measure filed June 27, 1960. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 28 (**Civil Service for County Employees**)—Measure filed July 1, 1960. No signature petitions presented for checking.

INITIATIVE TO THE LEGISLATURE NO. 29 (**Repealing Certain 1961 Tax Laws**)—Filed March 27, 1962 by the Citizens' Tax Revolt Group. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

INITIATIVE TO THE LEGISLATURE NO 30 (**Reorganization of State Fisheries Department**)—Filed May 28, 1962 by the Washington State Sportsmen's Council. Campaign for supporting signatures was not successful and, as a consequence, no signature petition sheets were filed for checking.

*Indicates measure became law.

REFERENDUM MEASURES

- REFERENDUM MEASURE NO. 1 (**Teachers' Retirement Fund**)—Filed March 11, 1913. Submitted to the people at the state general election held on November 3, 1914. *Failed to pass by the following vote: **For**—59,051 **Against**—252,356.
- REFERENDUM MEASURE NO. 2 (**Quincy Valley Irrigation Measure**)—Filed March 25, 1913. Submitted to the people at the state general election held on November 3, 1914. *Failed to pass by the following vote: **For**—102,315 **Against**—189,065.
- REFERENDUM MEASURE NO. 3 (**Chapter 54, Laws of 1915, Relating to Initiative and Referendum**)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—62,117 **Against**—196,363.
- REFERENDUM MEASURE NO. 4 (**Chapter 55, Laws of 1915, Recall of Elective Public Officers**)—Filed March 18, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—63,646 **Against**—193,686.
- REFERENDUM MEASURE NO. 5 (**Chapter 52, Laws of 1915, Party Conventions Act**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—49,370 **Against**—200,499.
- REFERENDUM MEASURE NO. 6 (**Chapter 181, Laws of 1915, Anti-Picketing**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—85,672 **Against**—183,042.
- REFERENDUM MEASURE NO. 7 (**Chapter 178, Laws of 1915, Certificate of Necessity Act**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—46,820 **Against**—183,042.
- REFERENDUM MEASURE NO. 8 (**Chapter 46, Laws of 1915, Port Commission**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—45,264 **Against**—195,253.
- REFERENDUM MEASURE NO. 9 (**Chapter 49, Laws of 1915, Budget System**)—Filed March 25, 1915. Submitted to the people at the state general election held on November 7, 1916. *Failed to pass by the following vote: **For**—45,264 **Against**—181,833.
- REFERENDUM MEASURE NO. 10 (**Chapter 19, Laws of 1917, Bone Dry Law**)—Filed February 20, 1917. Submitted to the people at the state general election held on November 5, 1918. Measure passed by the following vote: **For**—96,100 **Against**—54,322.

* Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

- REFERENDUM MEASURE NO. 11 (**Chapter 167, Laws of 1917, Capitol Building Fund Bonds**)—Filed April 23, 1917. No petition filed.
- REFERENDUM MEASURE NO. 12A (**Chapter 77, Laws of 1919, Salary of Judges**)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 12B (**Chapter 59, Laws of 1921, Certificate of Necessity**)—Filed March 26, 1921. Submitted to the people at the state general election held on November 7, 1922. ***Failed to pass** by the following vote: **For—64,800 Against—154,905.**
- REFERENDUM MEASURE NO. 13A (**Chapter 112, Laws of 1919, Death Penalty**)—Filed April 14, 1919. No petition filed.
- REFERENDUM MEASURE NO. 13B (**Chapter 175, Laws of 1921, Physical Examination of School Children**)—Filed April 4, 1921. Submitted to the people at the state general election held on November 7, 1922. ***Failed to pass** by the following vote: **For—96,874 Against—156,113.**
- REFERENDUM MEASURE NO. 14A (**Senate Joint Resolution No. 1, Laws of 1919, Intoxicating Liquor**)—Filed March 20, 1919. Insufficient number of signatures on petition.
- REFERENDUM MEASURE NO. 14B (**Chapter 177, Laws of 1921, Primary Nominations and Registrations**)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. ***Failed to pass** by the following vote: **For—60,593 Against—164,004.**
- REFERENDUM MEASURE NO. 15 (**Chapter 176, Laws of 1921, Party Conventions**)—Filed April 9, 1921. Submitted to the people at the state general election held on November 7, 1922. ***Failed to pass** by the following vote: **For—57,324 Against—140,299.**
- REFERENDUM MEASURE NO. 16 (**Chapter 22, Laws of 1923, Butter Substitutes**)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. ***Failed to pass** by the following vote: **For—169,047 Against—203,016.**
- REFERENDUM MEASURE NO. 17 (**Chapter 115, Laws of 1929, Creating Department of Highways**)—Filed April 27, 1929. No petition filed.
- REFERENDUM MEASURE NO. 18 (**Chapter 51, Laws of 1933, Cities and Towns; Electric Energy**)—Filed April 7, 1933. Submitted to the people at the state general election held on November 6, 1934. Measure passed by the following vote: **For—221,590 Against—160,244.**
- REFERENDUM MEASURE NO. 19 (**Chapter 55, Laws of 1933, Horse Racing**)—Filed April 3, 1933. No petition filed.
- REFERENDUM MEASURE NO. 20 (**Chapter 118, Laws of 1935, Regulating Pilots**)—Filed February 8, 1935. No petition filed.
- REFERENDUM MEASURE NO. 21 (**Chapter 26, Laws of 1935, Blanket Primary Ballot**)—Filed April 8, 1935. No petition filed.

* Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

- REFERENDUM MEASURE NO. 22 (**Chapter 209, Laws of 1941, Industrial Insurance**)—Filed April 3, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure passed by the following vote: **For—246,257 Against—108,845.**
- REFERENDUM MEASURE NO. 23 (**Chapter 158, Laws of 1941, Providing for Legal Adviser for Grand Juries**)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. ***Failed to pass** by the following vote: **For—126,972 Against—148,266.**
- REFERENDUM MEASURE NO. 24 (**Chapter 191, Laws of 1941, Prosecuting Attorneys; Providing that they shall no longer give advice to Grand Juries**)—Filed April 16, 1941. Submitted to the people at the state general election held on November 3, 1942. ***Failed to pass** by the following vote: **For—114,603 Against—148,439.**
- REFERENDUM MEASURE NO. 25 (**Chapter 15, Laws of 1943, Relating to Public Utility Districts**)—Filed March 18, 1943. Submitted to the people at the state general election held on November 7, 1944. ***Failed to pass** by the following vote: **For—297,919 Against—373,051.**
- REFERENDUM MEASURE NO. 26 (**Chapter 37, Laws of 1945, Relating to appointment of State Game Commissioners by the Governor**)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. ***Failed to pass** by the following vote: **For—69,490 Against—447,819.**
- REFERENDUM MEASURE NO. 27 (**Chapter 202, Laws of 1945, Relating to the creation of a State Timber Resources Board**)—Filed April 3, 1945. Signature petitions filed June 6, 1945, and found sufficient. Submitted to the people at the state general election held on November 5, 1946. ***Failed to pass** by the following vote: **For—107,731 Against—422,026.**
- REFERENDUM MEASURE NO. 28 (**Portion of Chapter 235, Laws of 1949, Relating to accident and health insurance covering employees eligible for unemployment compensation**)—Filed March 30, 1949. Signature petitions filed June 8, 1949 and found sufficient. Submitted to the people at the state general election held on November 7, 1950. ***Failed to pass** by the following vote: **For—163,923 Against—467,574.**
- REFERENDUM MEASURE NO. 29 (**Portion of Chapter 190, Laws of 1949 amending State Insurance Code**)—Filed April 2, 1949. No signature petitions presented for canvassing.
- REFERENDUM MEASURE NO. 30 (**Chapter 280, Laws of 1957—Inheritance Tax on Insurance Proceeds**)—Filed April 12, 1957. Signature petitions filed June 17, 1957, and found sufficient. Measure submitted to the voters at the state general election held on November 4, 1958. ***Failed to pass** by the following vote: **For—52,223 Against—811,539.**

* Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM MEASURE NO. 31 (**Portion of Chapter 297, Laws of 1959 authorizing corporations and joint stock associations to practice engineering**)—Filed March 31, 1959. Signature petition sheets presented for canvassing June 10, 1959. Results of canvassing revealed that sponsors missed obtaining necessary number of valid signatures by 1,124 signatures. As a result attempt to refer law to voters failed.

REFERENDUM MEASURE NO. 32 (**Chapter 298, Laws of 1961, Washington State Milk Marketing Act**)—Filed March 22, 1961 by the Washington State Milk Consumers' League. Supporting signature petition sheets filed June 14, 1961, and as of July 26, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. ***Failed to pass** by the following vote: **For**—153,419 **Against**—677,530. **As a consequence, Chapter 298, Laws of 1961 did not become law.**

REFERENDUM MEASURE NO. 33 (**Chapter 275, Laws of 1961, Private Auditors of Municipal Accounts**)—Filed April 3, 1961 by Cliff Yelle, State Auditor. Supporting signature petition sheets filed June 6, 1961, and as of July 18, 1961, it was determined that the necessary number of valid signatures had been obtained to certify measure for final decision by the voters at the state general election held on November 6, 1962. ***Failed to pass** by the following vote: **For**—242,189 **Against**—563,475. **As a consequence, Chapter 275, Laws of 1961 did not become law.**

*Term "Failed to pass" indicates sponsor of Referendum was successful in attempt to prevent measure from becoming effective law.

REFERENDUM BILLS

(Measures passed by the Legislature and referred to the voters)

- REFERENDUM BILL NO. 1 (**Chapter 99, Laws of 1919, State System Trunk Line Highways**)—Filed March 13, 1919. Submitted to the people at the state general election held on November 2, 1920. Failed to pass by the following vote: **For—117,425 Against—191,783.**
- REFERENDUM BILL NO. 2 (**Chapter 1, Laws Extraordinary Session, 1920 Soldiers' Equalized Compensation**)—Filed March 25, 1920. Submitted to the people at the state general election held on November 2, 1922. Measure approved by the following vote: **For—224,356 Against—88,128.**
- REFERENDUM BILL NO. 3 (**Chapter 87, Laws of 1923, Electric Power Bill**)—Filed March 22, 1923. Submitted to the people at the state general election held on November 4, 1924. Failed to pass by the following vote: **For—99,459 Against—208,809.**
- REFERENDUM BILL NO. 4 (**Chapter 164, Laws of 1935, Flood Control; Creating Sinking Fund**)—Filed March 22, 1935. Submitted to the people at the state general election held on November 3, 1936. Failed to pass by the following vote: **For—114,055 Against—334,035.**
- REFERENDUM BILL NO. 5 (**Chapter 83, Laws of 1939, 40-Mill Tax Limit**)—Filed March 10, 1939. Submitted to the people at the state general election held on November 5, 1940. Measure approved by the following vote: **For—390,639 Against—149,843.**
- REFERENDUM BILL NO. 6 (**Chapter 176, Laws of 1941, Taxation of Real and Personal Property**)—Filed March 22, 1941. Submitted to the people at the state general election held on November 3, 1942. Measure approved by the following vote: **For—252,431 Against—75,540.**
- REFERENDUM BILL NO. 7 (**Chapter 229, Laws of 1949—\$40,000,000.00 Bond Issue to Give State Assistance in Construction of Public School Plant Facilities**)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: **For—395,417 Against—248,200.**
- REFERENDUM BILL NO. 8 (**Chapter 230, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions**)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Measure approved by the following vote: **For—377,941 Against—262,615.**
- REFERENDUM BILL NO. 9 (**Chapter 231, Laws of 1949—\$20,000,000.00 Bond Issue to Provide Funds for Buildings at State Institutions of Higher Learning**)—Filed March 22, 1949. Submitted to the people at the state general election held on November 7, 1950. Failed to pass by the following vote: **For—312,500 Against—314,840.**
- REFERENDUM BILL NO. 10 (**Chapter 299, Laws of 1957—\$25,000,000.00 Bond Issue to Provide Funds for Buildings at State Operated Institutions and State Institutions of Higher Learning**)—Filed March 26, 1957. Measure submitted to the voters at the state general election held on November 4, 1958. Measure approved by the following vote: **For—402,937 Against—391,726.**

AMENDMENTS TO STATE CONSTITUTION

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HISTORY OF ADOPTED CONSTITUTIONAL AMENDMENTS SINCE STATEHOOD

- No. 1. To Section 5, Article XVI. Re: **Permanent School Fund.** Adopted November, 1894.
- No. 2. To Section 1, Article VI. Re: **Qualification of Electors.** Adopted November, 1896.
- No. 3. To Section 2, Article VII. Re: **Uniform Rates of Taxation.** Adopted November, 1900.
- No. 4. To Section 11, Article I. Re: **Religious Freedom.** Adopted November, 1904.
- No. 5. To Section 1, Article VI. Re: **Equal Suffrage.** Adopted November, 1910.
- No. 6. To Section 10, Article III. Re: **Succession in Office of Governor.** Adopted November, 1910.
- No. 7. To Section 1, Article II. Re: **Initiative and Referendum.** Adopted November, 1912.
- No. 8. To Sections 33 and 34, Article I. Re: **Recall.** Adopted November, 1912.
- No. 9. To Section 16, Article I. Re: **Taking of Private Property.** Adopted November, 1922.
- No. 10. To Section 22, Article I. Re: **Right of Appeal.** Adopted November, 1922.
- No. 11. To Section 4, Article VIII. Re: **Appropriation.** Adopted November, 1922.
- No. 12. To Section 5, Article XI. Re: **Consolidation of County Offices.** Adopted November, 1924.
- No. 13. To Section 15, Article II. Re: **Vacancies in the Legislature.** Adopted November, 1930.
- No. 14. To Article VII. Re: **Revenue and Taxation.** Adopted November, 1930.
- No. 15. To Section 1, Article XV. Re: **Harbors and Harbor Areas.** Adopted November, 1932.
- No. 16. To Section 11, Article XII. Re: **Double Liability of Stockholders.** Adopted November, 1940.
- No. 17. To Section 2, Article VII. Re: **40-Mill Tax Limit.** Adopted November, 1944.
- No. 18. To Article II, creating a Section 40. Re: **Restriction of motor vehicle license fees and excise taxes on motor fuels to highway purposes only.** Adopted November, 1944.

- No. 19. To Article VII, creating a Section 3. Re: **State to tax the United States and its instrumentalities to the extent that the laws of the United States will allow.** Adopted November, 1946.
- No. 20. To Section 1, Article XXVII. Re: **Legislature to fix the salaries of state elective officials.** Adopted November, 1948.
- No. 21. To Section 4, Article XI. Re: **Permit counties to adopt "Home Rule" charters.** Adopted November, 1948.
- No. 22. Repealing Section 7 of Article XI. Re: **County elective officials.** (These officials can now hold same office more than two terms in succession.) Adopted November, 1948.
- No. 23. To Article XI, creating a Section 16. Re: **Permit the formation, under a charter, of combined city and county municipal corporations having a population of 300,000 or more.** Adopted November, 1948.
- No. 24. To Article II, Section 33. **Permits ownership of land by Canadians who are citizens of provinces wherein citizens of the State of Washington may own land.** (All provinces of Canada authorize such ownership.) Adopted November, 1950.
- No. 25. To Article IV, creating a Section 3(a). Re: **Establishing Retirement Age for Judges of Supreme and Superior Courts.** Adopted November, 1952.
- No. 26. To Article II, creating a Section 41. Re: **Permitting the Legislature to Amend Initiative Measures.** Adopted November, 1952.
- No. 27. To Section 6 of Article VIII. Re: **Extending Bonding Powers of School Districts.** Adopted November, 1952.
- No. 28. To Sections 6 and 10 of Article IV. Re: **Increasing Monetary Jurisdiction of Justice Courts.** Adopted November, 1952.
- No. 29. To Article II, Section 33. **Redefines "Alien," thereby permitting the Legislature to determine the policy of the state respecting the ownership of land by corporations having alien shareholders.** Adopted November, 1954.
- No. 30. Adding a new section to Article II. Re: **Increasing the number of signatures necessary to certify a state initiative or referendum measure.** Adopted November, 1956.
- No. 31. To Section 25, Article III. Re: **Removing the restriction prohibiting the state treasurer from being elected for more than one successive term.** Adopted November, 1956.
- No. 32. Amending the 13th Amendment. Re: **Filling vacancies in the state legislature.** Adopted November, 1956.
- No. 33. Amending Section 1, Article XXIV. Re: **Modification of state boundaries by compact.** Adopted November, 1958.
- No. 34. Amending Section 11, Article I. Re: **Employment of chaplains at state institutions.** Adopted November, 1938.

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- No. 35. Amending Section 25, Article II. Re: **Pensions and employees' extra compensation.** Adopted November, 1958.
- No. 36. Amending Section 1, Article II by adding a new subsection. Re: **Publication and distribution of voters' pamphlet.** Adopted November, 1962.
- No. 37. Amending Section 1, Article XXIII. Re: **Publication of Proposed constitutional amendments.** Adopted November, 1962.
- No. 38. Amending Article IV by adding a new section. Re: **Temporary performance of judicial duties.** Adopted November, 1962.
- No. 39. Amending Article II by adding a new section. Re: **Governmental continuity during emergency periods.** Adopted November, 1962.

**TEXT OF CONSTITUTIONAL AMENDMENTS APPROVED BY
THE VOTERS AT THE STATE GENERAL ELECTION
HELD NOVEMBER 6, 1962**

Amendment 36: (S. J. R. No. 9 of 1961 Legislature) **Voters' Pamphlet—Publication and Distribution.**

Art. 2, section 1 as amended by AMENDMENT 7 was amended by adding the following subsection:

Article 2, section 1, subsection (4). The legislature shall provide methods of publicity of all laws or parts of laws, and amendments to the Constitution referred to the people with arguments for and against the laws and amendments so referred. The secretary of state shall send one copy of the publication to each individual place of residence in the state and shall make such additional distribution as he shall determine necessary to reasonably assure that each voter will have an opportunity to study the measures prior to election. These provisions supersede the provisions set forth in the last paragraph of section 1 of this article as amended by the seventh amendment to the Constitution of this state. (Effective December 6, 1962.)

Amendment 37: (S. J. R. No. 25 of 1961 Legislature) **Publication of Proposed Constitutional Amendments.**

Article XXIII, section 1. Any amendment or amendments to this Constitution may be proposed in either branch of the legislature; and if the same shall be agreed to by two-thirds of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the ayes and noes thereon, and be submitted to the qualified electors of the state for their approval, at the next general election; and if the people approve and ratify such amendment or amendments, by a majority of the electors voting thereon, the same shall become part of this Constitution, and proclamation thereof shall be made by the governor: *Provided*, That if more than one amendment be submitted, they shall be submitted in such a manner that the people may vote for or against such amendments separately. The legislature shall also cause notice of the amendments that are to be submitted to the people to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: *Provided*, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election. (Effective December 6, 1962.)

Amendment 38: (H. J. R. No. 6 of 1961 Legislature) **Temporary Performance of Judicial Duties.**

Art. 4 was amended by adding the following section:

Sec. 2(a). When necessary for the prompt and orderly administration of justice a majority of the Supreme Court is empowered to authorize judges or retired judges of courts of record of this state, to perform, temporarily, judicial duties in the Supreme Court, and to authorize any superior court judge to perform judicial duties in any superior court of this state. (Effective December 6, 1962.)

Amendment 39: (H. J. R. No. 9 of 1961 Legislature) **Governmental Continuity During Emergency Periods.**

Article II, section 42. The legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from enemy attack, shall have the power and the duty, immediately upon and after adoption of this amendment, to enact legislation providing for prompt and temporary succession to the powers and duties of public offices of whatever nature and whether filled by election or appointment, the incumbents and legal successors of which may become unavailable for carrying on the powers and duties of such offices; the legislature shall likewise enact such other measures as may be necessary and proper for insuring the continuity of governmental operations during such emergencies. Legislation enacted under the powers conferred by this amendment shall in all respects conform to the remainder of the Constitution: *Provided*, That if, in the judgment of the legislature at the time of disaster, conformance to the provisions of the Constitution would be impracticable or would admit of undue delay, such legislation may depart during the period of emergency caused by enemy attack only, from the following sections of the Constitution:

Article 14, Sections 1 and 2, Seat of Government;

Article 2, Sections 8, 15 (Amendments 13 and 32), and 22, Membership, Quorum of Legislature and Passage of Bills;

Article 3, Section 10 (Amendment 6), Succession to Governorship: *Provided*, That the legislature shall not depart from Section 10, Article III, as amended by Amendment 6, of the state Constitution relating to the Governor's office so long as any successor therein named is available and capable of assuming the powers and duties of such office as therein prescribed;

Article 3, Section 13, Vacancies in State Offices;

Article 11, Section 6, Vacancies in County Offices;

Article 11, Section 2, Seat of County Government;

Article 3, Section 24, State Records.

(Effective December 6, 1962.)

**PROPOSED CONSTITUTIONAL AMENDMENT TO BE VOTED
UPON AT THE NOVEMBER 3, 1964 STATE
GENERAL ELECTION**

SENATE JOINT RESOLUTION NO. 1

***OFFICIAL BALLOT TITLE**

CITY CHARTERS

Shall Article XI, section 10, of the state Constitution, which provides for the incorporation, organization and classification of cities, and allows certain cities to frame charters for their own government consistent with general state laws, be amended in the following respects:

- (1) Changing from 20,000 to 10,000 the minimum population of cities which may frame such charters;
- (2) Changing newspaper publication requirements for proposed charters;
- (3) Providing that notices of elections be given as required by law?

*(Note: Ballot Title Prepared by John J. O'Connell, Attorney General.)

Be It Resolved, By the Senate and House of Representatives of the State of Washington, in legislative session assembled:

THAT, At the next general election to be held in this state there shall be submitted to the qualified electors of the state, for their approval and ratification, or rejection, an amendment to Article 11, section 10 of the Constitution of the state of Washington to read as follows:

Article 11, section 10. Corporations for municipal purposes shall not be created by special laws; but the legislature, by general laws, shall provide for the incorporation, organization and classification in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized, or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election, shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution shall be subject to, and controlled by general laws. Any city containing a population of ten thousand inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this state, and for such purpose the legislative authority of such city may cause an election to be had at which election there shall be chosen by the qualified electors of said city, fifteen freeholders thereof, who shall have been residents of said city for a period of at least two years preceding their election and qualified electors, whose duty it shall be to convene within ten days after their election, and prepare and propose a charter for such city. Such proposed charter shall be submitted to the qualified electors of said city, and if a majority of such qualified electors voting thereon ratify the same, it shall become the charter of said city, and shall become the

organic law thereof, and supersede any existing charter including amendments thereto, and all special laws inconsistent with such charter. Said proposed charter shall be published in the daily newspaper of largest general circulation published in the area to be incorporated as a first class city under the charter or, if no daily newspaper is published therein, then in the newspaper having the largest general circulation within such area at least once each week for four weeks next preceding the day of submitting the same to the electors for their approval, as above provided. All elections in this section authorized shall only be had upon notice, which notice shall specify the object of calling such election, and shall be given as required by law. Said elections may be general or special elections, and except as herein provided shall be governed by the law regulating and controlling general or special elections in said city. Such charter may be amended by proposals therefor submitted by the legislative authority of such city to the electors thereof at any general election after notice of said submission published as above specified, and ratified by a majority of the qualified electors voting thereon. In submitting any such charter, or amendment thereto, any alternate article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

And Be It Further Resolved, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed by the Senate April 5, 1963.

Passed by the House April 5, 1963.

HOUSE JOINT MEMORIAL NO. 1

State of Washington
38th Legislature
Extraordinary Session

By Mrs. Hurley and Mr. Perry

Read first time March 18, 1963, and referred to Committee on Constitution, Elections, and Apportionment.

To the President of the Senate and Speaker of the House of Representatives, and to the Senate and House of Representatives of the United States, in Congress Assembled:

Resolved That, We, Your Memorialists, the House of Representatives and Senate of the State of Washington, in legislative session assembled, respectfully petition that the Congress of the United States call a convention for the purpose of proposing the following articles as an amendment to the Constitution of the United States:

"ARTICLE_____

Section 1. No provision of this Constitution, or any amendment thereto, shall restrict or limit any state in which the people have the right of initiative in the apportionment of representation in its legislature.

Section 2. The judicial power of the United States shall not extend to any suit in law or equity, or to any controversy, relating to apportionment of representation in a state legislature in a state in which the people have the right of initiative.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of three-fourths of the several States within seven years from the date of its submission."

Be It Further Resolved, That if Congress shall have proposed an amendment to the Constitution identical with that contained in this memorial prior to January 1, 1965, this application for a convention shall no longer be of any force or effect.

Be It Further Resolved, That copies of this memorial be immediately transmitted by the Secretary of State to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States and to each member of the Congress from this State.

Passed the House March 28, 1963.

Passed the Senate March 30, 1963.

INDEX and TABLES

(Relating to **both** Regular and Extraordinary Sessions, 1963)

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Session Law Sections Affected by the 1963 Statutes. (starts).....	1539
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I. TABLE OF RCW SECTIONS AFFECTED BY 1963 STATUTES

RCW		Ch.	Sec.	RCW		Ch.	Sec.
1.20.051	amended	14	1	15.32.290	repealed	58	4
Ch. 2.04	added to	40	1-2	15.32.390	amended	58	5
2.08.061	amended	48	2	15.32.580	amended	58	6
2.08.062	amended	48	2	15.32.582	amended	58	7
2.08.063	amended	48	3	15.32.584	amended	58	8
2.08.064	amended	35	1	15.32.590	amended	58	9
2.24.040	amended	188	1	15.32.600	amended	58	10
Ch. 3.38	added	213	1	15.32.610	amended	58	11
3.58.050	amended	213	13	15.32.630	amended	58	12
3.62.050	amended	213	2	15.32.640	repealed	58	13
Ch. 4.28	added to	137	1	15.32.650	repealed	58	13
Ch. 4.92	added to	159	3, 4,	Ch. 16.36	added to	*8	1
			5, 7-11	Ch. 16.65	added to	232	17-19
				16.65.420	amended	232	16
4.92.010	amended	159	1	17.04.260	amended	52	1
4.92.040	amended	159	6	17.21.170	amended	107	1
4.92.090	amended	159	2	18.53.110	repealed	25	19
5.56.010	amended	19	1	18.57.170	amended	142	2
7.32.280	amended	13	1	Ch. 18.64	added to	38	1, 15
9.09.010	amended	11	1	18.64.040	amended	38	2
9.09.020	amended	11	2	18.64.043	amended	38	3
9.41.110	amended	163	1	18.64.045	amended	38	4
Ch. 9.47	added to	37	1, 3-5	18.64.047	amended	38	5
Ch. 9.61	added to	133	1	18.64.050	amended	38	6
9.91.030	amended	205	4	18.64.055	repealed	38	25
11.28.180	amended	46	1	18.64.060	repealed	38	25
11.32.020	amended	46	2	18.64.065	repealed	38	25
11.40.030	amended	43	1	18.64.070	repealed	38	25
11.52.010	amended	185	1	18.64.080	amended	38	7
11.52.020	amended	185	2	18.64.090	repealed	38	25
11.52.022	amended	185	3	18.64.100	repealed	38	25
12.40.010	amended	123	1	18.64.110	amended	38	8
12.40.030	amended	123	2	18.64.120	repealed	38	25
Ch. 14.04	added to	73	1	18.64.140	amended	38	9
15.16.010—				18.64.160	amended	38	10
15.16.490 incl.	repealed	122	35	18.64.200	amended	38	11
15.24.010	amended	145	1	18.64.250	amended	38	12
15.24.020	amended	145	2	18.64.270	amended	38	13
15.24.030	amended	145	3	18.64.280	amended	38	14
15.24.040	amended	145	4	18.71.096	amended	65	2
15.24.070	amended	145	5	18.72.030	amended	142	1
15.24.090	amended	145	6	Ch. 18.78	added to	15	5
15.24.100	amended	145	7	18.78.010	amended	15	1
15.28.010	amended	51	1	18.78.060	amended	15	2
15.28.060	amended	51	2	18.78.080	amended	15	3
15.28.160	amended	51	3	18.78.090	amended	15	4
15.28.180	amended	51	4	18.78.180	repealed	15	6
Ch. 15.32	added to	58	2, 14	Ch. 19.28	added to	207	5, 6
15.32.020	repealed	58	1	19.28.010	amended	207	1
15.32.030	repealed	58	1	19.28.120	amended	207	2
15.32.040	repealed	58	1	19.28.210	amended	207	3
15.32.050	repealed	58	1	19.28.360	amended	207	4
15.32.100	amended	58	3	Ch. 20.01	added to	232	6-9
15.32.210	repealed	58	4	20.01.010	amended	232	1
				20.01.170	amended	232	2

* Denotes Extraordinary Session.

AMENDMENTS, REVISED CODE OF WASHINGTON

RCW	Ch.	Sec.	RCW	Ch.	Sec.
20.01.210			28.76.180	amended	167 1
repealed and reenacted	232	5	28.76.190	amended	167 2
20.01.370	amended	232 3	Ch. 28.77	added to	151 1, 3-5
20.01.380	amended	232 4	28.77.030	amended	181 1
Ch. 22.01	repealed	124 62	28.77.040	amended	224 1
Ch. 22.08	repealed	124 62	28.77.060	repealed	89 2
Ch. 22.12	repealed	124 62	28.77.510	{ amended	182 1
Ch. 22.14	repealed	124 62		{ amended	224 2
Ch. 23.01	added to	132 1	28.77.520	amended	182 2
26.04.010	amended	230 1	28.80.030	amended	180 1
26.04.150	amended	230 2	28.80.050	repealed	89 2
26.04.180	amended	230 3	28.80.520	amended	182 3
26.04.210	amended	230 4	Ch. 28.81	added to	109 1
Ch. 26.20	added to	10 1	28.81.080	amended	143 1
Ch. 26.21	added to	45 9, 10, 12, 13, 14, 16-18, 25-34	Ch. 28.84	added to	*2 4, 7, 8, 10, 11, 12, 17
			28.84.120	amended	*2 13
			28.84.130	amended	*2 15
26.21.010	amended	45 1	28.84.140	amended	*2 16
26.21.030	amended	45 2	28.84.180	amended	*2 1
26.21.040	amended	45 3	28.84.190	amended	*2 2
26.21.050	amended	45 4	28.84.200	amended	*2 3
26.21.060	amended	45 5	28.84.210	amended	*2 5
26.21.070	amended	45 6	28.84.260	amended	*2 9
26.21.080	amended	45 7	28.84.270	amended	*2 6
26.21.090	amended	45 8	29.04.055	amended	200 22
26.21.100	amended	45 11	29.04.070	amended	200 23
26.21.110	amended	45 15	29.04.080	amended	200 24
26.21.120	amended	45 19	Ch. 29.13	added to	200 4
26.21.130	amended	45 20	29.13.020	amended	200 1
26.21.140	amended	45 21	29.13.022	repealed	200 26
26.21.150	amended	45 22	29.13.023	amended	200 2
26.21.160	amended	45 23	29.13.024	amended	200 3
26.21.170	amended	45 24	29.13.030	amended	200 5
27.04.020	amended	202 1	29.13.040	amended	200 6
Ch. 27.14	added to	80 3, 5	29.13.045	amended	200 7
27.14.020	amended	80 1	29.13.050	amended	200 8
27.14.030	amended	80 2	29.13.060	amended	200 9
27.14.040	amended	80 4	29.13.061	repealed	200 26
28.05.040	amended	235 1	29.13.065	repealed	200 26
28.05.050	amended	31 1	29.13.070	amended	200 25
28.10.030	amended	135 1	29.18.110	amended	189 1
28.10.070	amended	134 1	29.21.060	amended	200 10
28.57.150	amended	208 1	29.24.110	amended	200 11
Ch. 28.58	added to	223 1, 2	Ch. 29.36	added to	*23 4
28.58.045	amended	67 1	29.36.010	amended	*23 1
28.58.070	amended	41 1	29.36.015	repealed	*23 6
28.58.100	{ reenacted	5 1	29.36.020	amended	*23 2
	{ amended	104 1	29.36.030	amended	*23 3
28.58.240	amended	47 1, 2	29.36.060	amended	*23 5
28.58.250	amended	47 3	29.36.080	repealed	*23 6
28.63.181	amended	61 1	29.36.090	repealed	*23 6
Ch. 28.76	added to	89 1	29.36.110	amended	*23 7
28.76.060	amended	23 1	Ch. 29.51	added to	*24 1
28.76.080	amended	23 2	Ch. 29.64	added to	*25 2
28.76.140	amended	33 1	29.64.010	amended	*25 1

* Denotes Extraordinary Session.

AMENDMENTS, REVISED CODE OF WASHINGTON

RCW		Ch.	Sec.	RCW		Ch.	Sec.
30.04.090	amended	194	1	36.88.060	amended	84	4
<i>Ch.</i> 30.52	added to	194	3	36.88.080	amended	84	5
<i>Ch.</i> 32.04	added to	176	10	36.88.370	amended	84	6
32.08.061	amended	176	1	<i>Ch.</i> 37.12	added to	36	5
32.08.140	amended	176	2	37.12.010	amended	36	1
<i>Ch.</i> 32.12	added to	176	11-13	37.12.020	repealed	36	6
32.12.020	amended	176	3	37.12.030	amended	36	2
32.12.030	amended	176	4	37.12.040	amended	36	3
<i>Ch.</i> 32.20	added to	176	14-19	37.12.060	amended	36	4
32.20.040	amended	176	5	38.04.010	amended	220	133
32.20.230	amended	176	6	38.04.030	amended	74	1
32.20.250	amended	176	7	38.04.050	repealed	220	139
32.20.260	amended	176	8	38.20.010	amended	149	1
32.20.270	amended	176	9	38.28.010—			
33.08.060	amended	246	1	38.28.080, incl...	repealed	220	139
33.12.010	amended	246	2	38.32.010	amended	220	134
33.12.090	amended	246	3	38.32.020	amended	220	135
33.12.150	amended	246	4	38.32.040—			
33.16.020	amended	246	5	38.32.060, incl...	repealed	220	139
33.20.080	amended	246	6	38.32.070	amended	220	136
33.24.010	amended	246	7	38.32.110	repealed	220	139
33.48.030	amended	246	9	38.32.120	amended	220	137
<i>Ch.</i> 34.04	added to	186	1	38.32.130	amended	220	138
34.04.150	amended	237	1		repealed	220	139
35.01.040	amended	119	2	38.36.010	repealed	220	139
35.02.010	amended	57	1	38.36.020	repealed	220	139
35.02.070	amended	57	2	38.36.030	repealed	220	139
35.04.020	amended	57	3	38.36.040	repealed	220	139
35.04.060	amended	57	4	38.36.050	repealed	220	139
<i>Ch.</i> 35.13	added to	231	3-5	38.36.060	repealed	220	139
35.13.243	amended	231	1	38.36.070	repealed	220	139
35.13.246	amended	231	2	38.36.080	repealed	220	139
35.17.020	amended	200	12	38.36.090	repealed	220	139
35.17.400	amended	200	13	38.36.100	repealed	220	139
<i>Ch.</i> 35.21	added to	130	1	38.36.110	repealed	220	139
35.21.010	amended	119	1	<i>Ch.</i> 39.12	added to	93	1
35.21.088	amended	115	7	39.30.010	amended	92	1
35.21.180	amended	184	1	41.06.280	amended	215	1
<i>Ch.</i> 35.23	added to	191	2	41.08.070	amended	95	1
35.23.040	amended	200	14	41.12.070	amended	95	2
35.23.460	amended	127	1	41.14.100	amended	95	3
<i>Ch.</i> 35.24	added to	131	1	<i>Ch.</i> 41.16	added to	63	1
35.24.050	amended	200	15	<i>Ch.</i> 41.20	added to	82	1
35.24.300	amended	155	1	41.28.010	amended	91	1
35.27.090	amended	200	16	41.28.150	amended	91	2
35.27.240	amended	191	1	41.28.170	amended	91	3
<i>Ch.</i> 35.43	added to	56	3	<i>Ch.</i> 41.32	added to	*14	9-11,
35.43.030	amended	56	1				16, 20,
35.43.180	amended	56	2				21
Title 36	enacted	4		41.32.010	amended	*14	1
36.16.032	amended	164	2	41.32.030	amended	*14	2
36.17.020	amended	164	1	41.32.200	amended	*14	3
36.32.210	amended	108	1	41.32.210	repealed	9	1
36.69.090	amended	200	18	41.32.240	amended	*14	4
36.88.010	amended	84	1	41.32.300	amended	*14	5
36.88.015	amended	84	2	41.32.320	amended	*14	6
36.88.030	amended	84	3	41.32.350	amended	*14	7

* Denotes Extraordinary Session.

AMENDMENTS, REVISED CODE OF WASHINGTON

RCW	Ch.	Sec.	RCW	Ch.	Sec.
41.32.360	amended	*14 8	46.08.100	amended	85 1
41.32.370	repealed	*14 22	46.08.170	amended	158 2
41.32.400	repealed	*14 22	Ch. 46.16	added to	18 1
41.32.410	amended	*14 12	46.16.010	amended	*3 51
41.32.420	amended	*14 13	46.16.400	repealed	199 10
41.32.430	amended	*14 14	46.16.410	repealed	199 10
41.32.450	repealed	*14 22	46.16.420	repealed	199 10
41.32.470	amended	*14 15	46.16.430	repealed	199 10
41.32.510	amended	*14 17	46.16.440	repealed	199 10
41.32.540	amended	*14 18	46.20.030	amended	39 12
41.32.550	amended	*14 19	46.20.070	amended	39 9
Ch. 41.40	added to	225 3	46.20.110	amended	39 10
41.40.010	{ amended	225 1	46.24.010—		
	{ amended	174 1	46.24.910, incl...	repealed	169 69
41.40.030	amended	174 2	46.28.010—		
41.40.040	amended	174 3	46.28.200, incl...	repealed	169 69
41.40.060	amended	174 4	Ch. 46.37	added to	117 1
41.40.070	amended	174 5	Ch. 46.37	added to	154 22, 24
41.40.080	amended	174 6	46.37.010	amended	154 1
41.40.100	amended	174 7	46.37.020	amended	154 2
41.40.120	{ amended	210 1	46.37.050	amended	154 3
	{ amended	225 2	46.37.060	amended	154 4
41.40.150	amended	174 8	46.37.070	amended	154 5
41.40.160	amended	174 9	46.37.080	amended	154 6
41.40.170	amended	174 10	46.37.090	amended	154 7
41.40.180	amended	174 11	46.37.120	amended	154 8
41.40.260	amended	174 12	46.37.140	amended	154 9
41.40.270	amended	174 13	46.37.150	amended	154 10
41.40.310	amended	174 14	46.37.160	amended	154 11
41.40.361	amended	174 15	46.37.170	amended	154 12
41.40.370	amended	126 1	46.37.180	amended	154 13
41.40.410	amended	174 16	46.37.190	amended	154 14
41.40.412	amended	174 17	46.37.192	repealed	154 31
41.40.420	amended	174 18	46.37.200	amended	154 15
43.09.240	amended	209 1, 2	46.37.210	amended	154 16
43.09.250	amended	209 1, 3	46.37.230	amended	154 17
43.09.270	amended	209 1, 4	46.37.240	amended	154 18
43.09.280	amended	209 1, 5	46.37.280	amended	154 19
43.21.181	repealed	161 5	46.37.300	amended	154 20
43.21.183	repealed	161 5	46.37.340	amended	154 21
Ch. 43.31	added to	161 1-4	46.37.350	repealed	154 31
43.31.620	amended	*12 8	46.37.370	amended	154 23
43.31.740	amended	*12 9	46.37.400	amended	154 25
43.43.250	amended	175 1	46.44.030	amended	*3 52
43.43.260	amended	175 2	46.44.037	amended	*3 53
43.43.270	amended	175 3	46.44.092	amended	*3 54
43.43.300	amended	175 4	Ch. 46.48	added to	16 1-4, 6
43.63.140	amended	32 1	46.48.010	repealed	16 8
Ch. 43.69	added to	38 19	46.48.020	repealed	16 8
43.69.010	amended	38 16	46.48.021	repealed	16 8
43.69.020	amended	38 17	46.48.022	repealed	16 8
43.69.030	amended	38 18	46.48.023	amended	16 5
44.04.120	amended	*7 1	46.48.024	repealed	16 8
44.28.010	amended	*20 1	46.48.030	repealed	16 8
Ch. 44.32	repealed	*19 18	46.48.040	repealed	16 8
Ch. 46.04	added to	154 27-30	46.48.044	repealed	16 8
46.04.130	amended	154 26	46.48.070	repealed	16 8
Ch. 46.08	added to	158 1	46.48.090	repealed	16 8
			46.48.100	repealed	16 8

* Denotes Extraordinary Session.

AMENDMENTS, REVISED CODE OF WASHINGTON

RCW		Ch.	Sec.	RCW		Ch.	Sec.		
46.52.110	amended	44	1	48.11.010	.....	repealed	195	10
46.52.130	amended	169	65	48.11.110	.....	repealed	195	10
46.52.140	amended	169	66	48.11.120	.....	repealed	195	10
46.60.020	amended	*3	50	48.11.170	.....	repealed	195	10
46.60.150	amended	*3	46	48.11.180	.....	repealed	195	10
46.60.170	amended	*3	47	48.12.010	.....	amended	195	11
46.60.320	amended	125	1	48.12.020	.....	amended	195	12
46.60.330	amended	*3	48	48.12.150	.....	amended	195	13
46.68.040	amended	39	11	Ch. 48.14	.....	added to	166	1
46.68.130	amended	83	1	Ch. 48.14	.....	added to	195	14-15
46.84.010—					48.15.150	.....	amended	195	16
46.84.170, incl.	repealed	106	32	48.17.110	.....	amended	195	17
47.01.150	repealed	173	9	48.17.570	.....	repealed	195	18
47.04.020	amended	24	3	Ch. 48.20	.....	added to	87	1
47.16.010	amended	*3	21	Ch. 48.20	.....	added to	195	19
47.16.060	amended	240	1	Ch. 48.21	.....	added to	87	2
47.16.100	amended	*3	1	48.23.350	.....	amended	195	20
47.16.120	amended	*3	2	48.24.030	.....	amended	192	1
47.16.140	amended	*3	3	48.24.060	.....	amended	195	21
47.16.200	amended	*3	4	48.24.070	.....	amended	86	1
Ch. 47.20	added to	*3	17	Ch. 48.36	.....	added to	195	24
47.20.010	amended	*3	5	48.36.170	.....	amended	195	22
47.20.080	amended	*3	6	48.36.410	.....	amended	195	23
47.20.100	amended	*3	20	Ch. 49.04	.....	added to	172	1, 2
47.20.120	amended	*3	7	49.12.200	.....	amended	229	1
47.20.130	amended	*3	8	49.20.020	.....	amended	62	1
47.20.140	amended	*3	18	49.24.050	.....	repealed	105	1
47.20.160	amended	*3	9	49.24.090	.....	repealed	105	1
47.20.210	amended	*3	10	51.04.020	.....	amended	29	1
47.20.220	amended	*3	11	Ch. 51.16	.....	added to	151	2
47.20.250	amended	*3	12	Ch. 51.52	.....	added to	148	6
47.20.340	amended	*3	13	51.52.060	.....	amended	148	1
47.20.380	amended	*3	30	51.52.080	.....	amended	148	2
47.20.410	amended	197	8	51.52.095	.....	{ amended	6	1
47.20.415	amended	197	9			amended	148	3
47.20.440	amended	*3	14	51.52.100	.....	amended	148	4
47.20.490	amended	*3	15	51.52.102	.....	amended	148	5
47.20.500	amended	*3	16	51.52.106	.....	amended	148	7
47.24.020	amended	150	1	52.04.030	.....	amended	*13	1
47.36.110	amended	*3	49	52.08.030	.....	amended	101	1
47.42.100	amended	*3	55	Ch. 52.16	.....	added to	*13	3
47.44.010	amended	70	1	52.16.130	.....	amended	*13	2
47.52.130	amended	103	1	52.24.090	.....	amended	42	1
47.52.140	amended	103	2	53.04.010	.....	amended	147	1
47.52.150	amended	103	3	53.04.015	.....	amended	147	2
47.52.160	amended	103	4	53.08.020	.....	amended	147	3
47.52.190	amended	103	5	53.12.044	.....	amended	200	21
47.56.140	amended	*3	45	53.12.046	.....	repealed	200	26
Ch. 47.57	added to	240	2	53.12.160	.....	amended	200	19
47.60.440	amended	*3	42	53.12.210	.....	amended	200	20
48.03.070	amended	195	1	53.25.120	.....	amended	138	1
48.04.010	amended	195	2	53.25.180	.....	repealed	138	2
Ch. 48.05	added to	195	6-9	Ch. 54.04	.....	added to	28	1-2
48.06.200	amended	60	1	54.16.180	.....	amended	196	1
Ch. 48.07	added to	195	25-29	56.12.020	.....	amended	200	17
48.09.100	amended	195	3	Ch. 57.08	added to	111	1
48.09.270	amended	195	4					
48.10.070	amended	195	5					

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60.28.010	amended	238	1	74.12.030	amended 228 19
Ch. 61.12	added to	34	1-2	74.12.130	amended 228 20
63.12.010	amended	236	22	74.12.250	amended 228 21
Ch. 64.04	added to	156	30	Ch. 74.16	added to 144 1
64.28.010	amended	*16	1	Ch. 74.20	added to 206 6-15
Ch. 65.08	added to	49	1	74.20.010	amended 206 1
66.08.026	amended	239	1	74.20.020	amended 206 2
68.08.010	amended	178	1	74.20.030	repealed 206 16
68.08.100	amended	178	2	74.20.040	amended 206 3
68.08.104	amended	178	3	74.20.050	repealed 206 16
Ch. 69.04	added to	198	3-6, 8-13	74.20.070	repealed 206 16
69.04.210	amended	198	1	74.20.080	repealed 206 16
69.04.230	repealed	198	14	74.20.090	repealed 206 16
69.04.390	amended	198	2	74.20.100	amended 206 4
69.04.400	amended	198	7	74.20.110	repealed 206 16
69.04.760	repealed	198	15	74.20.120	repealed 206 16
69.33.410	amended	38	20	74.20.130	repealed 206 16
Ch. 69.40	added to	38	21, 22	74.20.140	repealed 206 16
Ch. 69.40	added to	205	1-3	74.20.150	repealed 206 16
69.40.062	repealed	38	25	74.20.160	amended 206 5
69.40.070	amended	38	23	74.20.170	repealed 206 16
Ch. 70.44	added to	102	1	74.20.180	repealed 206 16
Ch. 70.46	added to	121	1	74.20.190	repealed 206 16
70.79.330	amended	217	1	74.20.200	repealed 206 16
Ch. 70.94	added to	27	3	74.20.900	repealed 206 16
70.94.110	amended	27	1	Ch. 75.12	added to 234 3
70.94.160	amended	27	2	75.12.220	amended 234 1
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74.04.005	amended	228	1	75.32.010	repealed *10 3
74.04.015	amended	228	2	75.32.030	amended *10 1
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74.04.390	amended	228	6	75.40.040	amended 171 2
74.04.400	amended	228	7	Ch. 76.01	added to 100 1
74.04.410	amended	228	8	76.16.010	amended 140 1
74.04.420	amended	228	9	76.16.020	amended 140 2
74.04.430	amended	228	10	76.16.030	amended 140 3
74.04.440	amended	228	11	76.16.040	amended 140 4
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74.08.283	amended	228	16	76.40.030	amended 12 1
74.08.295	{ repealed	211	6	77.12.270	amended 177 8
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74.11.020	amended	118	2	77.20.010	amended 177 1
74.11.030	amended	118	3	77.20.020	amended 177 2
74.11.040	amended	118	4	77.20.030	amended 177 3
74.11.070	amended	118	5	77.20.040	amended 177 4
Ch. 74.12	added to	226	1	77.20.045	amended 177 5
				77.20.050	amended 177 6
				77.32.190	amended 177 7

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78.08.072	amended	64	2	82.36.300	amended	*22	21
79.01.568	amended	79	1	82.40.047	amended	187	2
Ch. 79.16	added to	212	1, 2	82.40.290	amended	113	2
79.24.570	amended	157	1	82.44.010	amended	199	1
79.28.070	amended	99	1	82.44.020	amended	199	2
Ch. 79.44	added to	20	1, 14	82.44.050	amended	199	3
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79.44.020	amended	20	3	82.48.030	amended	199	6
79.44.040	amended	20	4	82.50.030	amended	199	7
79.44.050	amended	20	5	82.50.105	amended	199	8
79.44.060	amended	20	6	82.50.120	amended	199	9
79.44.070	amended	20	7	Ch. 83.20	added to	*11	1
79.44.080	amended	20	8	83.40.040	amended	*28	12
79.44.090	amended	20	9	Ch. 84.28	added to	214	2, 7, 8
79.44.100	amended	20	10	84.28.005	amended	214	1
79.44.130	amended	20	11	84.28.010	amended	214	3
79.44.140	amended	20	12	84.28.020	amended	214	4
79.44.150	repealed	20	15	84.28.050	amended	214	5
79.44.160	repealed	20	15	84.28.060	amended	214	6
Ch. 80.04	added to	59	2	84.28.080	amended	214	9
80.04.010	amended	59	1	84.28.090	amended	214	10
Ch. 81.04	added to	59	3	84.28.100	amended	214	11
81.04.235	amended	59	4	84.28.110	amended	214	12
81.12.010	amended	59	5	84.28.130	repealed	214	15
81.24.010	amended	59	11	84.28.140	amended	214	13
81.40.096	repealed	59	13	84.28.160	amended	214	14
81.40.097	repealed	59	13	Ch. 84.36	added to	179	1
81.77.080	amended	59	12	Ch. 84.36	added to	*28	14-17
Ch. 81.80	added to	59	9, 10	84.36.171	amended	*28	13
81.80.040	amended	59	7	Ch. 84.40	added to	249	1-6
81.80.070	amended	242	1	84.52.052	amended	112	1
81.80.170	amended	242	2	84.56.050	amended	94	1
81.80.270	amended	59	6	84.64.060	amended	88	1
81.80.318	amended	59	8	84.64.070	amended	88	2
81.80.350	repealed	59	13	84.64.080	amended	8	1
82.04.030	amended	*28	1	84.69.070	amended	114	1
82.04.050	reenacted	7	1	Ch. 85.07	added to	96	1
82.04.280	amended	168	1	Ch. 86.12	added to	90	1
82.04.290	amended	*28	2	87.03.025	amended	20	13
82.04.400	amended	136	1	87.03.075	amended	68	1
82.08.010	amended	244	1	87.03.200	amended	68	2
82.08.030	amended	*28	3	87.03.565	amended	68	3
82.08.080	amended	244	2	Ch. 87.84	added to	221	1,
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82.12.045	amended	21	1	87.84.010	amended	221	2
Ch. 82.26	added to	*28	5	87.84.050	amended	221	3
Ch. 82.32	added to	*28	11	87.84.060	amended	221	4
82.32.060	amended	22	1	89.08.220	amended	110	1
82.32.080	amended	*28	6	Ch. 89.12	section added	3	6
82.32.090	amended	*28	7	89.12.040	amended	3	1
82.32.160	amended	*28	8	89.12.050	amended	3	2
82.32.180	amended	*28	9	89.12.060	amended	3	3
82.32.330	amended	*28	10	89.12.070	repealed	3	4
82.36.020	amended	113	1	89.12.130	repealed	3	5
82.36.220	amended	*22	20	90.24.030	amended	243	1

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