

REVISED CODE  
*of*  
WASHINGTON  
1973 SUPPLEMENT

Published by the Statute Law Committee under  
authority of Chapter 1.08 RCW

# REVISED CODE OF WASHINGTON

## 1973 SUPPLEMENT

### I. EXPLANATORY NOTE

*Scope of Supplement.* This supplement contains laws enacted at the 1973 regular and first and second extraordinary legislative sessions and measures adopted at the state general elections held in 1972 and 1973.

*Removal of pages from loose leaf code.* The material contained in the loose leaf 1972 general election supplement has been incorporated into this supplement. The 1972 general election supplement appears on yellow pages in your code and should be removed. *Do not remove any green pages or any other material from your code.*

*Index.* The 1961 looseleaf index and its supplementary pamphlet have been combined, updated, and republished in two volumes supplied herewith. The new consolidated index constitutes a general index of all the laws to date and supersedes all prior indexes.

*Rules of Court.* The Rules of Court and Rules for Courts of Limited Jurisdiction have been supplemented and distributed under separate cover.

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### III. CERTIFICATE

This supplement, published officially by the Statute Law Committee, is, in accordance with the provisions of RCW 1.08.037, certified to comply with the current specifications of the committee.

(signed)

ROBERT L. CHARETTE, *Chairman*,  
STATUTE LAW COMMITTEE.



CONSTITUTION OF THE STATE OF WASHINGTON

- Art. 2 § 24 LOTTERIES AND DIVORCE. See AMENDMENT 56, infra.
- Art. 7 § 2 LIMITATION ON LEVIES. See AMENDMENT 55 and AMENDMENT 59, infra.
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  - § 2 ENFORCEMENT POWER OF LEGISLATURE. See AMENDMENT 61, infra.

CONSTITUTIONAL AMENDMENTS  
(In Order of Adoption)

AMENDMENT 55

Article VII, section 2. LIMITATION ON LEVIES. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of

persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [1971 Senate Joint Resolution No. 1. Approved November 7, 1972.]

Note: Art. 7 § 2 was also amended at the November 7, 1972 general election by Amendment 59. (HJR 47.)

Prior amendment of Art. 7 § 2, see Amendment 17.

AMENDMENT 56

Article II, section 24. LOTTERIES AND DIVORCE. The legislature shall never grant any divorce. Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature or, notwithstanding any other provision of this Constitution, by referendum or initiative approved by a sixty percent affirmative vote of the electors voting thereon. [1971 Senate

Joint Resolution No. 5. Approved November 7, 1972.]

## AMENDMENT 57

Article XI, section 5. COUNTY GOVERNMENT. The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: PROVIDED, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify the counties by population: PROVIDED, That it may delegate to the legislative authority of the counties the right to prescribe the salaries of its own members and the salaries of other county officers. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession.

Article XI, section 8. SALARIES AND LIMITATIONS AFFECTING. The salary of any county, city, town, or municipal officers shall not be increased except as provided in section 1 of Article XXX or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed. [1971 Senate Joint Resolution No. 38. Approved November 7, 1972.]

Prior amendment of Art. 11 § 5, see Amendment 12.

## AMENDMENT 58

Article XI, section 16. COMBINED CITY-COUNTY. Any county may frame a "Home Rule" charter subject to the Constitution and laws of this state to provide for the formation and government of combined city and county municipal corporations, each of which shall be known as "city-county". Registered voters equal in number to ten (10) percent of the voters of any such county voting at the last preceding general election may at any time propose by a petition the calling of an election of freeholders. The provisions of section 4 of this Article with respect to a petition calling for an election of freeholders to frame a county home rule charter, the election of freeholders, and the framing

and adoption of a county home rule charter pursuant to such petition shall apply to a petition proposed under this section for the election of freeholders to frame a city-county charter, the election of freeholders, and to the framing and adoption of such city-county charter pursuant to such petition. Except as otherwise provided in this section, the provisions of section 4 applicable to a county home rule charter shall apply to a city-county charter. If there are not sufficient legal newspapers published in the county to meet the requirements for publication of a proposed charter under section 4 of this Article, publication in a legal newspaper circulated in the county may be substituted for publication in a legal newspaper published in the county. No such "city-county" shall be formed except by a majority vote of the qualified electors voting thereon in the county. The charter shall designate the respective officers of such city-county who shall perform the duties imposed by law upon county officers. Every such city-county shall have and enjoy all rights, powers and privileges asserted in its charter, and in addition thereto, such rights, powers and privileges as may be granted to it, or to any city or county or class or classes of cities and counties. In the event of a conflict in the constitutional provisions applying to cities and those applying to counties or of a conflict in the general laws applying to cities and those applying to counties, a city-county shall be authorized to exercise any powers that are granted to either the cities or the counties.

No legislative enactment which is a prohibition or restriction shall apply to the rights, powers and privileges of a city-county unless such prohibition or restriction shall apply equally to every other city, county, and city-county.

The provisions of sections 2, 3, 5, 6, and 8 and of the first paragraph of section 4 of this Article shall not apply to any such city-county.

Municipal corporations may be retained or otherwise provided for within the city-county. The formation, powers and duties of such municipal corporations shall be prescribed by the charter.

No city-county shall for any purpose become indebted in any manner to an amount exceeding three per centum of the taxable property in such city-county without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed ten per centum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: PROVIDED, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly city-county or

other municipal purposes: PROVIDED FURTHER, That any city-county, with such assent may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such city-county with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city-county.

No municipal corporation which is retained or otherwise provided for within the city-county shall for any purpose become indebted in any manner to an amount exceeding one and one-half per centum of the taxable property in such municipal corporation without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor shall the total indebtedness at any time exceed five per centum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: PROVIDED, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly municipal purposes: PROVIDED FURTHER, That any such municipal corporation, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five per centum additional for supplying such municipal corporation with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipal corporation. All taxes which are levied and collected within a municipal corporation for a specific purpose shall be expended within that municipal corporation.

The authority conferred on the city-county government shall not be restricted by the second sentence of Article 7, section 1, or by Article 8, section 6 of this Constitution. [1971 House Joint Resolution No. 21. Approved November 7, 1972.]

Prior amendment of Art. 11 § 16, see Amendment 23.

#### AMENDMENT 59

Article VII, section 2. LIMITATION ON LEVIES. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political

subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or

interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort. [1971 House Joint Resolution No. 47. Approved November 7, 1972.]

Note: Art. 7 § 2 was also amended at the November 7, 1972 general election by Amendment 55 (SJR 1). 1971 HJR No. 47 contained the following paragraph:

"BE IT FURTHER RESOLVED, That the foregoing amendment shall be submitted to the qualified electors of the state in such a manner that they may vote for or against it separately from the proposed amendment to Article VII, section 2, (Amendment 17) of the Constitution of the State of Washington contained in Senate Joint Resolution No. 1: PROVIDED, That if both proposed amendments are approved and ratified, both shall become part of the Constitution."

Prior amendment of Art. 7 § 2, see Amendment 17.

## AMENDMENT 60

## Article VIII, section 1. STATE DEBT.

(a) The state may contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.

(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for

specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.

(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this Article, obligations guaranteed as provided for in subsection (f) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.

(e) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this Article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (g) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

(f) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: PROVIDED, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

(g) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol

committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

(h) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

(i) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

(j) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.

(k) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this Article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof.

Article VIII, section 3. SPECIAL INDEBTEDNESS, HOW AUTHORIZED. Except the debt specified in sections one and two of this Article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein. No such law shall take effect until it shall, at a general election, or a special election called for that purpose, have been submitted to the people and have received a majority of all the votes cast for and against it at such election. [1971 House Joint Resolution No. 52. Approved November 7, 1972.]

Prior amendment of Art. 8 § 3, see Amendment 48.

#### AMENDMENT 61

The Constitution was amended by adding the following new Article:

#### ARTICLE XXXI<sup>1</sup>

SEX EQUALITY—RIGHTS AND RESPONSIBILITIES and sections 1 and 2 thereof:

Article XXXI, section 1. EQUALITY NOT DENIED BECAUSE OF SEX. Equality of rights and responsibility under the law shall not be denied or abridged on account of sex.

Article XXXI, section 2. ENFORCEMENT POWER OF LEGISLATURE. The Legislature shall have the power to enforce, by appropriate legislation, the provisions of this Article. [1972 House Joint Resolution No. 61. Approved November 7, 1972.]

<sup>1</sup>The name of this Article has been supplied by the reviser.



TITLE 1  
GENERAL PROVISIONS

Sections added, amended, or repealed:

Chapter 1.16 General Definitions.

1.16.050 "Legal holidays".

Chapter 1.20 General Provisions.

1.20.071 State song--Proceeds from sale.

Chapter 1.08  
STATUTE LAW COMMITTEE

1.08.027 BILL DRAFTING SERVICE.

Cross Reference:

Initiative measures, review by code reviser: RCW 29.79.015.

Chapter 1.16  
GENERAL DEFINITIONS

1.16.050 "LEGAL HOLIDAYS". The following are legal holidays: Sunday; the first day of January, commonly called New Year's Day; the twelfth day of February, being the anniversary of the birth of Abraham Lincoln; the third Monday of February, being celebrated as the anniversary of the birth of George Washington; the thirtieth day of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the second Monday of October, to be known as Columbus Day; the eleventh day of November, to be known as Veterans' Day; the fourth Thursday in November, to be known as Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day; the day on which any general election is held throughout the state; and any day designated by public proclamation of the chief executive of the state as a legal holiday.

If any of the above specified state legal holidays are also federal legal holidays but observed on different dates, only the state legal holidays shall be recognized as a paid legal holiday for employees of the state and its political subdivisions.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be a legal holiday. [1973 2nd ex.s. c 1 § 1; 1969 c 11 § 1; 1955 c 20 § 1; 1927 c 51 § 1; RRS § 61. Prior: 1895 c 3 § 1; 1891 c 41 § 1; 1888 p 107 § 1.]

Chapter 1.20  
GENERAL PROVISIONS

1.20.071 STATE SONG--PROCEEDS FROM SALE. All proceeds from the sale of the official song of the state as designated in RCW 1.20.070 shall be placed in the general fund. [1973 1st ex.s. c 59 § 1; 1959 c 281 § 2.]

Effective date--1973 1st ex.s. c 59:  
See note following RCW 43.79.420.

TITLE 2  
COURTS OF RECORD

Sections added, amended, or repealed:

Chapter 2.04 Supreme Court.

2.04.031 Court facilities.  
2.04.090 Salary--Affidavit.

Chapter 2.06 Court of Appeals.

2.06.060 Salaries--Timely completion of opinions required.  
2.06.150 Judges pro tempore--Appointment--Oath of office.  
2.06.160 Judges pro tempore--Remuneration.

Chapter 2.08 Superior Courts.

2.08.061 Judges--King, Spokane, and Pierce counties.  
2.08.063 Judges--Lincoln, Skagit, Walla Walla, Whitman, Yakima, Adams, and Whatcom counties.  
2.08.065 Judges--Douglas, Grant, Ferry, Okanogan, Mason, Thurston, Pacific, Wahkiakum, Pend Oreille, Stevens, San Juan and Island counties.  
2.08.090 Salary.

Chapter 2.10 Judicial Retirement System.

2.10.080 Funds and securities.  
2.10.150 Income of retired judge--Statement--Reduction.

Chapter 2.12 Retirement of Judges.

2.12.010 Retirement for service or age.  
2.12.020 Retirement for disability.  
2.12.030 Amount and time of payment--Surviving spouse's benefit.  
2.12.060 Fund, how constituted--Salary deductions--Aid.

Chapter 2.16 Association of Superior Court Judges.

2.16.060 Expense of attendance.

Chapter 2.36 Juries.

- 2.36.063 Jury list—Electronic data processing random selection method—Master jury list.
- 2.36.093 Selection of jurors—Electronic data processing random selection method.

Chapter 2.42 Interpreters for Impaired Persons Involved in Legal Proceedings.

- 2.42.010 Legislative declaration—Intent.
- 2.42.020 Definitions.
- 2.42.030 Appointment of interpreters.
- 2.42.040 Interpreters—Compensation and expenses—Costs.
- 2.42.050 Oath.

Chapter 2.50 Legal Aid.

- 2.50.030 Application to certain counties.

Chapter 2.52 Judicial Council.

- 2.52.010 Council created—How constituted.

Chapter 2.04  
SUPREME COURT

2.04.031 COURT FACILITIES. If proper rooms in which to hold the court, and for the accommodation of the officers thereof, are not provided by the state, together with attendants, furniture, fuel, lights, record books and stationery, suitable and sufficient for the transaction of business, the court, or any three justices thereof, may direct the clerk of the supreme court to provide the same; and the expense thereof, certified by any three justices to be correct, shall be paid out of the state treasury out of any funds therein not otherwise appropriated. Such moneys shall be subject to the order of the clerk of the supreme court, and be by him disbursed on proper vouchers, and accounted for by him in annual settlements with the governor. [1973 c 106 § 1; 1955 c 38 § 1; 1890 p 322 § 4; RRS § 3.]

2.04.090 SALARY—AFFIDAVIT. Each justice of the supreme court shall receive an annual salary of thirty-four thousand eight hundred twenty-five dollars, but no salary warrant shall be issued to any judge of the supreme court until he shall have made and filed with the state treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted or undecided by him for more than six months. [Initiative Measure No. 282 § 3; 1973 c 106 § 2; 1972 ex.s c 100 § 1; 1965 ex.s. c 127 § 1; 1957 c 260 § 1; 1953 c 144 § 1. Prior: 1949 c 48 § 2, part; 1947 c 194 § 1, part; 1943 c 50 § 1, part; 1921 c 188 § 1, part; 1919 c 77 § 1,

part; 1907 c 57 § 1, part; Rem. Supp. 1949 § 11053, part.]

Severability—Initiative Measure No. 282: See note following RCW 43.03.010.

Cross Reference:

Salary schedule for public officials: See notes following RCW 43.03.010.

Chapter 2.06  
COURT OF APPEALS

2.06.060 SALARIES—TIMELY COMPLETION OF OPINIONS REQUIRED. Each judge of the court shall receive an annual salary of thirty-one thousand six hundred fifty dollars, but no salary warrant shall be issued to any judge until he shall have made and filed with the state treasurer an affidavit that no matter referred to him for opinion or decision has been uncompleted by him for more than three months. [Initiative Measure No. 282 § 4; 1973 c 106 § 3; 1972 ex.s. c 100 § 2; 1969 ex.s. c 221 § 6.]

Severability—Initiative Measure No. 282: See note following RCW 43.03.010.

Cross Reference:

Salary schedule for public officials: See notes following RCW 43.03.010.

2.06.150 JUDGES PRO TEMPORE—APPOINTMENT—OATH OF OFFICE. (1) Whenever necessary for the prompt and orderly administration of justice, the chief justice of the supreme court of the state of Washington 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 court of appeals: PROVIDED, HOWEVER, That no judge pro tempore appointed to serve on the court of appeals may serve more than ninety days in any one year: AND PROVIDED FURTHER, That the court of appeals shall not utilize the services of judges pro tempore to exceed two hundred forty court days during any one year.

(2) Before entering upon his duties as judge pro tempore of the court of appeals, the appointee shall take and subscribe an oath of office as provided for in Article IV, section 28 of the state Constitution. [1973 c 114 § 1.]

2.06.160 JUDGES PRO TEMPORE—REMUNERATION. (1) A judge of a court of record serving as a judge pro tempore of the court of appeals, as provided in RCW 2.06.150, shall receive, in addition to his actual travel expense or ten cents per mile, whichever is less, from his residence and in addition his regular salary, his actual living expenses not to exceed



forty dollars per day during his term of service as judge pro tempore.

(2) A retired judge of a court of record in this state serving as a judge pro tempore of the court of appeals, as provided in RCW 2.06.150, shall receive, in addition to any retirement pay he may be receiving, the following compensation and expenses:

(a) His actual travel expenses or ten cents per mile, whichever is less, from his residence and in addition his living expenses not to exceed forty dollars per day during his term of service as judge pro tempore; and

(b) During the period of his service as judge pro tempore, he shall receive as compensation sixty percent of one-two hundred and fiftieth of the annual salary of a court of appeals judge for each day of service: PROVIDED, HOWEVER, That the total amount of combined compensation received as salary and retirement by any judge in any calendar year shall not exceed the yearly salary of a full-time judge.

(3) Whenever a judge of a court of record is appointed to serve as judge pro tempore of the court of appeals and a visiting judge is assigned to replace him, the actual travel expenses or ten cents per mile, whichever is less, from place of residence and in addition the living expenses not to exceed forty dollars per day incurred by such visiting judge as a result of such assignment shall be paid upon application of such judge from the appropriation of the court of appeals.

(4) The provisions of RCW 2.06.150 and 2.06.160 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. [1973 c 114 § 2.]

Chapter 2.08  
SUPERIOR COURTS

2.08.061 JUDGES--KING, SPOKANE, AND PIERCE COUNTIES. There shall be in the county of King twenty-nine judges of the superior court; in the county of Spokane eight judges of the superior court; in the county of Pierce ten judges of the superior court. [1973 1st ex.s c 27 § 1; 1971 ex.s c 83 § 5; 1969 ex.s. c 213 § 1; 1967 ex.s. c 84 § 1; 1963 c 48 § 1; 1961 c 67 § 1; 1955 c 176 § 1; 1951 c 125 § 3. Prior: 1949 c 237 §§ 1, 3; 1933 ex.s. c 63 § 1; 1927 c 135 § 1, part; 1925 ex.s. c 66 § 1; 1911 c 76 § 1; 1909 c 52 § 1; 1909 c 12 § 1; 1909 c 10 § 1; 1907 c 106 § 1; 1907 c 79 § 1, part; 1905 c 9 § 1; 1895 c 89 § 1, part; 1891 c 68 § 2; 1890 p 341 § 1, part; Rem. Supp. 1949 §§ 11045-1f, 11045-1h; RRS §§ 11045-1, 11045-1a, part.]

Reviser's note: The amendment to this section by 1973 1st ex.s c 27 was conditional, see RCW 2.08.065.

2.08.063 JUDGES--LINCOLN, SKAGIT, WALLA WALLA, WHITMAN, YAKIMA, ADAMS, AND WHATCOM COUNTIES. There shall be in the county of Lincoln one judge of the superior court; in the county of Skagit, two judges of the superior court; in 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 five judges of the superior court; in the county of Adams, one judge of the superior court; in the county of Whatcom, two judges of the superior court. [1973 1st ex.s. c 27 § 2; 1971 ex.s. c 83 § 1; 1963 c 48 § 3; 1955 c 19 § 1; 1951 c 125 § 5. Prior: 1949 c 237 §§ 2, 4; 1945 c 20 § 1, part; 1927 c 135 § 1, part; 1917 c 97 § 5, part; 1911 c 62 § 1; 1911 c 129 § 2, part; 1907 c 79 § 1, part; 1895 c 89 § 1, part; 1891 c 68 § 3, part; 1890 p 341 § 1, part; Rem. Supp. 1949 §§ 11045-1j, 11045-1i; Rem. Supp. 1945 § 11045-1d, part; RRS § 11045-1, part.]

Reviser's note: The amendment to this section by 1973 1st ex.s c 27 was conditional, see RCW 2.08.065.

2.08.065 JUDGES--DOUGLAS, GRANT, FERRY, OKANOGAN, MASON, THURSTON, PACIFIC, WAHKIAKUM, PEND OREILLE, STEVENS, SAN JUAN AND ISLAND COUNTIES. There shall be in the counties of Douglas and Grant jointly, two judges of the superior court; in the counties of Ferry and Okanogan jointly, one judge of the superior court; in the counties of Mason and Thurston jointly, four judges of the superior court; in the counties of Pacific and Wahkiakum jointly, one judge of the superior court; in the counties of Pend Oreille and Stevens jointly, one judge of the superior court; and in the counties of San Juan and Island jointly, one judge of the superior court: PROVIDED, That \*this act shall only take effect in the event the legislature shall appropriate funds for the 1973-75 biennium to carry out the purpose of \*this 1973 act. [1973 1st ex.s. c 27 § 3; 1971 ex.s. c 83 § 2; 1969 ex.s. c 213 § 3; 1955 c 159 § 1; 1951 c 125 § 7. Prior: 1927 c 135 § 1, part; 1917 c 97 §§ 4, 5, part; 1913 c 17 § 1; 1911 c 131 § 2; 1907 c 79 § 1, part; 1907 c 178 § 1, part; 1903 c 50 § 1, part; 1895 c 89 § 1, part; 1891 c 68 §§ 1, 3, part; 1890 p 341 § 1, part; RRS § 11045-1, part.]

\*Reviser's note: The terms "this act" and "this 1973 act" apparently refer to 1973 1st ex.s c 27 which amended RCW 2.08.061, 2.08.063 and 2.08.065.

2.08.090 SALARY. Each judge of the superior court shall receive an annual salary of twenty-eight thousand five hundred dollars. [Initiative Measure No. 282 § 5; 1972 ex.s. c 100 § 3; 1967 c 65 § 1; 1965 ex.s. c 127 § 2; 1957 c 260 § 2; 1953

c 144 § 2. Prior: 1949 c 48 § 2, part; 1947 c 194 § 1, part; 1943 c 50 § 1, part; 1923 c 169 § 1; 1921 c 188 § 1, part; 1919 c 77 § 1, part; 1907 c 57 § 1, part; Rem. Supp. 1949 § 11053, part.]

Severability—Initiative Measure No. 282: See note following RCW 43.03.010.

Cross Reference:

Salary schedule for public officials:  
See notes following RCW 43.03.010.

Chapter 2.10  
JUDICIAL RETIREMENT SYSTEM

2.10.080 FUNDS AND SECURITIES. (1) The state treasurer shall be the custodian of all funds and securities of the retirement system. Disbursements from this fund shall be made by the state treasurer upon receipt of duly authorized vouchers.

(2) 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 and placed to the credit of the retirement fund.

(3) The public employees' retirement board established by chapter 41.40 RCW shall have full power to invest or reinvest the funds of this system in those classes of investments authorized by RCW 43.84.150 and 41.40.072.

(4) For the purpose of providing amounts to be used to defray the cost of administration and investment, the judicial retirement board shall ascertain at the beginning of each biennium and request from the legislature an appropriation sufficient to cover estimated expenses for the said biennium. [1973 1st ex.s. c 103 § 1; 1971 ex.s. c 267 § 8.]

Severability—1973 1st ex. c 103: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 103 § 20.]

2.10.150 INCOME OF RETIRED JUDGE—STATEMENT—REDUCTION. Every judge retired either for service or disability under the provisions of this chapter shall file a statement of income with the retirement board. Any retired judge who is receiving income from employment of any kind shall have his retirement allowance reduced by the amount that his combined retirement

allowance and employment income exceed the current monthly salary being paid a judge of the same court in which the retired judge served immediately prior to his retirement: PROVIDED, HOWEVER, That pro tempore service as a judge of a court of record shall not constitute employment as that term is used in this section and income from pro tempore service need not be reported to the retirement board. Pro tempore service shall be limited to not more than ninety days in any single year, and the combined retirement allowance of a retired judge together with his income as a pro tempore judge shall not exceed the salary being paid a judge of the same court in which the retired judge served immediately prior to his retirement.

Failure to file or the filing of a false statement shall be grounds for cancellation of all benefits payable under this chapter. [1973 1st ex.s c 119 § 1; 1971 ex.s c 267 § 15.]

Chapter 2.12  
RETIREMENT OF JUDGES

2.12.010 RETIREMENT FOR SERVICE OR AGE. Any judge of the supreme court, court of appeals, or superior court of the state of Washington who heretofore and/or hereafter shall have served as a judge of any such courts for eighteen years in the aggregate or who shall have served ten years in the aggregate and shall have attained the age of seventy years or more may, during or at the expiration of his term of office, in accordance with the provisions of this chapter, be retired and receive the retirement pay herein provided for. In computing such term of service, there shall be counted the time spent by such judge in active service in the armed forces of the United States of America, under leave of absence from his judicial duties as provided for under chapter 201, Laws of 1941 [chapter 73.16 RCW]: PROVIDED, HOWEVER, That in computing such credit for such service in the armed forces of the United States of America no allowance shall be made for service beyond the date of the expiration of the term for which such judge was elected. Any judge desiring to retire under the provisions of this section shall file with the state treasurer, who is hereby created treasurer, ex officio, of the fund hereinafter established, and who is hereinafter referred to as "the treasurer," a notice in duplicate in writing, verified by his affidavit, fixing a date when he desires his retirement to commence, one copy of which the treasurer shall forthwith file with the administrator for the courts. The notice shall state his name, the court or courts of which he has served as judge, the period of service thereon and the dates of such service. No retirement shall be made within a period of less than thirty days after such statement is filed, and no

retirement after separation from office by expiration of term shall be allowed unless the statement be filed within thirty days thereafter. [1973 c 106 § 4; 1971 c 30 § 1; 1943 c 221 § 1; 1937 c 229 § 1; Rem. Supp. 1943 § 11054-1.]

2.12.020 RETIREMENT FOR DISABILITY. Any judge of the supreme court, court of appeals, or superior court of the state of Washington, who heretofore and/or hereafter shall have served as a judge of any such courts for a period of ten years in the aggregate, and who shall believe he has become physically or otherwise permanently incapacitated for the full and efficient performance of the duties of his office, may file with the treasurer an application in duplicate in writing, asking for retirement, which application shall be signed and verified by the affidavit of the applicant or by someone in his behalf and which shall set forth his name, the office then held, the court or courts of which he has served as judge, the period of service thereon, the dates of such service and the reasons why he believes himself to be, or why they believe him to be incapacitated. Upon filing of such application the treasurer shall forthwith transmit a copy thereof to the governor who shall appoint three physicians of skill and repute, duly licensed to practice their professions in the state of Washington, who shall, within fifteen days thereafter, for such compensation as may be fixed by the governor, to be paid out of the fund hereinafter created, examine said judge and report, in writing, to the governor their findings in the matter. If a majority of such physicians shall report that in their opinion said judge has become permanently incapacitated for the full and efficient performance of the duties of his office, and if the governor shall approve such report, he shall file the report, with his approval endorsed thereon, in the office of the treasurer and a duplicate copy thereof with the administrator for the courts, and from the date of such filing the applicant shall be deemed to have retired from office and be entitled to the benefits of this chapter to the same extent as if he had retired under the provisions of RCW 2.12.010. [1973 c 106 § 5; 1971 c 30 § 4; 1937 c 229 § 2; RRS § 11054-2.]

2.12.030 AMOUNT AND TIME OF PAYMENT--SURVIVING SPOUSE'S BENEFIT. Supreme court, court of appeals, or superior court judges of the state who retire from office under the provisions of this chapter other than as provided in RCW 2.12.012 shall be entitled to receive monthly during the period of their natural life, out of the fund hereinafter created, an amount equal to one-half of the monthly salary they were receiving as a judge at the time of their retirement, or at the end of the

term immediately prior to their retirement if their retirement is made after expiration of their term. The surviving spouse of any judge who shall have heretofore retired or may hereafter retire, or of a judge who was heretofore or may hereafter be eligible for retirement at the time of death, if the surviving spouse had been married to the judge for three years, if the surviving spouse had been married to the judge prior to retirement, shall be paid an amount equal to one-half of the retirement pay of the judge, as long as such surviving spouse remains unmarried. The retirement pay shall be paid monthly by the state treasurer on or before the tenth day of each month. The provisions of this section shall apply to the surviving spouse of any judge who dies while holding such office or dies after having retired under the provisions of this chapter and who at the time of death had served ten or more years in the aggregate as a judge of the supreme court, court of appeals, or superior court or any of such courts, or had served an aggregate of twelve years in the supreme court, court of appeals, or superior court if such pension rights are based upon RCW 2.12-.012. [1973 1st ex.s. c 154 § 1; 1971 c 30 § 5; 1961 c 286 § 3; 1957 c 243 § 1; 1951 c 79 § 1; 1945 c 19 § 1; 1937 c 229 § 3; RRS § 11054-3.]

Severability--1973 1st ex.s c 154: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 154 § 130.]

2.12.060 FUND, HOW CONSTITUTED--SALARY DEDUCTIONS--AID. For the purpose of providing moneys in said judges' retirement fund, concurrent monthly deductions from judges' salaries and portions thereof payable from the state treasury and withdrawals from the general fund of the state treasury shall be made as follows: Six and one-half percent shall be deducted from the monthly salary of each justice of the supreme court, six and one-half percent shall be deducted from the monthly salary of each judge of the court of appeals, and six and one-half percent of the total salaries of each judge of the superior court shall be deducted from that portion of the salary of such justices or judges payable from the state treasury; and a sum equal to six and one-half percent of the combined salaries of the justices of the supreme court, the judges of the court of appeals, and the judges of the superior court shall be withdrawn from the general fund of the state treasury. In consideration of the contributions made by the judges and justices to the judges' retirement fund, the state hereby undertakes to guarantee the solvency of said

fund and the legislature shall make biennial appropriations from the general fund of amounts sufficient to guarantee the making of retirement payments as herein provided for if the money in the judges' retirement fund shall become insufficient for that purpose, but such biennial appropriation may be conditioned that sums appropriated may not be expended unless the money in the judges' retirement fund shall become insufficient to meet the retirement payments. The deductions and withdrawals herein directed shall be made on or before the tenth day of each month and shall be based on the salaries of the next preceding calendar month. The administrator for the courts shall issue warrants payable to the treasurer to accomplish the deductions and withdrawals herein directed, and shall issue the monthly salary warrants of the judges and justices for the amount of salary payable from the state treasury after such deductions have been made. The treasurer shall cash the warrants made payable to him hereunder and place the proceeds thereof in the judges' retirement fund for disbursement as authorized in this chapter. [1973 c 106 § 6; 1973 c 37 § 1. Prior: 1971 c 81 § 8; 1971 c 30 § 6; 1957 c 243 § 2; 1951 c 79 § 2; 1945 c 19 § 2; 1937 c 229 § 6; Rem. Supp. 1945 § 11054-6.]

Chapter 2.16  
ASSOCIATION OF SUPERIOR COURT JUDGES

2.16.060 EXPENSE OF ATTENDANCE. [1957 c 259 § 10; 1955 c 38 § 11; 1933 ex.s c 58 § 6; RRS § 11051-6.] Repealed by 1973 c 106 § 40.

Chapter 2.36  
JURIES

2.36.063 JURY LIST--ELECTRONIC DATA PROCESSING RANDOM SELECTION METHOD--MASTER JURY LIST. The judge or judges of the superior court of any county may, if they so choose, by local superior court rule, employ a properly programmed electronic data processing system or device to make random selection of jurors as required by RCW 2.36.060.

Upon determination that such system shall be employed, the judge or judges of the superior court shall direct the county auditor to provide the names and other information concerning all registered voters which have been filed with him by the registrar of voters pursuant to RCW 2.36.060.

In those counties employing the electronic data processing random selection method, the judge or judges of the superior court may determine that fair and random selection may be achieved without division of the county into three or more jury districts. Upon such determination,

the judge or judges shall, during the month of July each year, order a master jury list to be selected by an unrestricted random sample from the names of all registered voters filed with the county auditor, without regard to location of precinct.

In those counties employing the electronic data processing random selection method, if the judge or judges of the superior court determine that the jury district procedure required for noncomputer jury selection is to be followed, the judge or judges shall divide the county into not less than three jury districts pursuant to RCW 2.36.060. The judge or judges shall during the month of July each year, order a master jury list to be selected by an unrestricted random sample from the names of all registered voters filed with the county auditor. Such list must contain as nearly as possible an equal number of jurors from each jury district.

The master jury list randomly selected shall contain names of a sufficient number of qualified voters to serve as jurors until the first day of August of the next calendar year, and shall be certified and filed with the county clerk. At any time the judge or judges may add to the jury list in the random selection manner by data process device as approved by the judge or judges. A certified list of the added names shall be filed with the county clerk. [1973 2nd ex.s. c 13 § 1.]

2.36.093 SELECTION OF JURORS--ELECTRONIC DATA PROCESSING RANDOM SELECTION METHOD. At such time as the judge or judges of the superior court of any county shall deem that the public business requires a jury term to be held, he or they shall direct the county clerk to select jurors to serve for the ensuing term, pursuant to RCW 2.36.090. In any county in which the judge or judges have chosen to employ the electronic data process random selection method as provided for in RCW 2.36.063, the county clerk shall within the first fifteen days of the calendar month preceding the month on which the jurors are to be called to serve, cause the names of the jurors to be selected from the master list of prospective jurors for the year placed on file in his office.

The name of a person once selected for a jury term shall be excluded from selection of jurors for subsequent terms in that jury year unless otherwise ordered by the judge or judges of superior court: PROVIDED, That at any time or for any period or periods of time, the judge or judges may direct by rule or order that all or any number or proportion of the jurors thereafter to be selected shall be selected to serve for two successive terms, to the end that not all of the jurors serving during a given period shall cease their service at the same time.

It shall be the duty and responsibility of the judge or judges of the superior court to insure that such electronic data processing system or device is employed so as to insure continued random selection of the master jury list and jurors. To that end, the judge or judges shall review the process from time to time and shall cause to be kept on file with the county clerk a description of the jury selection process. Any person who desires may inspect this description in said office.

Nothing in RCW 2.36.063 and 2.36.093 shall be construed as requiring uniform equipment or method throughout the state, so long as fair and random selection of the master jury list and jurors is achieved. [1973 2nd ex.s. c 13 § 2.]

Chapter 2.42  
INTERPRETERS FOR IMPAIRED PERSONS INVOLVED  
IN LEGAL PROCEEDINGS

2.42.010 LEGISLATIVE DECLARATION--INTENT. It is hereby declared to be the policy of this state to secure the constitutional rights of deaf persons and of other persons who, because of impairment of hearing or speech are unable to readily understand or communicate spoken language, and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

It is the intent of the legislature in the passage of this chapter to provide for the appointment of such interpreters. [1973 c 22 § 1.]

2.42.020 DEFINITIONS. As used in this chapter (1) an "impaired person" is any person involved in a legal proceeding who is deaf, deaf mute, or who, because of other hearing or speech defects, cannot readily understand or communicate spoken language and who, when involved as a party to a legal proceeding, is unable by reason of such defects to obtain due process of law; (2) a "qualified interpreter" is one who is able readily to translate spoken English to and for impaired persons and to translate statements of impaired persons into spoken English; (3) "legal proceeding" is a proceeding in any court in this state, at grand jury hearings or hearings before an inquiry judge, or before administrative boards, commissions, agencies, or licensing bodies of the state or any political subdivision thereof. [1973 c 22 § 2.]

2.42.030 APPOINTMENT OF INTERPRETERS. When an impaired person is a party to any legal proceeding or a witness therein the judge, magistrate, or other presiding official shall, in the absence of a written waiver by the impaired person, appoint a qualified interpreter to assist

the impaired person throughout the proceedings. [1973 c 22 § 3.]

2.42.040 INTERPRETERS--COMPENSATION AND EXPENSES--COSTS. Interpreters appointed pursuant to this chapter shall be adequately compensated for their services and shall be reimbursed for actual expenses as hereinafter provided:

(1) In criminal proceedings, grand jury proceedings, coroner's inquests, mental health commitment proceedings, and other proceedings initiated by agencies of government, the cost of providing the interpreter shall be borne by the governmental body initiating the proceedings.

(2) In other legal proceedings the cost of providing the interpreter shall be borne by the impaired person unless the impaired person is indigent, pursuant to adopted standards of the body, and thus unable to pay for the interpreter, in which case the cost shall be borne as an administrative cost of the governmental body under the authority of which the proceeding is conducted.

(3) The cost of providing the interpreter may be a taxable cost of any proceeding in which costs are ordinarily taxed. [1973 c 22 § 4.]

2.42.050 OATH. Every qualified interpreter appointed pursuant to this chapter shall, before entering upon his duties as such, take an oath that he will make a true interpretation to the person being examined of all the proceedings in a language which said person understands, and that he will repeat the statements of said person to the court or other agency conducting the proceedings, in the English language, to the best of his skill and judgment. [1973 c 22 § 5.]

Chapter 2.50  
LEGAL AID

2.50.030 APPLICATION TO CERTAIN COUNTIES. [1939 c 93 § 3; RRS § 10007-203. Formerly RCW 74.36.030.] Repealed by 1973 1st ex.s c 69 § 1.

Chapter 2.52  
JUDICIAL COUNCIL

2.52.010 COUNCIL CREATED--HOW CONSTITUTED. There is hereby established a judicial council which shall consist of the following:

(1) The chief justice and one other judge of the supreme court, to be selected and appointed by the chief justice of the supreme court;

(2) Two judges of the court of appeals, to be selected and appointed by the three

chief judges of the three divisions thereof;

(3) Two judges of the superior court, to be selected and appointed by the superior court judges' association;

(4) Three members of the state senate, no more than two of whom shall be members of the same political party, one of whom will be the chairman of the senate judiciary committee and the other two to be designated by the chairman; three members of the state house of representatives, no more than two of whom shall be members of the same political party, one of whom shall be the chairman of the house judiciary committee and the other two to be designated by the chairman; unless the house judiciary committee is organized into two sections, in which case the chairman of each section shall be a member and they shall designate the third house member;

(5) The dean of each recognized school of law within this state;

(6) Five members of the bar who are practicing law and at least one of whom is a prosecuting attorney, three to be appointed by the chief justice of the supreme court with the advice and consent of the other judges of the court, and two to be appointed by the board of governors of the Washington state bar association from a list of nominees submitted by the legislative committee of the Washington state bar association;

(7) The attorney general;

(8) Two judges from the courts of limited jurisdiction chosen by the Washington state magistrates' association; and

(9) A county clerk to be selected and appointed by the Washington state association of county clerks. [1973 c 18 § 1; 1971 c 40 § 1; 1967 c 124 § 1; 1961 c 271 § 1; 1955 c 40 § 1; 1925 ex.s. c 45 § 1; RRS § 10959-1.]

### TITLE 3 JUSTICES OF THE PEACE AND CONSTABLES

Sections added, amended, or repealed:

#### Chapter 3.34 Justices of the Peace.

- 3.34.010 Justices of the peace—Number for each county.  
3.34.020 Justices of the peace—Number of full time.  
3.34.065 Justices and district court judges in second class or larger counties—Required to be lawyers.

#### Chapter 3.58 Salaries and Expenses.

- 3.58.010 Salaries of full time justices of the peace.

#### Chapter 3.62 Income of Court.

- 3.62.050 Quarterly disbursements.

3.62.070 Filing fees in criminal cases.

### Chapter 3.34 JUSTICES OF THE PEACE

3.34.010 JUSTICES OF THE PEACE—NUMBER FOR EACH COUNTY. The number of justices of the peace to be elected in each county shall be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one; Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two; Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island, three; Jefferson, one; King, twenty; Kitsap, two; Kittitas, two; Klickitat, two; Lewis, two; Lincoln, two; Mason, one; Okanogan, two; Pacific, three; Pend Oreille, two; Pierce, eight; San Juan, one; Skagit, three; Skamania, one; Snohomish, eight; Spokane, eight; Stevens, two; Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two; Whitman, two; Yakima, six: PROVIDED, That this number may be increased in accordance with a resolution of the county commissioners under RCW 3.34.020. [1973 1st ex.s. c 14 § 1; 1971 ex.s. c 147 § 1; 1970 ex.s. c 23 § 1; 1969 ex.s. c 66 § 1; 1965 ex.s. c 110 § 5; 1961 c 299 § 10.]

3.34.020 JUSTICES OF THE PEACE—NUMBER OF FULL TIME. In each justice court district having a population of forty thousand or more but less than sixty thousand, there shall be elected one full time justice of the peace; in each justice court district having a population of sixty thousand but less than one hundred twenty-five thousand, there shall be elected two full time justices; in each justice court district having a population of one hundred twenty-five thousand but less than two hundred thousand, there shall be elected three full time justices; and in each justice court district having a population of two hundred thousand or more there shall be elected one additional full time justice for each additional one hundred thousand persons or fraction thereof: PROVIDED, That if a justice court district having one or more full time justices should change in population, for reasons other than change in district boundaries, sufficiently to require a change in the number of judges previously authorized to it, the change shall be made by the county commissioners without regard to RCW 3.34.010 as now or hereafter amended and shall become effective on the second Monday of January of the year following: PROVIDED FURTHER, That upon any redistricting of the county thereafter RCW 3.34.010, as now or hereafter amended, shall again designate the number of justices in the county: PROVIDED, That in a justice court district having a population of one hundred twenty thousand people or more adjoining a metropolitan county of another state which has a population in

excess of five hundred thousand there shall be one full time justice in addition to the number otherwise allowed by this section and without regard to RCW 3.34.030 or resolution of the county commissioners: PROVIDED FURTHER, That the county commissioners may by resolution make a part time position a full time office if the district's population is not more than ten thousand less than the number required by this section for a full time justice of the peace: PROVIDED FURTHER, That the county commissioners may by resolution provide for the election of one full time justice in addition to the number of full time justices authorized hereinbefore. [1973 1st ex.s. c 14 § 2; 1970 ex.s. c 23 § 2; 1969 ex.s. c 66 § 7; 1961 c 299 § 11.]

3.34.065 JUSTICES AND DISTRICT COURT JUDGES IN SECOND CLASS OR LARGER COUNTIES—REQUIRED TO BE LAWYERS. After the next respective judicial elections following July 16, 1973, in counties of the second class and larger counties all justices of the peace and district court judges are required to have been admitted to the practice of law in the state of Washington before they may exercise the functions of their office. [1973 1st ex.s. c 14 § 3.]

Chapter 3.58  
SALARIES AND EXPENSES

3.58.010 SALARIES OF FULL TIME JUSTICES OF THE PEACE. The annual salary of each full time justice of the peace shall be twenty-three thousand two hundred and fifty dollars: PROVIDED, That in cities having a population in excess of five hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located: PROVIDED FURTHER, That no full time justice of the peace shall perform any civil marriage between 8:00 a.m. and 5:00 p.m. Monday through Friday. [Initiative Measure No. 282 § 6; 1972 ex.s. c 100 § 4; 1969 c 52 § 1; 1965 c 147 § 1; 1961 c 299 § 100.]

Severability—Initiative Measure No. 282: See note following RCW 43.03.010.

Cross Reference:

Salary schedule for public officials: See notes following RCW 43.03.010.

Chapter 3.62  
INCOME OF COURT

3.62.050 QUARTERLY DISBURSEMENTS. Quarterly, the county treasurer shall determine the total expenditures of the justice courts, including the cost of providing courtroom and office space, the cost of probation and parole services and any personnel employment therefor, and the cost of providing services necessary for the preparation and presentation of a defense at public expense except costs of defense to be paid by a city pursuant to RCW 3.62.070. The treasurer shall then transfer an amount, equal to the total expenditures, from the justice court suspense fund to the current expense fund. The treasurer shall then, using the percentages established as in RCW 3.62.015 provided remit the appropriate amounts of the remaining balance in the justice court suspense fund to the state general fund and to the appropriate city treasurer(s). The final remaining balance of the justice court suspense fund shall then be remitted as specified by the county commissioners. [1973 1st ex.s. c 10 § 1; 1969 ex.s. c 199 § 3; 1969 c 111 § 1; 1963 c 213 § 2; 1961 c 299 § 109.]

3.62.070 FILING FEES IN CRIMINAL CASES. Except in traffic cases wherein bail is forfeited to a violations bureau, and except in cases filed in municipal departments established pursuant to chapter 3.46, in every criminal action filed by a city for an ordinance violation the city shall be charged a four dollar filing fee. In such criminal actions the cost of providing services necessary for the preparation and presentation of a defense at public expense are not within the four dollar filing fee and shall be paid by the city. In all other criminal actions, no filing fee shall be assessed or collected: PROVIDED, That in such cases, for the purposes of RCW 3.62.010, four dollars of each fine or penalty shall be deemed filing costs. [1973 1st ex.s. c 10 § 2; 1961 c 299 § 111.]

TITLE 4  
CIVIL PROCEDURE

Sections added, amended, or repealed:

Chapter 4.20 Survival of Actions.

- 4.20.020 Wrongful death--Beneficiaries of action.  
4.20.060 Action for personal injury survives to surviving spouse, child, or heirs.

Chapter 4.22 Comparative Negligence--Imputed Negligence.



- 4.22.010 Contributory negligence no bar to action--Comparative negligence.
- 4.22.020 Negligence of one spouse not imputable to other.
- 4.22.900 Effective date--1973 1st ex.s. c 138.
- 4.22.910 Severability--1973 1st ex.s. c 138.

Chapter 4.24 Special Rights of Action and Special Immunities.

- 4.24.010 Action for injury or death of child.
- 4.24.020 Action by parent for seduction of child.
- 4.24.030 Action by woman for her own seduction.
- 4.24.120 Action for falsely charging sex crimes.

Chapter 4.84 Costs.

- 4.84.250 Attorneys' fees as costs in damage actions of one thousand dollars or less--Allowed to prevailing party--Amount.
- 4.84.260 Attorneys' fees as costs in damage actions of one thousand dollars or less--When plaintiff deemed prevailing party.
- 4.84.270 Attorneys' fees as costs in damage actions of one thousand dollars or less--When defendant deemed prevailing party.
- 4.84.280 Attorneys' fees as costs in damage actions of one thousand dollars or less--Offers of settlement in determining.
- 4.84.290 Attorneys' fees as costs in damage actions of one thousand dollars or less--Prevailing party on appeal.
- 4.84.300 Attorneys' fees as costs in damage actions of one thousand dollars or less--Application.
- 4.84.310 Attorneys' fees as costs in damage actions of one thousand dollars or less--Assigned claims.

Chapter 4.92 Actions Against State.

- 4.92.010 Where brought--Cost bond--Change of venue.

Chapter 4.12  
VENUE--JURISDICTION

Cross Reference:

Actions against state as consequence of criminal act, jurisdiction of courts abolished: RCW 7.68.040.

Chapter 4.20  
SURVIVAL OF ACTIONS

4.20.020 WRONGFUL DEATH--BENEFICIARIES OF ACTION. Every such action shall be for the benefit of the wife, husband, child or children of the person whose death shall have been so caused. If there be no wife or husband or child or children, such action may be maintained for the benefit of the parents, sisters or brothers, who may be dependent upon the deceased person for support, and who are resident within the United States at the time of his death.

In every such action the jury may give such damages as, under all circumstances of the case, may to them seem just. [1973 1st ex.s. c 154 § 2; 1917 c 123 § 2; RRS § 183-1.]

Severability--1973 1st ex.s c 154: See note following RCW 2.12.030.

4.20.060 ACTION FOR PERSONAL INJURY SURVIVES TO SURVIVING SPOUSE, CHILD, OR HEIRS. No action for a personal injury to any person occasioning death shall abate, nor shall such right of action determine, by reason of such death, if such person has a surviving spouse or child living, or leaving no surviving spouse or issue, if there is dependent upon the deceased for support and resident within the United States at the time of decedent's death, parents, sisters or brothers; but such action may be prosecuted, or commenced and prosecuted, by the executor or administrator of the deceased, in favor of such surviving spouse, or in favor of the surviving spouse and children, or if no surviving spouse, in favor of such child or children, or if no surviving spouse or child or children, then in favor of the decedent's parents, sisters or brothers who may be dependent upon such person for support, and resident in the United States at the time of decedent's death. [1973 1st ex.s. c 154 § 3; 1927 c 156 § 1; 1909 c 144 § 1; Code 1881 § 18; 1854 p 220 § 495; RRS § 194.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 4.22  
COMPARATIVE NEGLIGENCE--IMPUTED NEGLIGENCE

4.22.010 CONTRIBUTORY NEGLIGENCE NO BAR TO ACTION--COMPARATIVE NEGLIGENCE. Contributory negligence shall not bar recovery in an action by any person or his legal representative to recover damages caused by negligence resulting in death or in injury to person or property, but any damages allowed shall be diminished in proportion to the percentage of negligence



attributable to the party recovering.  
[1973 1st ex.s. c 138 § 1.]

4.22.020 NEGLIGENCE OF ONE SPOUSE NOT IMPUTABLE TO OTHER. The negligence of one marital spouse shall not be imputed to the other spouse to the marriage so as to bar recovery in an action by the other spouse to the marriage, or his or her legal representative, to recover damages from a third party caused by negligence resulting in death or in injury to the person.  
[1973 1st ex.s. c 138 § 2.]

4.22.900 EFFECTIVE DATE—1973 1ST EX.S. C 138. This act takes effect as of 12:01 a.m. on April 1, 1974. [1973 1st ex.s. c 138 § 3.]

4.22.910 SEVERABILITY—1973 1ST EX.S. C 138. If any provision of this act or the application thereof to any person or circumstance is held unconstitutional, the remainder of this act and the application of such provisions to other persons or circumstances shall not be affected thereby, and it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such invalid or unconstitutional provision.  
[1973 1st ex.s. c 138 § 4.]

Chapter 4.24  
SPECIAL RIGHTS OF ACTION AND  
SPECIAL IMMUNITIES

4.24.010 ACTION FOR INJURY OR DEATH OF CHILD. The mother or father or both may maintain an action as plaintiff for the injury or death of a minor child, or a child on whom either, or both, are dependent for support: PROVIDED, That in the case of an illegitimate child the father cannot maintain or join as a party an action unless paternity has been duly established and the father has regularly contributed to the child's support.

This section creates only one cause of action, but if the parents of the child are not married, are separated, or not married to each other damages may be awarded to each plaintiff separately, as the court finds just and equitable.

If one parent brings an action under this section and the other parent is not named as a plaintiff, notice of the institution of the suit, together with a copy of the complaint, shall be served upon the other parent: PROVIDED, That when the mother of an illegitimate child initiates an action, notice shall be required only if paternity has been duly established and the father has regularly contributed to the child's support.

Such notice shall be in compliance with the statutory requirements for a summons. Such notice shall state that the other parent must join as a party to the suit within twenty days or the right to recover damages under this section shall be barred. Failure of the other parent to timely appear shall bar such parent's action to recover any part of an award made to the party instituting the suit.

In such an action, in addition to damages for medical, hospital, medication expenses, and loss of services and support, damages may be recovered for the loss of love and companionship of the child and for injury to or destruction of the parent-child relationship in such amount as, under all the circumstances of the case, may be just. [1973 1st ex.s. c 154 § 4; 1967 ex.s. c 81 § 1; 1927 c 191 § 1; Code 1881 § 9; 1877 p 5 § 9; 1873 p 5 § 10; 1869 p 4 § 9; RRS § 184.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

4.24.020 ACTION BY PARENT FOR SEDUCTION OF CHILD. A father or mother, may maintain an action as plaintiff for the seduction of a child, and the guardian for the seduction of a ward, though the child or the ward be not living with or in the service of the plaintiff at the time of the seduction or afterwards, and there be no loss of service. [1973 1st ex.s. c 154 § 5; Code 1881 § 10; 1877 p 5 § 10; 1869 p 4 § 10; RRS § 185.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

4.24.030 ACTION BY WOMAN FOR HER OWN SEDUCTION. [1971 ex.s. c 292 § 60; Code 1881 § 11; 1877 p 5 § 11; 1869 p 5 § 11; 1854 p 220 § 497; RRS § 186.] Repealed by 1973 1st ex.s. c 154 § 121.

4.24.120 ACTION FOR FALSELY CHARGING SEX CRIMES. [Code 1881 § 747; 1877 p 152 § 752; 1854 p 219 § 487; RRS § 294.] Repealed by 1973 1st ex.s. c 154 § 121.

Chapter 4.84  
COSTS

4.84.250 ATTORNEYS' FEES AS COSTS IN DAMAGE ACTIONS OF ONE THOUSAND DOLLARS OR LESS—ALLOWED TO PREVAILING PARTY—AMOUNT. Notwithstanding any other provisions of chapter 4.84 RCW and RCW 12.20.060, in any action for damages where the amount pleaded by the prevailing party as hereinafter defined, exclusive of costs, is one thousand dollars or less, there shall be taxed and allowed to the prevailing party as a

part of the costs of the action a reasonable amount to be fixed by the court as attorneys' fees. [1973 c 84 § 1.]

4.84.260 ATTORNEYS' FEES AS COSTS IN DAMAGE ACTIONS OF ONE THOUSAND DOLLARS OR LESS--WHEN PLAINTIFF DEEMED PREVAILING PARTY. The plaintiff, or party seeking relief, shall be deemed the prevailing party within the meaning of RCW 4.84.250 when the recovery, exclusive of costs, is as much as or more than the amount offered in settlement by the plaintiff, or party seeking relief, as set forth in RCW 4.84.280. [1973 c 84 § 2.]

4.84.270 ATTORNEYS' FEES AS COSTS IN DAMAGE ACTIONS OF ONE THOUSAND DOLLARS OR LESS--WHEN DEFENDANT DEEMED PREVAILING PARTY. The defendant, or party resisting relief, shall be deemed the prevailing party within the meaning of RCW 4.84.250, if the plaintiff, or party seeking relief, recovers nothing, or if the recovery, exclusive of costs, is the same as or less than the amount offered in settlement by the defendant, or the party resisting relief, as set forth in RCW 4.84.280. [1973 c 84 § 3.]

4.84.280 ATTORNEYS' FEES AS COSTS IN DAMAGE ACTIONS OF ONE THOUSAND DOLLARS OR LESS--OFFERS OF SETTLEMENT IN DETERMINING. Offers of settlement shall be served on the adverse party in the manner prescribed by applicable court rules. Offers of settlement shall not be filed or communicated to the trier of the fact until after judgment, at which time a copy of said offer of settlement shall be filed for the purposes of determining attorneys' fees as set forth in RCW 4.84.250. [1973 c 84 § 4.]

4.84.290 ATTORNEYS' FEES AS COSTS IN DAMAGE ACTIONS OF ONE THOUSAND DOLLARS OR LESS--PREVAILING PARTY ON APPEAL. If the case is appealed, the prevailing party on appeal shall be considered the prevailing party for the purpose of applying the provisions of RCW 4.84.250: PROVIDED, That if, on appeal, a retrial is ordered, the court ordering the retrial shall designate the prevailing party, if any, for the purpose of applying the provisions of RCW 4.84.250.

In addition, if the prevailing party on appeal would be entitled to attorneys' fees under the provisions of RCW 4.84.250, the court deciding the appeal shall allow to the prevailing party such additional amount as the court shall adjudge reasonable as attorneys' fees for the appeal. [1973 c 84 § 5.]

4.84.300 ATTORNEYS' FEES AS COSTS IN DAMAGE ACTIONS OF ONE THOUSAND DOLLARS OR LESS--APPLICATION. The provisions of RCW 4.84.250 through 4.84.290 shall apply regardless of whether the action is commenced in justice court or superior court: PROVIDED, That this section shall not be construed as conferring jurisdiction on either court. [1973 c 84 § 6.]

4.84.310 ATTORNEYS' FEES AS COSTS IN DAMAGE ACTIONS OF ONE THOUSAND DOLLARS OR LESS--ASSIGNED CLAIMS. The provisions of RCW 4.84.250 through 4.84.310 shall not apply to actions on assigned claims. [1973 c 84 § 7.]

#### Chapter 4.92 ACTIONS AGAINST STATE

##### Cross References:

Criminal act, civil actions against state as consequence of criminal act abolished: RCW 7.68.040.

Victims of crimes, compensation, actions against state abolished: RCW 7.68.040.

4.92.010 WHERE BROUGHT--COST BOND--CHANGE OF VENUE. 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. 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, That in 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 no surety bond as above provided for shall be required.

The venue for such actions shall be as follows:

(1) The county of the residence or principal place of business of one or more of the plaintiffs;

(2) The county where the cause of action arose;

(3) The county in which the real property that is the subject of the action is situated;

(4) The county where the action may be properly commenced by reason of the joinder of an additional defendant; or

(5) Thurston county.

Actions shall be subject to change of venue in accordance with statute, rules of court, and the common law as the same now exist or may hereafter be amended, adopted, or altered.

Actions shall be tried in the county in which they have been commenced in the absence of a seasonable motion by or in behalf of the state to change the venue of the action. [1973 c 44 § 1; 1963 c 159 § 1; 1927 c 216 § 1; 1895 c 95 § 1; RRS § 886.]

TITLE 6  
ENFORCEMENT OF JUDGMENTS

Sections added, amended, or repealed:

Chapter 6.12 Homesteads.

- 6.12.020 From what it may be selected.
- 6.12.030 Selection from separate estate of wife or husband.
- 6.12.040 Mode of selection—Declaration of homestead.
- 6.12.060 Contents of declaration.
- 6.12.260 Money from sale protected.
- 6.12.290 "Head of family" defined.

Chapter 6.16 Personal Exemptions.

- 6.16.010 "Householder" defined.
- 6.16.020 Exempt property specified.
- 6.16.070 Separate property of spouse exempt.
- 6.16.090 Claim of exemption and proceedings thereon.

Chapter 6.12  
HOMESTEADS

6.12.020 FROM WHAT IT MAY BE SELECTED. If the claimant be married the homestead may be selected from the community property, or, with the consent of the husband, from his separate property, or, with the consent of the wife, from her separate property. When the claimant is not married, but is the head of a family within the meaning of RCW 6.12.290 as now or hereafter amended, the homestead may be selected from any of his or her property. [1973 1st ex.s. c 154 § 6; 1895 c 64 § 2; RRS § 530.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

6.12.030 SELECTION FROM SEPARATE ESTATE OF WIFE OR HUSBAND. The homestead cannot be selected from the separate property of the wife without her consent or from the separate property of the husband without his consent, shown by his or her making the declaration of homestead. [1973 1st ex.s. c 154 § 7; 1895 c 64 § 3; RRS § 531.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

6.12.040 MODE OF SELECTION—DECLARATION OF HOMESTEAD. In order to select a homestead the husband, wife, or other head of a family must execute and acknowledge, in the same manner as a grant of real property is acknowledged, a declaration of homestead, and file the same for record. [1973 1st ex.s. c 154 § 8; 1895 c 64 § 30; RRS § 558.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

6.12.060 CONTENTS OF DECLARATION. The declaration of homestead must contain—

- (1) A statement showing that the person making it is the head of a family.
- (2) A statement that the person making it is residing on the premises or has purchased the same for a homestead and intends to reside thereon and claims them as a homestead.
- (3) A description of the premises.
- (4) An estimate of their actual cash value. [1973 1st ex.s. c 154 § 9; 1895 c 64 § 31; RRS § 559.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

6.12.260 MONEY FROM SALE PROTECTED. The money paid to the claimant is entitled to the same protection against legal process and the voluntary disposition of the husband or wife which the law gives to the homestead. [1973 1st ex.s. c 154 § 10; 1895 c 64 § 21; RRS § 549.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

6.12.290 "HEAD OF FAMILY" DEFINED. The phrase "head of the family," as used in this chapter, includes within its meaning—

- (1) The husband or wife, when the claimant is a married person; or a widow or widower still residing upon the premises occupied by her or him as a home while married.
- (2) Every person who has residing on the premises with him or her, and under his or her care and maintenance, either—
  - (a) When such child or grandchild be under eighteen years of age, his or her child or grandchild or the child or grandchild of his or her deceased wife or husband.
  - (b) When such brother or sister or child be under eighteen years of age, a brother or sister, or the child of a deceased brother or sister.
  - (c) A father, mother, grandmother or grandfather.
  - (d) The father, mother, grandfather or grandmother of deceased husband or wife.
  - (e) Any other of the relatives mentioned in this section who has attained the age of eighteen years, and are unable

to take care of or support themselves. [1973 1st ex.s. c 154 § 11; 1971 ex.s. c 292 § 5; 1933 c 36 § 1; 1895 c 64 § 25; RRS § 553.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 6.16  
PERSONAL EXEMPTIONS

6.16.010 "HOUSEHOLDER" DEFINED. A householder, as designated in all statutes relating to exemptions, is defined to be:

(1) The husband and wife, or either.

(2) Every person who has residing with him or her, and under his or her care and maintenance, either:

(a) When such child be under eighteen years of age, his or her child, or the child of his or her deceased wife or husband.

(b) When such brother or sister or child be under eighteen years of age, a brother or sister, or the child of a deceased brother or sister.

(c) A father, mother, grandfather or grandmother.

(d) The father, mother, grandfather or grandmother of deceased husband or wife.

(e) Any other of the relatives mentioned in this section who has attained the age of eighteen years, and are unable to take care of or support themselves. [1973 1st ex.s. c 154 § 12; 1971 ex.s. c 292 § 6; 1897 c 57 § 2; RRS § 565.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

6.16.020 EXEMPT PROPERTY SPECIFIED. The following personal property shall be exempt from execution and attachment, except as hereinafter specially provided:

(1) All wearing apparel of every person and family, but not to exceed five hundred dollars in value in furs, jewelry, and personal ornaments for any person.

(2) All private libraries not to exceed five hundred dollars in value, and all family pictures and keepsakes.

(3) To each householder, (a) his household goods, appliances, furniture and home and yard equipment, not to exceed one thousand dollars in value;

(b) provisions and fuel for the comfortable maintenance of such household and family for three months; and

(c) other property not to exceed four hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan accounts, stocks, bonds, or other securities.

(4) To a person not a householder, other property not to exceed two hundred dollars in value, of which not more than one hundred dollars in value may consist of cash, bank accounts, savings and loan

accounts, stocks, bonds, or other securities.

(5) To a farmer, farm trucks, farm stock, farm tools, farm equipment, supplies and seed, not to exceed one thousand five hundred dollars in value.

(6) To a physician, surgeon, attorney, clergyman, or other professional man, his library, office furniture, office equipment and supplies, not to exceed one thousand five hundred dollars in value.

(7) To any other person, the tools and instruments and materials used to carry on his trade for the support of himself or family, not to exceed one thousand five hundred dollars in value.

The property referred to in the foregoing subsection (3) shall be selected by the husband or wife if present, and in case neither husband nor wife nor other person entitled to the exemption shall be present to make the selection, then the sheriff or the director of public safety shall make a selection equal in value to the applicable exemptions above described and he shall return the same as exempt by inventory. Any selection made as above provided shall be prima facie evidence (a) that the property so selected is exempt from execution and attachment, and (b) that the property so selected is not in excess of the values specified for the exemptions. Except as above provided, the exempt property shall be selected by the person claiming the exemption. No person shall be entitled to more than one exemption under the provisions of the foregoing subsections (5), (6) and (7).

For purposes of this section "value" shall mean the reasonable market value of the article or item at the time of its selection, and shall be of the debtor's interest therein, exclusive of all liens and encumbrances thereon.

Wages, salary, or other compensation regularly paid for personal services rendered by the person claiming the exemption may not be claimed as exempt under the foregoing provisions, but the same may be claimed as exempt in any bankruptcy or insolvency proceeding to the same extent as allowed under the statutes relating to garnishments.

No property shall be exempt under this section from an execution issued upon a judgment for all or any part of the purchase price thereof, or for any tax levied upon such property. [1973 1st ex.s. c 154 § 13; 1965 c 89 § 1; 1886 p 96 § 1; Code 1881 § 347; 1879 p 157 § 1; 1877 p 73 § 351; 1869 p 87 § 343; 1854 p 178 § 253; RRS § 563.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

6.16.070 SEPARATE PROPERTY OF SPOUSE EXEMPT. All real and personal estate belonging to any married person at the time of his or her marriage, and all which he or she may have acquired subsequently

to such marriage, or to which he or she shall hereafter become entitled in his or her own right, and all his or her personal earnings, and all the issues, rents and profits of such real estate, shall be exempt from attachment and execution upon any liability or judgment against the other spouse, so long as he or she or any minor heir of his or her body shall be living: PROVIDED, That the separate property of each spouse shall be liable for debts owing by him or her at the time of marriage. [1973 1st ex.s. c 154 § 14; Code 1881 § 341; 1877 p 71 § 345; 1869 p 85 § 337; 1854 p 178 § 252; RRS § 570.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

6.16.090 CLAIM OF EXEMPTION AND PROCEEDINGS THEREON. As used in this section the masculine shall apply also to the feminine.

When a debtor claims personal property as exempt he shall deliver to the officer making the levy an itemized list of all the personal property owned or claimed by him, including money, bonds, bills, notes, claims and demands, with the residence of the person indebted upon the said bonds, bills, notes, claims and demands, and shall verify such list by affidavit. He shall also deliver to such officer a list by separate items of the property he claims as exempt. If the creditor, his agent or attorney demand an appraisal thereof, two disinterested householders of the neighborhood shall be chosen, one by the debtor and the other by the creditor, his agent or attorney, and these two, if they cannot agree, shall select a third; but if either party fail to choose an appraiser, or the two fail to select a third, or if one or more of the appraisers fail to act, the officer shall appoint one. The appraisers shall forthwith proceed to make a list by separate items, of the personal property selected by the debtor as exempt, which they shall decide as exempt, stating the value of each article, and annexing to the list their affidavit to the following effect: "We solemnly swear that to the best of our judgment the above is a fair cash valuation of the property therein described," which affidavit shall be signed by two appraisers at least, and be certified by the officer administering the oaths. The list shall be delivered to the officer holding the execution or other process and be by him annexed to and made part of his return and the property therein specified shall be exempt from levy and sale, and the other personal estate of the debtor shall remain subject thereto. In case no appraisal be required the officer shall return with the process the list of the property claimed as exempt by the debtor. The appraisers shall each be entitled to one dollar, to be paid by the creditor, if all the property claimed by the debtor

shall be exempt; otherwise to be paid by the debtor. [1973 1st ex.s. c 154 § 15; Code 1881 § 349; 1877 p 74 § 353; 1869 p 88 § 346; RRS § 572.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

## TITLE 7 SPECIAL PROCEEDINGS

Sections added, amended, or repealed:

### Chapter 7.12 Attachment.

7.12.020 Affidavit for writ--Issuance of writ--Grounds.

### Chapter 7.36 Habeas Corpus.

7.36.020 Parents, guardians, etc., may act for persons under disability.

### Chapter 7.48 Nuisances.

7.48.240 Certain places of resort declared nuisances.

### Chapter 7.68 Victims of Crimes--Compensation.

7.68.010 Intent.  
7.68.020 Definitions.  
7.68.030 Duties of department--General provisions.  
7.68.040 Civil actions against state and jurisdiction of courts abolished.  
7.68.050 Right of action against perpetrator.  
7.68.060 Applications for benefits.  
7.68.070 Benefits--Right to and amount.  
7.68.080 Medical aid.  
7.68.090 Establishment of funds.  
7.68.100 Physicians' reporting.  
7.68.110 Appeals.  
7.68.120 Reimbursement.  
7.68.130 Collateral resources.  
7.68.140 Confidentiality.  
7.68.150 Benefits, payments and costs to be funded and accounted for separately.  
7.68.160 Claims of persons injured prior to effective date.  
7.68.900 Effective date.  
7.68.910 Section captions.

## Chapter 7.12 ATTACHMENT

7.12.020 AFFIDAVIT FOR WRIT--ISSUANCE OF WRIT--GROUNDS. The writ of attachment shall be issued by the clerk of the court in which the action is pending; but before any such writ of attachment shall issue, the plaintiff, or someone in his behalf, shall make and file with such clerk an

affidavit showing that the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all just credits and offsets), and that the attachment is not sought and the action is not prosecuted to hinder, delay, or defraud any creditor of the defendant, and either:

(1) That the defendant is a foreign corporation; or

(2) That the defendant is not a resident of this state; or

(3) That the defendant conceals himself so that the ordinary process of law cannot be served upon him; or

(4) That the defendant has absconded or absented himself from his usual place of abode in this state, so that the ordinary process of law cannot be served upon him; or

(5) That the defendant has removed or is about to remove any of his property from this state, with intent to delay or defraud his creditors; or

(6) That the defendant has assigned, secreted, or disposed of, or is about to assign, secrete, or dispose of, any of his property, with intent to delay or defraud his creditors; or

(7) That the defendant is about to convert his property, or a part thereof, into money, for the purpose of placing it beyond the reach of his creditors; or

(8) That the defendant has been guilty of a fraud in contracting the debt or incurring the obligation for which the action is brought; or

(9) That the damages for which the action is brought are for injuries arising from the commission of some felony; or

(10) That the object for which the action is brought is to recover on a contract, express or implied. [1973 1st ex.s. c 154 § 16; 1923 c 159 § 1; 1886 p 39 § 2; RRS § 648. Prior: Code 1881 §§ 174-192; 1877 pp 35-40; 1873 pp 43-50; 1871 pp 9, 10; 1869 pp 41-47; 1863 pp 112-120; 1860 pp 30-36; 1854 pp 155-162.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

#### Chapter 7.36 HABEAS CORPUS

7.36.020 PARENTS, GUARDIANS, ETC., MAY ACT FOR PERSONS UNDER DISABILITY. Writs of habeas corpus shall be granted in favor of parents, guardians, spouses, and next of kin, and to enforce the rights, and for the protection of infants and insane persons; and the proceedings shall in all cases conform to the provisions of this chapter. [1973 1st ex.s. c 154 § 17; Code 1881 § 688; 1877 p 141 § 692; 1869 p 159 § 628; 1854 p 214 § 456; RRS § 1064.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

#### Chapter 7.48 NUISANCES

7.48.240 CERTAIN PLACES OF RESORT DECLARED NUISANCES. Houses of ill fame, kept for the purpose, where persons are employed for purposes of prostitution; all public houses or places of resort where gambling is carried on, or permitted; all houses or places within any city, town, or village, or upon any public road, or highway where drunkenness, gambling, fighting or breaches of the peace are carried on, or permitted; all opium dens, or houses, or places of resort where opium smoking is permitted, are nuisances, and may be abated, and the owners, keepers, or persons in charge thereof, and persons carrying on such unlawful business shall be punished as provided in this chapter. [1973 1st ex.s. c 154 § 18; Code 1881 § 1247; 1875 p 81 § 13; RRS § 9924.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

#### Chapter 7.68 VICTIMS OF CRIMES—COMPENSATION

7.68.010 INTENT. It is the intent of the legislature of the state of Washington to provide a method of compensating and assisting those residents of the state who are innocent victims of criminal acts and who suffer bodily injury or death as a consequence thereof. To that end, it is the intention of the legislature to make certain of the benefits and services which are now or hereafter available to injured workmen under Title 51 RCW also available to innocent victims of crime as defined and provided for in this chapter. [1973 1st ex.s. c 122 § 1.]

7.68.020 DEFINITIONS. The following words and phrases as used in this chapter shall have the following meanings unless the context otherwise requires:

(1) "Department" means the department of labor and industries;

(2) "Criminal act" means an act committed or attempted in this state which is punishable as a felony or gross misdemeanor under the laws of this state: PROVIDED, That the operation of a motor vehicle, motorcycle, train, boat, or aircraft in violation of law does not constitute a "criminal act" unless the injury or death was intentionally inflicted or the operation thereof was part of the commission of another criminal act as defined in this section: PROVIDED FURTHER: (a) That neither an acquittal in a criminal prosecution nor the absence of any such prosecution shall be admissible in any claim or proceeding under this chapter as evidence of the noncriminal character of the acts giving rise to such claim or

proceeding; (b) that evidence of a criminal conviction arising from acts which are the basis for a claim or proceeding under this chapter shall be admissible in such claim or proceeding for the limited purpose of proving the criminal character of the acts; (c) that acts which, but for the insanity or mental irresponsibility of the perpetrator, would constitute criminal conduct shall be deemed to be criminal conduct within the meaning of this chapter.

(3) "Victim" means a resident of the state who suffers bodily injury or death as a proximate result of a criminal act of another person, the victim's own good faith and reasonable effort to prevent a criminal act, or his good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits pursuant to this chapter, "victim" shall be interchangeable with "employee" or "workman" as defined in chapter 51.08 RCW.

(4) "Child", "accredited school", "dependent", "beneficiary", "average monthly wage", "director", "injury", "invalid", "permanent partial disability", and "permanent total disability" shall have the meanings assigned to them in chapter 51.08 RCW. [1973 1st ex.s. c 122 § 2.]

7.68.030 DUTIES OF DEPARTMENT—GENERAL PROVISIONS. It shall be the duty of the director to establish and administer a program of benefits to victims of criminal acts within the terms and limitations of this chapter. In so doing, the director shall, in accordance with chapter 34.04 RCW, adopt rules and regulations necessary to the administration of this chapter, and the provisions contained in chapter 51.04 RCW, including but not limited to RCW 51.04.020, 51.04.030, 51.04.040, 51.04.050 and 51.04.100 as now or hereafter amended, shall apply where appropriate in keeping with the intent of this chapter. [1973 1st ex.s. c 122 § 3.]

7.68.040 CIVIL ACTIONS AGAINST STATE AND JURISDICTION OF COURTS ABOLISHED. In keeping with the intent of the legislature as set forth in RCW 7.68.010, all civil actions and civil causes of action against the state for injury or death as a consequence of a criminal act, and all jurisdiction of the courts of the state over such causes, are hereby abolished except as in this chapter provided. [1973 1st ex.s. c 122 § 4.]

7.68.050 RIGHT OF ACTION AGAINST PERPETRATOR. No right of action at law against a person who has committed a criminal act, for damages as a consequence of such act, shall be lost as a consequence of receiving benefits under the provisions of this chapter. In the event any person receiving benefits under this

chapter additionally seeks a remedy for damages from the person or persons who have committed the criminal act resulting in damages, then and in that event the department shall be subrogated to and have a lien upon any recovery so made to the extent of the payments made by the department to or on behalf of such person under this chapter. [1973 1st ex.s. c 122 § 5.]

7.68.060 APPLICATIONS FOR BENEFITS. For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if an application for benefits is not received by the department within one hundred eighty days after the date of injury or one hundred twenty days after the date of death of the victim, or the rights of dependents or beneficiaries accrued, if such is the case. [1973 1st ex.s. c 122 § 6.]

7.68.070 BENEFITS—RIGHT TO AND AMOUNT. The right to benefits under this chapter and the amount thereof will be governed insofar as is applicable by the provisions contained in chapter 51.32 RCW except as provided in this section:

(1) The provisions contained in RCW 51.32.005, 51.32.015, 51.32.030, 51.32-.070, 51.32.073, 51.32.180, 51.32.190 and 51.32.200 as now or hereafter amended are not applicable to this chapter.

(2) Each victim injured as a result of a criminal act, or his family or dependents in case of death of the victim, are entitled to benefits in accordance with this chapter, and the rights, duties, responsibilities, limitations and procedures applicable to a workman as contained in RCW 51.32.010 as now or hereafter amended are applicable to this chapter.

(3) The limitations contained in RCW 51.32.020 as now or hereafter amended are applicable to claims under this chapter. In addition thereto, no person or spouse, child or dependent of such person shall be entitled to benefits under this chapter when the injury for which benefits are sought was the result of consent, provocation or incitement by the victim, was the result of an act or acts committed by a person residing with the victim or who is a spouse, child, parent, or sibling of the victim by the half or whole blood, adoption or marriage, when the person injured sustained his injury as a result of his assisting, attempting, or committing a criminal act, or occurred while the victim was resident in any county or city jail or any state institution maintained and operated by the department of social and health services.



(4) The benefits established upon the death of a workman and contained in RCW 51.32.050 as now or hereafter amended shall be the benefits obtainable under this chapter and provisions relating to payment contained in that section shall equally apply under this chapter: PROVIDED, That in the event of the death of a victim who was not gainfully employed at the time of death, and who was not so employed for at least three of the twelve months immediately preceding injury, benefits payable to an eligible surviving spouse shall be limited to burial expenses as provided in RCW 51.32.050 as now or hereafter amended and a lump sum payment of seven thousand five hundred dollars without reference to children; if no spouse survives, then such burial expenses shall be paid, and each eligible child shall receive a lump sum payment of two thousand five hundred dollars. No other benefits shall be paid or payable under these circumstances.

(5) The benefits established in RCW 51.32.060 as now or hereafter amended for permanent total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That in the event a victim who is permanently totally disabled was not gainfully employed at the time of his injury, "wages", for the purpose of calculation of benefits, where required, shall be deemed to be the average monthly wage determined pursuant to RCW 51.08.018 as now or hereafter amended.

(6) The benefits established in RCW 51.32.080 as now or hereafter amended for permanent partial disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall equally apply under this chapter.

(7) The benefits established in RCW 51.32.090 for temporary total disability shall be the benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter: PROVIDED, That no person shall be eligible for temporary total disability benefits under this chapter unless such person was gainfully employed at the time of his injury.

(8) The benefits established in RCW 51.32.095 as now or hereafter amended for continuation of benefits during vocational rehabilitation shall be benefits obtainable under this chapter, and provisions relating to payment contained in that section shall apply under this chapter.

(9) The provisions for lump sum payment of benefits upon death or permanent total disability as contained in RCW 51.32.130 as now or hereafter amended shall apply under this chapter.

(10) The provisions relating to payment of benefits to, for or on behalf of

workmen contained in RCW 51.32.040, 51.32-.055, 51.32.100, 51.32.110, 51.32.120, 51.32.135, 51.32.140, 51.32.150, 51.32.160 and 51.32.210 as now or hereafter amended shall be applicable to payment of benefits to, for or on behalf of victims under this chapter. [1973 1st ex.s. c 122 § 7.]

7.68.080 MEDICAL AID. The provisions of chapter 51.36 RCW shall govern the provision of medical aid under this chapter except that:

(1) The provisions contained in RCW 51.36.030 and 51.36.040 as now or hereafter amended shall not apply to this chapter;

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation shall not apply: PROVIDED, That when the injury to any victim is so serious as to require his being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090. [1973 1st ex.s. c 122 § 8.]

7.68.090 ESTABLISHMENT OF FUNDS. The director shall establish such fund or funds, separate from existing funds, necessary to administer this chapter, and payment to these funds shall be from legislative appropriation, reimbursement and subrogation as provided in this chapter, and from any contributions or grants specifically so directed. [1973 1st ex.s. c 122 § 9.]

7.68.100 PHYSICIANS' REPORTING. The requirements relating to physicians' reporting contained in RCW 51.36.060 and 51.48.060 as now or hereafter amended shall apply under this chapter. Any funds collected pursuant to RCW 51.48.060 as now or hereafter amended shall be paid into the fund established pursuant to RCW 7.68.090. [1973 1st ex.s. c 122 § 10.]

7.68.110 APPEALS. The provisions contained in chapter 51.52 RCW relating to appeals shall govern appeals under this chapter: PROVIDED, That no provision contained in chapter 51.52 RCW concerning employers as parties to any settlement, appeal or other action shall apply to this chapter: PROVIDED FURTHER, That appeals taken from a decision of the board of industrial insurance appeals under this chapter shall be governed by the provisions relating to judicial review of administrative decisions contained in RCW 34.04.130 and 34.04.140 as now or hereafter amended. [1973 1st ex.s. c 122 § 11.]



7.68.120 REIMBURSEMENT. Any person who has committed a criminal act which resulted in injury compensated under this chapter may be required to make reimbursement to the department as hereinafter provided.

(1) Any payment of benefits to or on behalf of a victim under this chapter creates a debt due and owing to the department by any person found to have committed such criminal act in either a civil or criminal court proceeding in which he is a party: PROVIDED, That where there has been a superior or district court order, or an order of the board of prison terms and paroles or the department of social and health services, as hereinafter provided, the debt shall be limited to the amount provided for in said order. A court order shall prevail over any other order.

(2) Upon being placed on work release pursuant to chapter 72.65 RCW, or upon release from custody of a state correctional facility on parole, any convicted person who owes a debt to the department as a consequence of a criminal act may have the schedule or amount of payments therefor set as a condition of work release or parole by the department of social and health services or board of prison terms and paroles respectively, subject to modification based on change of circumstances. Such action shall be binding on the department.

(3) Any requirement for payment due and owing the department by a convicted person under this chapter may be waived, modified downward or otherwise adjusted by the department in the interest of justice and the rehabilitation of the individual. [1973 1st ex.s. c 122 § 12.]

7.68.130 COLLATERAL RESOURCES. Benefits paid pursuant to this chapter shall be reduced by the amount of any other public or private insurance, industrial insurance, or medical health or disability benefits available. Payment by the department under this chapter shall be secondary to such other insurance or benefits, notwithstanding the provision of any contract or coverage to the contrary. [1973 1st ex.s. c 122 § 13.]

7.68.140 CONFIDENTIALITY. Information contained in the claim files and records of victims, under the provisions of this chapter, shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but a representative of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant. [1973 1st ex.s. c 122 § 14.]

7.68.150 BENEFITS, PAYMENTS AND COSTS TO BE FUNDED AND ACCOUNTED FOR SEPARATELY. All benefits and payments made, and all administrative costs accrued, pursuant to this chapter shall be funded and accounted for separate from the other operations and responsibilities of the department. [1973 1st ex.s. c 122 § 15.]

7.68.160 CLAIMS OF PERSONS INJURED PRIOR TO EFFECTIVE DATE. Any person who has been injured as a result of a "criminal act" as herein defined on or after January 1, 1972 up to the effective date of this 1973 act, who would otherwise be eligible for benefits under this 1973 act, may for a period of ninety days from the effective date of this 1973 act, file a claim for benefits with the department on a form provided by the department. The department shall investigate and review such claims, and, within two hundred ten days of the effective date of this 1973 act, shall report to the legislative budget committee and the governor its findings and recommendations as to such claims, along with a statement as to what special legislative relief, if any, the department recommends should be provided. [1973 1st ex.s. c 122 § 16.]

Effective date—1973 1st ex.s. c 122:  
See RCW 7.68.900 and note following.

7.68.900 EFFECTIVE DATE. This chapter shall take effect on July 1, 1974. [1973 1st ex.s. c 122 § 17.]

Funding required: "This bill shall not take effect until the funds necessary for its implementation have been specifically appropriated by the legislature and such appropriation itself has become law. It is the intention of the legislature that if the governor shall veto this section or any item thereof, none of the provisions of this bill shall take effect." [1973 1st ex.s. c 122 § 21.]

7.68.910 SECTION CAPTIONS. Section captions as used in this act do not constitute any part of the law. [1973 1st ex.s. c 122 § 20.]

TITLE 8  
EMINENT DOMAIN

Sections added, amended, or repealed:

Chapter 8.04 Eminent Domain by State.

8.04.090 Order for immediate possession—Payment of tender into court.

8.04.160 Award, how paid into court.

7.68.120 REIMBURSEMENT. Any person who has committed a criminal act which resulted in injury compensated under this chapter may be required to make reimbursement to the department as hereinafter provided.

(1) Any payment of benefits to or on behalf of a victim under this chapter creates a debt due and owing to the department by any person found to have committed such criminal act in either a civil or criminal court proceeding in which he is a party: PROVIDED, That where there has been a superior or district court order, or an order of the board of prison terms and paroles or the department of social and health services, as hereinafter provided, the debt shall be limited to the amount provided for in said order. A court order shall prevail over any other order.

(2) Upon being placed on work release pursuant to chapter 72.65 RCW, or upon release from custody of a state correctional facility on parole, any convicted person who owes a debt to the department as a consequence of a criminal act may have the schedule or amount of payments therefor set as a condition of work release or parole by the department of social and health services or board of prison terms and paroles respectively, subject to modification based on change of circumstances. Such action shall be binding on the department.

(3) Any requirement for payment due and owing the department by a convicted person under this chapter may be waived, modified downward or otherwise adjusted by the department in the interest of justice and the rehabilitation of the individual. [1973 1st ex.s. c 122 § 12.]

7.68.130 COLLATERAL RESOURCES. Benefits paid pursuant to this chapter shall be reduced by the amount of any other public or private insurance, industrial insurance, or medical health or disability benefits available. Payment by the department under this chapter shall be secondary to such other insurance or benefits, notwithstanding the provision of any contract or coverage to the contrary. [1973 1st ex.s. c 122 § 13.]

7.68.140 CONFIDENTIALITY. Information contained in the claim files and records of victims, under the provisions of this chapter, shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but a representative of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant. [1973 1st ex.s. c 122 § 14.]

7.68.150 BENEFITS, PAYMENTS AND COSTS TO BE FUNDED AND ACCOUNTED FOR SEPARATELY. All benefits and payments made, and all administrative costs accrued, pursuant to this chapter shall be funded and accounted for separate from the other operations and responsibilities of the department. [1973 1st ex.s. c 122 § 15.]

7.68.160 CLAIMS OF PERSONS INJURED PRIOR TO EFFECTIVE DATE. Any person who has been injured as a result of a "criminal act" as herein defined on or after January 1, 1972 up to the effective date of this 1973 act, who would otherwise be eligible for benefits under this 1973 act, may for a period of ninety days from the effective date of this 1973 act, file a claim for benefits with the department on a form provided by the department. The department shall investigate and review such claims, and, within two hundred ten days of the effective date of this 1973 act, shall report to the legislative budget committee and the governor its findings and recommendations as to such claims, along with a statement as to what special legislative relief, if any, the department recommends should be provided. [1973 1st ex.s. c 122 § 16.]

Effective date—1973 1st ex.s. c 122:  
See RCW 7.68.900 and note following.

7.68.900 EFFECTIVE DATE. This chapter shall take effect on July 1, 1974. [1973 1st ex.s. c 122 § 17.]

Funding required: "This bill shall not take effect until the funds necessary for its implementation have been specifically appropriated by the legislature and such appropriation itself has become law. It is the intention of the legislature that if the governor shall veto this section or any item thereof, none of the provisions of this bill shall take effect." [1973 1st ex.s. c 122 § 21.]

7.68.910 SECTION CAPTIONS. Section captions as used in this act do not constitute any part of the law. [1973 1st ex.s. c 122 § 20.]

TITLE 8  
EMINENT DOMAIN

Sections added, amended, or repealed:

Chapter 8.04 Eminent Domain by State.

8.04.090 Order for immediate possession—Payment of tender into court.

8.04.160 Award, how paid into court.

Chapter 8.04  
EMINENT DOMAIN BY STATE

8.04.090 ORDER FOR IMMEDIATE POSSESSION—PAYMENT OF TENDER INTO COURT. In case the state shall require immediate possession and use of the property sought to be condemned, and an order of necessity shall have been granted, and no review has been taken therefrom, the attorney general may stipulate with respondents in accordance with the provisions of this section and RCW 8.04.092 and 8.04.094 for an order of immediate possession and use, and file with the clerk of the court wherein the action is pending, a certificate of the state's requirement of immediate possession and use of the land, which shall state the amount of money offered to the respondents and shall further state that such offer constitutes a continuing tender of such amount. The attorney general shall file a copy of the certificate with the office of program planning and fiscal management, who forthwith shall issue and deliver to him a warrant payable to the order of the clerk of the court wherein the action is pending in a sum sufficient to pay the amount offered, which shall forthwith be paid into the registry of the court. The court without further notice to respondent shall enter an order granting to the state the immediate possession and use of the property described in the order of necessity, which order shall bind the petitioner to pay the full amount of any final judgment of compensation and damages which may thereafter be awarded for the taking and appropriation of the lands, real estate, premises, or other property described in the petition and for the injury, if any, to the remainder of the lands, real estate, premises, or other property from which they are to be taken by reason of such taking and appropriation, after offsetting against any and all such compensation and damages the special benefits, if any, accruing to such remainder by reason of the appropriation and use by the state of the lands, real estate, premises, or other property described in the petition. The moneys paid into court may at any time after entry of the order of immediate possession, be withdrawn by respondents, by order of the court, as their interests shall appear. [1973 c 106 § 7; 1955 c 213 § 4. Prior: 1951 c 177 § 1; 1925 ex.s. c 98 § 1, part; RRS § 894, part.]

8.04.160 AWARD, HOW PAID INTO COURT. Whenever the attorney general shall file with the director of the office of program planning and fiscal management a certificate setting forth the amount of any award found against the state of Washington under the provisions of RCW 8.04.010 through 8.04.160, together with the costs of said proceeding, and a description of the lands and premises sought to be

appropriated and acquired, and the title of the action or proceeding in which said award is rendered, it shall be the duty of the office of program planning and fiscal management to forthwith issue a warrant upon the state treasury to the order of the attorney general in a sum sufficient to make payment in money of said award and the costs of said proceeding, and thereupon it shall be the duty of said attorney general to forthwith pay to the clerk of said court in money the amount of said award and costs. [1973 c 106 § 8; 1891 c 74 § 10; RRS § 900.]

TITLE 9  
CRIMES AND PUNISHMENTS

Sections added, amended, or repealed:

Chapter 9.45 Frauds and Swindles.

9.45.250 Fraud in obtaining cable television services.

Chapter 9.46 Gambling—1973 Act.

- 9.46.010 Legislative declaration.  
9.46.020 Definitions.  
9.46.030 Certain gambling activities authorized.  
9.46.040 Gambling commission—Members—Appointment—Vacancies, filling.  
9.46.050 Gambling commission—Chairman—Quorum—Meetings—Per diem and travel expenses—Bond—Removal.  
9.46.060 Gambling commission—Counsel—Audits—Payment for.  
9.46.070 Gambling commission—Powers and duties.  
9.46.080 Gambling commission—Administrator—Staff—Rules and regulations.  
9.46.090 Gambling commission—Reports.  
9.46.100 Gambling revolving fund—Created—Receipts—Disbursements—Use.  
9.46.110 Taxation of gambling activities—Limitations—Restrictions as to punch boards or pull-tabs.  
9.46.120 Restrictions as to management or operation personnel—Restriction as to leased premises.  
9.46.130 Inspection and audit of premises, paraphernalia, books and records—Reports for department of revenue.  
9.46.140 Gambling commission—Hearing and subpoena power.  
9.46.150 Injunctions—Voiding of licenses, permits or certificates.  
9.46.160 Conducting gambling activity without license as violation—Penalties.  
9.46.170 False or misleading entries or statements, refusal to produce

- records, as violations—  
Penalty.
- 9.46.180 Causing organization to violate chapter as violation—Penalty.
- 9.46.190 Violations relating to fraud or deceit—Penalty.
- 9.46.200 Action for money damages due to violations—Interest—Attorneys' fees—Class action.
- 9.46.210 Enforcement.
- 9.46.220 Professional gambling as violation—Penalty.
- 9.46.230 Seizure and disposition of gambling devices—Owning, buying, selling, etc., gambling devices or records—Penalties.
- 9.46.240 Gambling information, transmitting or receiving as violation—Penalty.
- 9.46.250 Gambling property or premises—Common nuisances, abatement—Termination of mortgage, contract or leasehold interests, licenses—Enforcement.
- 9.46.260 Proof of possession as evidence of knowledge of its character.
- 9.46.270 Chapter as exclusive authority for taxation of gambling activities.
- 9.46.280 Chapter exclusive authorization for gambling activities—Existing local authority as void.
- 9.46.285 Chapter as exclusive authority for licensing and regulation of gambling activity.
- 9.46.900 Severability—1973 1st ex.s. c 218.
- Chapter 9.47 Gambling.
- 9.47.150 Games for hire near university.
- 9.47.160 Games for hire near university—Terms defined.
- 9.47.170 Games for hire near university—Penalty.
- 9.47.300 Legislative declaration.
- 9.47.310 Definitions.
- 9.47.320 Professional gambling unlawful—Penalty.
- 9.47.330 Seizure and disposition of gambling devices—Owning, buying, selling, etc., gambling devices or records—Penalties.
- 9.47.340 Gambling information—Penalty.
- 9.47.350 Gambling property or premises—Common nuisances, abatement—Termination of mortgage, contract or leasehold interests, licenses or permits.
- 9.47.360 Injunctions.
- 9.47.370 Inspection and audit of premises, paraphernalia, books and records—Reports.
- 9.47.380 Proof of possession of devices and records, effect—Occurrence of event, evidence.
- 9.47.390 Authority of political subdivisions or agencies restricted—Bingo games—Penalty.
- 9.47.400 Penalties for professional gambling not applicable to certain games, when.
- 9.47.410 Violations—Penalties.
- 9.47.420 Action for money damages due to violations—Interest—Class action.
- 9.47.430 Violations—Voiding of licenses, permits or certificates—Enforcement.
- 9.47.440 Provisions exclusive—Strict construction.
- Chapter 9.59 Lotteries.
- 9.59.010 Defined—A nuisance—Drawing—How punished.
- 9.59.020 Selling tickets, advertising.
- 9.59.030 Disposing of property by lottery—Keeping office—Letting building.
- 9.59.040 Insuring lottery tickets—Advertising offers to insure.
- 9.59.050 Lotteries out of state—Advertisement by nonresidents.
- Chapter 9.68 Obscenity.
- 9.68.040 Using indecent or vulgar language, etc. (See note)
- Chapter 9.79 Sex Crimes.
- 9.79.010 Rape.
- 9.79.020 Carnal knowledge—Penalties.
- 9.79.030 Sexual intercourse, carnal knowledge, prostitution, sexual conduct, defined.
- 9.79.040 Compelling a person to marry.
- 9.79.050 Abduction.
- 9.79.060 Placing persons in house of prostitution—Pimping.
- 9.79.070 Seduction.
- 9.79.080 Indecent liberties, exposure, etc.
- Chapter 9.87 Vagrancy.
- 9.87.010 Vagrancy. (See note)
- Chapter 9.91 Miscellaneous Crimes.
- 9.91.120 Food stamps and food purchased with stamps—Reselling or purchasing.
- Chapter 9.95A Special Adult Supervision Programs.
- 9.95A.010 Legislative intent.
- 9.95A.020 State to share in costs.
- 9.95A.030 Definitions.
- 9.95A.040 Rules—Standards—Procedures.
- 9.95A.050 Application for financial aid.
- 9.95A.060 Terms and conditions for receiving state funds—Calculations, etc.—Reimbursements—Alternatives.
- 9.95A.070 Additional reimbursement for program for misdemeanant offenders.
- 9.95A.080 Pro rata payments for reduction in commitments and placement in program.

- 9.95A.090 Minimum payments to counties during first twelve months.  
 9.95A.900 Effective date—1973 1st ex.s. c 123.

Chapter 9.46  
 GAMBLING—1973 ACT

Chapter 9.95B Interstate Parole and Probation Hearing Procedures.

- 9.95B.010 Parole or probation violations—Hearing requirements—Purpose—Report to sending state—Custody.  
 9.95B.020 Qualifications of hearing officers.  
 9.95B.030 Hearing—Notice, content—Procedure.  
 9.95B.040 Hearings by other states—Effect on this state.  
 9.95B.900 Effective date—1973 c 21.

Chapter 9.96A Restoration of Employment Rights.

- 9.96A.010 Legislative declaration.  
 9.96A.020 Public employment—Licenses, permits, certificates, or registrations issued by state and political subdivisions—Disqualification due to prior felony conviction removed—Exceptions.  
 9.96A.030 Chapter not applicable to law enforcement agencies.  
 9.96A.040 Violations—Adjudication pursuant to administrative procedure act.  
 9.96A.050 Provisions of chapter prevailing.  
 9.96A.900 Effective date—1973 c 135.

Cross Reference:

Victims of crimes, compensation: Chapter 7.68 RCW.

Chapter 9.04  
 ADVERTISING, CRIMES RELATING TO

Cross References:

Charitable solicitations, regulation, application of chapter 9.04 RCW: RCW 19.09.340.

Hearing aid dispensing, advertising, etc.—Application: RCW 18.35.180.

Chapter 9.45  
 FRAUDS AND SWINDLES

9.45.250 FRAUD IN OBTAINING CABLE TELEVISION SERVICES. Any person who intentionally and knowingly obtains broadcast signals from a cable antenna television system by making any connection by wire to the cable, excepting from the wall outlet to the set, and who makes the connection without the consent of the operator of the system and in order to avoid payment to the operator shall be guilty of a misdemeanor. [1973 1st ex.s. c 94 § 1.]

9.46.010 LEGISLATIVE DECLARATION. It is hereby declared to be the policy of the legislature, recognizing the close relationship between professional gambling and organized crime, to restrain all persons from seeking profit from professional gambling activities in this state; to restrain all persons from patronizing such professional gambling activities; to safeguard the public against the evils induced by common gamblers and common gambling houses engaged in professional gambling; and at the same time, both to preserve the freedom of the press and to avoid restricting participation by individuals in activities and social pastimes, which activities and social pastimes are more for amusement rather than for profit, do not maliciously affect the public, and do not breach the peace.

The legislature further declares that the raising of funds for the promotion of bona fide charitable or nonprofit organizations is in the public interest as is participation in such activities and social pastimes as are hereinafter in this chapter authorized.

The legislature further declares that the conducting of bingo, raffles, and amusement games and the operation of punch boards, pull-tabs, and other social pastimes, when conducted pursuant to the provisions of this chapter and any rules and regulations adopted pursuant thereto, are hereby authorized, as are only such lotteries for which no valuable consideration has been paid or agreed to be paid as hereinafter in this chapter provided.

All factors incident to the activities authorized in this chapter shall be closely controlled, and the provisions of this chapter shall be liberally construed to achieve such end. [1973 1st ex.s. c 218 § 1.]

Reviser's note: Throughout this chapter the phrase "this act" has been changed to "this chapter". In addition to sections codified in this chapter, 1973 1st ex.s. c 218 had a repealer section (29) repealing RCW 9.47.150-9.47.170, 9.47.300-9.47.440, 9.59.010-9.59.050 and 82.28.010-82.28.060 and a legislative directive section (30) stating sections 1-28 should constitute a new chapter in Title 9 RCW.

9.46.020 DEFINITIONS. (1) "Amusement game" means a game played for entertainment in which:

- (a) The contestant actively participates;
- (b) The outcome depends in a material degree upon the skill of the contestant;
- (c) Only merchandise prizes are awarded;
- (d) The outcome is not in the control of the operator;

(e) The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and

(f) Said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, including the furnishing of equipment, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting such game or said game is conducted as part of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW or said game is conducted on any property of a city of the first class devoted to uses incident to a civic center, worlds fair or similar exposition.

(2) "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and in which no cards are sold except at the time and place of said game, when said game is conducted by a bona fide charitable or nonprofit organization which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week and which does not conduct bingo in any location which is used for conducting bingo on more than three occasions per week, or if an agricultural fair authorized under chapters 15.76 and 36.37 RCW, which does not conduct bingo on more than twelve consecutive days in any calendar year, and except in the case of any agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a bona fide member or an employee of said organization takes any part in the management or operation of said game, and no person who takes any part in the management or operation of said game takes any part in the management or operation of any game conducted by any other organization or any other branch of the same organization and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(3) "Bona fide charitable or nonprofit organization" means any organization duly existing under the provisions of chapters 24.12, 24.20, or 24.28 RCW, any agricultural fair authorized under the provisions of chapters 15.76 or 36.37 RCW, or any nonprofit corporation duly existing under the provisions of chapter 24.03 RCW for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, all of which in the opinion of the commission have been organized and are operated primarily for purposes other than the operation of gambling activities authorized under this chapter. The fact that contributions to an organization do not qualify for charitable contribution deduction purposes or that

the organization is not otherwise exempt from payment of federal income taxes pursuant to the Internal Revenue Code of 1954, as amended, shall constitute prima facie evidence that the organization is not a bona fide charitable or nonprofit organization for the purposes of this section.

Any person, association or organization which pays its employees, including members, compensation other than is reasonable therefor under the local prevailing wage scale shall be deemed paying compensation based in part or whole upon receipts relating to gambling activities authorized under this chapter and shall not be a bona fide charitable or nonprofit organization for the purposes of this chapter.

(4) "Bookmaking" means accepting bets as a business, rather than in a casual or personal fashion, upon the outcome of future contingent events.

(6) "Commission" means the Washington state gambling commission created in RCW 9.46.040.

(7) "Contest of chance" means any contest, game, gaming scheme, or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.

(8) "Gambling". A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include parimutuel betting as authorized by chapter 67.16 RCW, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance.

(9) "Gambling device" other than for the purposes of subsection (18) of this section means: (a) Any device or mechanism the operation of which a right to money, credits, deposits or other things of value may be created, in return for a consideration, as the result of the operation of an element of chance; (b) any device or mechanism which, when operated for a consideration, does not return the same value or thing of value for the same consideration upon each operation thereof; (c) any device, mechanism, furniture, fixture, construction or installation designed primarily for use in connection with professional gambling; and (d) any subassembly or essential part designed or intended for use in connection with any such device, mechanism, furniture, fixture, construction or installation. But in the application of this definition, a

pinball machine or similar mechanical amusement device which confers only an immediate and unrecorded right of replay on players thereof, which does not contain any mechanism which varies the chance of winning free games or the number of free games which may be won or a mechanism or a chute for dispensing coins or a facsimile thereof, and which prohibits multiple winnings depending upon the number of coins inserted and requires the playing of five balls individually upon the insertion of a nickel or dime, as the case may be, to complete any one operation thereof, shall not be deemed a gambling device: PROVIDED FURTHER, That owning, possessing, buying, selling, renting, leasing, financing, holding a security interest in, storing, repairing and transporting such pinball machines or similar mechanical amusement devices shall not be deemed engaging in professional gambling for the purposes of this chapter and shall not be a violation of this chapter: PROVIDED FURTHER, That any fee for the purchase or rental of any such pinball machines or similar amusement devices shall have no relation to the use to which such machines are put but be based only upon the market value of any such machine, regardless of the location of or type of premises where used, and any fee for the storing, repairing and transporting thereof shall have no relation to the use to which such machines are put, but be commensurate with the cost of labor and other expenses incurred in any such storing, repairing and transporting.

(10) "Gambling information" means any wager made in the course of and any information intended to be used for professional gambling. In the application of this definition information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling: PROVIDED, HOWEVER, That this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the federal communications commission.

(11) "Gambling premises" means any building, room, enclosure, vehicle, vessel or other place used or intended to be used for professional gambling. In the application of this definition, any place where a gambling device is found, shall be presumed to be intended to be used for professional gambling.

(12) "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

(13) "Lottery" means a scheme for the distribution of money or property by chance, among persons who have paid or agreed to pay a valuable consideration for the chance.

For the purpose of this chapter, the following activities do not constitute

"valuable consideration" as an element of a lottery:

(a) Listening to or watching a television or radio program or subscribing to a cable television service;

(b) Filling out a coupon or entry blank or facsimile which is published in a bona fide newspaper, or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;

(c) Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this state not more than once a year over a period of not more than ninety days;

(d) Visitation to any business establishment to obtain a coupon, entry blank;

(e) Mere registration without purchase of goods or services;

(f) Expenditure of time, thought, attention and energy in perusing promotional material; or

(g) Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer: PROVIDED, That where any drawing is held by or on behalf of in-state retail outlets in connection with business promotions authorized under subsections (d) and (e) hereof, no such in-state retail outlet may conduct more than one such drawing during each calendar year and the period of the drawing and its promotion shall not extend for more than seven consecutive days: PROVIDED FURTHER, That if the sponsoring organization has more than one outlet in the state such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet.

For purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the rules applicable thereto by the federal communications commission. Broadcast programming, including advertising and promotion, that complies with said federal statutes and regulations is hereby authorized.

(14) "Player" means a natural person who engages, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with the other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game,



such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "book-making" as defined in this section is not a "player".

(15) A person is engaged in "professional gambling" when:

(a) Acting other than as a player or in the manner set forth in RCW 9.46.030, he knowingly engages in conduct which materially aids any other form of gambling activity; or

(b) Acting other than as a player, or in the manner set forth in RCW 9.46.030, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

(c) He engages in bookmaking; or

(d) He conducts a lottery as defined in subsection (13) of this section.

Conduct under subparagraph (a), except as exempted under RCW 9.46.030, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit said premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling: PROVIDED, That the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: PROVIDED, FURTHER, That the books and records of the game shall be open to public inspection.

(16) "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except that such definition may be revised by the commission pursuant to rules and regulations promulgated pursuant to this chapter.

(17) "Raffle" means a game in which tickets bearing an individual number are sold for not more than one dollar each and in which a prize or prizes are awarded on the basis of a drawing from said tickets by the person or persons conducting the game, when said game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of said organization takes any part in the management or operation of said game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting said game.

(19) "Thing of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or promise, directly or indirectly, contemplating transfer of money or property or of any interest therein, or involving extension of a service, entertainment or a privilege of playing at a game or scheme without charge.

(20) "Whoever" and "person" include natural persons, corporations and partnerships and associations of persons; and when any corporate officer, director or stockholder or any partner authorizes, participates in, or knowingly accepts benefits from any violation of this chapter committed by his corporation or partnership, he shall be punishable for such violation as if it had been directly committed by him. [1973 1st ex.s. c 218 § 2.]

Reviser's note: (1) Subsections do not follow numerically in order because of governor's veto of portions of this section, including subsections (5) and (18) hereof; designation of such vetoed matter may be found in chapter 218, Laws of Washington, 1973 extraordinary session.

(2) Reference in subsection (9) above to "other than for the purposes of subsection (18) of this section" is superfluous, said subsection (18) having been vetoed by the governor; see note (1) above.

9.46.030 CERTAIN GAMBLING ACTIVITIES AUTHORIZED. (1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, and to utilize punch boards and pull-tabs, when licensed and conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) The legislature hereby authorizes any person, association or organization to utilize punch boards and pull-tabs as a commercial stimulant when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(3) The legislature hereby authorizes the management of any agricultural fair as authorized under chapters 15.76 and 36.37



RCW to conduct amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto as well as authorizing said amusement games as so licensed and operated to be conducted upon any property of a city of the first class devoted to uses incident to a civic center, worlds fair or similar exposition.

The penalties provided for professional gambling in this chapter, shall not apply to bingo games, raffles, punch boards, pull-tabs, amusement games, when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission. [1973 1st ex.s. c 218 § 3.]

9.46.040 GAMBLING COMMISSION--MEMBERS--APPOINTMENT--VACANCIES, FILLING.  
There shall be a commission, known as the "Washington state gambling commission", consisting of five members appointed by the governor with the consent of the senate. The members of the commission shall be appointed within thirty days of July 16, 1973 for terms beginning July 1, 1973, and expiring as follows: One member of the commission for a term expiring July 1, 1975; one member of the commission for a term expiring July 1, 1976; one member of the commission for a term expiring July 1, 1977; one member of the commission for a term expiring July 1, 1978; and one member of the commission for a term expiring July 1, 1979; each as the governor so determines. Their successors, all of whom shall be citizen members appointed by the governor with the consent of the senate, upon being appointed and qualified, shall serve six year terms: PROVIDED, That no member of the commission who has served a full six year term shall be eligible for reappointment. In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which said vacancy occurs. No vacancy in the membership of the commission shall impair the right of the remaining member or members to act, except as in RCW 9.46.050 (2) provided.

In addition to the members of the commission there shall initially be four ex officio members without vote from the legislature consisting of: (1) Two members of the senate, one from the majority political party and one from the minority political party, both to be appointed by the president of the senate; (2) two members of the house of representatives, one from the majority political party and one from the minority political party, both to be appointed by the speaker of the house of representatives; all of whose terms shall end December 31, 1974; appointments shall be made within thirty days of July 16, 1973. Such ex officio members who shall collect data deemed essential to future legislative proposals and exchange information with the board

shall be deemed engaged in legislative business while in attendance upon the business of the board and shall be limited to such allowances therefor as otherwise provided in RCW 44.04.120, the same to be paid from the "gambling revolving fund" as being expenses relative to commission business. [1973 1st ex.s. c 218 § 4.]

9.46.050 GAMBLING COMMISSION--CHAIRMAN--QUORUM--MEETINGS--PER DIEM AND TRAVEL EXPENSES--BOND--REMOVAL. (1) Upon appointment of the initial membership the commission shall meet at a time and place designated by the governor and proceed to organize, electing one of such members as chairman of the commission who shall serve until July 1, 1974; thereafter a chairman shall be elected annually.

(2) A majority of the members shall constitute a quorum of the commission: PROVIDED, That all actions of the commission relating to the regulation of licensing under this chapter shall require an affirmative vote by three or more members of the commission.

(3) The principal office of the commission shall be at the state capitol and meetings shall be held at least quarterly and at such other times as may be called by the chairman or upon written request to the chairman of a majority of the commission.

(4) Members shall receive fifty dollars per diem for each day or major portion thereof spent in performance of their duties plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended.

(5) Before entering upon the duties of his office, each of said members of the commission shall enter into a surety bond executed by a surety company authorized to do business in this state, payable to the state of Washington, to be approved by the governor, in the penal sum of fifty thousand dollars, conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which oath and bond shall be filed with the secretary of state. The premium for said bond shall be paid by the commission.

(6) Any member of the commission may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final. Removal of any member of the commission by

the tribunal shall disqualify such member for reappointment. [1973 1st ex.s. c 218 § 5.]

9.46.060 GAMBLING COMMISSION—COUNSEL—AUDITS—PAYMENT FOR. (1) The attorney general shall be general counsel for the state gambling commission and shall assign such assistants as may be necessary in carrying out the purposes and provisions of this chapter, which shall include instituting and prosecuting any actions and proceedings necessary thereto.

(2) The state auditor shall audit the books, records, and affairs of the commission annually. The commission shall pay to the state treasurer for the credit of the state auditor such funds as may be necessary to defray the costs of such audits. The commission may provide for additional audits by certified public accountants. All such audits shall be public records of the state.

The payment for legal services and audits as authorized in this section shall be paid upon authorization of the commission from moneys in the gambling revolving fund. [1973 1st ex.s. c 218 § 6.]

9.46.070 GAMBLING COMMISSION—POWERS AND DUTIES. The commission shall have the following powers and duties:

(1) To authorize and issue licenses for a period not to exceed one year to bona fide charitable or nonprofit organizations approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said organizations to conduct bingo games, raffles, amusement games, to utilize punch board and pull-tabs in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter or any rules and regulations adopted pursuant thereto: PROVIDED, That any license issued under authority of this section shall be legal authority to engage in the gambling activity for which issued throughout the incorporated and unincorporated areas of any county, unless a county, or any first class city located therein with respect to such city, shall prohibit such gambling activity: PROVIDED, FURTHER, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED FURTHER, That the commission or director shall not issue, suspend or revoke any license because of considerations of race, creed, color, or national origin: AND PROVIDED FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(2) To authorize and issue licenses for a period not to exceed one year to any

person, association or organization approved by the commission meeting the requirements of this chapter and any rules and regulations adopted pursuant thereto permitting said person, association or organization to utilize punch boards and pull-tabs as a commercial stimulant in accordance with the provisions of this chapter and any rules and regulations adopted pursuant thereto and to revoke or suspend said licenses for violation of any provisions of this chapter and any rules and regulations adopted pursuant thereto: PROVIDED, That the commission shall not deny a license to an otherwise qualified applicant in an effort to limit the number of licenses to be issued: PROVIDED, FURTHER, That the commission may authorize the director to temporarily issue or suspend licenses subject to final action by the commission;

(4) To authorize, require, and issue, for a period not to exceed one year, such licenses as the commission may by rule provide, to any person, association or organization to engage in the selling, distributing, or otherwise supplying or in the manufacturing of devices for use within this state for those activities authorized by RCW 9.46.030.

(5) To establish a schedule of annual license fees for carrying on specific gambling activities upon the premises, and for such other activities as may be licensed by the commission, which shall provide to the commission not less than an amount of money adequate to cover all costs incurred by the commission relative to licensing under this chapter and the enforcement by the commission of the provisions of this chapter and rules and regulations adopted pursuant thereto: PROVIDED, That all licensing fees shall be submitted with an application therefor and not less than fifty percent of any such license fee shall be retained by the commission upon the denial of any such license as its reasonable expense for investigation into the granting thereof.

Notwithstanding any other provision of this subsection, raffles may be conducted by any bona fide charitable or nonprofit organization not more than once each year without payment of a license fee if such organization shall not receive in gross receipts therefrom an amount over five thousand dollars.

(6) To require that applications for all licenses contain such information as may be required by the commission: PROVIDED, That all persons having an interest in any gambling activity, or the building in which any gambling activity occurs, or the equipment to be used for any gambling activity, or participating as an employee in the operation of any gambling activity, shall be listed on the application for the license and the applicant shall certify on the application, under oath, that the persons named on the application are all of the persons known to have an interest in any gambling activity, building, or

equipment by the person making such application: PROVIDED FURTHER, That the commission may require fingerprinting and background checks on any persons seeking licenses under this chapter or of any person holding an interest in any gambling activity, building or equipment to be used therefor, or of any person participating as an employee in the operation of any gambling activity;

(7) To require that any license holder maintain records as directed by the commission and submit such reports as the commission may deem necessary;

(8) To require that all income from bingo games, raffles, and amusement games be receipted for at the time the income is received from each individual player and that all prizes be receipted for at the time the prize is distributed to each individual player and to require that all raffle tickets be consecutively numbered and accounted for: PROVIDED, That in lieu of the requirements of this subsection, agricultural fairs as defined herein shall report such income not later than thirty days after the termination of said fair.

(9) To regulate and establish maximum limitations on income derived from bingo: PROVIDED, That in establishing limitations pursuant to this subsection the commission shall take into account (i) the nature, character and scope of the activities of the licensee; (ii) the source of all other income of the licensee; (iii) the percentage or extent to which income derived from bingo is used for charitable, as distinguished from nonprofit, purposes;

(10) To cooperate with and secure the cooperation of county, city and other local or state agencies in investigating any matter within the scope of its duties and responsibilities;

(11) In accordance with RCW 9.46.080, to adopt such rules and regulations as are deemed necessary to carry out the purposes and provisions of this chapter. All rules and regulations shall be adopted pursuant to the administrative procedure act, chapter 34.04 RCW;

(12) To set forth for the perusal of counties, city-counties, cities and towns, model ordinances by which any legislative authority thereof may enter into the taxing of any gambling activity authorized in RCW 9.46.030; and

(13) To perform all other matters and things necessary to carry out the purposes and provisions of this chapter. [1973 2nd ex.s. c 41 § 4; 1973 1st ex.s. c 218 § 7.]

9.46.080 GAMBLING COMMISSION--ADMINISTRATOR--STAFF--RULES AND REGULATIONS. The department of motor vehicles, subject to the approval of the commission, shall employ a full time employee as director respecting gambling activities, who shall be the administrator for the commission in carrying out its powers and duties and who, with the advice and approval of the

commission shall issue rules and regulations governing the activities authorized hereunder and shall supervise departmental employees in carrying out the purposes and provisions of this chapter. In addition the department shall make available to the commission such of its administrative services and staff as are necessary to carry out the purposes and provisions of this chapter. Neither the director nor any departmental employee working therefor shall be an officer or manager of any charitable or nonprofit organization, or of any organization which conducts gambling activity in this state. [1973 1st ex.s. c 218 § 8.]

9.46.090 GAMBLING COMMISSION--REPORTS. The commission shall, from time to time, make reports to the governor covering such matters in connection with this chapter as he may require, and in addition shall prepare and forward to the governor, to be laid before the legislature, a report for the period ending on the thirty-first day of December of 1973, and a report annually thereafter on the thirtieth day of June of each year, which report shall be a public document, and contain a detailed statement and balance sheet showing in general the fiscal condition of the commission and commission expenditures and receipts for the preceding interval, together with such general information and remarks as the commission deems pertinent thereto and any information requested by either the governor or members of the legislature: PROVIDED, That the first commission appointed pursuant to RCW 9.46.040 shall conduct a thorough study of the types of gambling activity permitted and the types of gambling activity prohibited by this chapter and shall submit to the session of the legislature convened in September, 1973, if there be one, or, if not, to the session of the legislature convened in January, 1974, a report making specific recommendations as to: (1) Gambling activity that ought to be permitted; (2) gambling activity that ought to be prohibited; (3) the types of licenses and permits that ought to be required; (4) the appropriate fee for each type of license and permit; and (5) the type and amount of tax that ought to be applied to each type of permitted gambling activity. [1973 1st ex.s. c 218 § 9.]

9.46.100 GAMBLING REVOLVING FUND--CREATED--RECEIPTS--DISBURSEMENTS--USE. There is hereby created a fund to be known as the "gambling revolving fund" which shall consist of all moneys receivable for licensing, penalties, forfeitures, and all other moneys, income, or revenue received by the commission. The state treasurer shall be custodian of the fund. All moneys received by the commission or any employee thereof, except for change funds and an amount of petty cash as fixed by

rule or regulation of the commission, shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the gambling revolving fund. Disbursements from the revolving fund shall be on authorization of the commission or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the gambling revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund. All expenses relative to commission business, including but not limited to salaries and expenses of the director and such employees of the department of motor vehicles as are working therefor, shall be paid from the gambling revolving fund. [1973 1st ex.s. c 218 § 10.]

9.46.110 TAXATION OF GAMBLING ACTIVITIES—LIMITATIONS—RESTRICTIONS AS TO PUNCH BOARDS OR PULL-TABS. The legislative authority of any county, city-county, city, or town, by local law and ordinance, and in accordance with the provisions of this chapter and rules and regulations promulgated hereunder, may provide for the taxing of any gambling activity authorized in RCW 9.46.030 within its jurisdiction, the tax receipts to go to the county, city-county, city, or town so taxing the same: PROVIDED, That the tax rate established by any county, except for any first class city located therein with respect to such city, shall constitute the tax rate throughout such county including both incorporated and unincorporated areas; FURTHER, That (1) punch boards and pull-tabs, chances on which shall only be sold to adults, which shall have a twenty-five cent limit on a single chance thereon, shall be taxed on a basis which shall reflect the gross income of the business in which the punch boards and pull-tabs are displayed; and (2) no punch board or pull-tab may award as a prize upon a winning number or symbol being drawn the opportunity of taking a chance upon any other punch board or pull-tab; and (3) all prizes for punch boards and pull-tabs must be on display within the immediate area of the premises wherein any such punch board or pull-tab is located and upon a winning number or symbol being drawn, such prize must be immediately removed therefrom, or such omission shall be deemed a fraud for the purposes of this chapter; and (4) when any person shall win over five dollars in money or merchandise from any punch board or pull-tab, every licensee hereunder shall keep a public record thereof for at least ninety days thereafter containing such information as the commission shall deem necessary: AND PROVIDED FURTHER, That taxation of bingo, raffles and amusement games shall never be in an amount greater than ten percent of

the gross revenue received therefrom. [1973 1st ex.s. c 218 § 11.]

9.46.120 RESTRICTIONS AS TO MANAGEMENT OR OPERATION PERSONNEL--RESTRICTION AS TO LEASED PREMISES. (1) Except in the case of an agricultural fair as authorized under chapters 15.76 and 36.37 RCW, no person other than a member of a bona fide charitable or nonprofit organization (and their employees) or any other person, association or organization (and their employees) approved by the commission, shall take any part in the management or operation of any gambling activity authorized under RCW 9.46.030, and no person who takes any part in the management or operation of any such gambling activity shall take any part in the management or operation of any gambling activity conducted by any other organization or any other branch of the same organization, unless approved by the commission, and no part of the proceeds thereof shall inure to the benefit of any person other than the organization conducting such gambling activities or if such gambling activities be for the charitable benefit of any specific persons designated in the application for a license, then only for such specific persons as so designated.

(2) No bona fide charitable or nonprofit organization or any other person, association or organization shall conduct any gambling activity authorized under RCW 9.46.030 in any leased premises if rental for such premises is unreasonable or to be paid, wholly or partly, on the basis of a percentage of the receipts or profits derived from such gambling activity. [1973 1st ex.s. c 218 § 12.]

9.46.130 INSPECTION AND AUDIT OF PREMISES, PARAPHERNALIA, BOOKS AND RECORDS--REPORTS FOR DEPARTMENT OF REVENUE. The premises and paraphernalia, and all the books and records of any person, association or organization conducting gambling activities authorized under RCW 9.46.030 and any person, association or organization receiving profits therefrom or having any interest therein shall be subject to inspection and audit at any reasonable time, with or without notice, upon demand, by the commission or its designee, the attorney general or his designee, the chief of the Washington state patrol or his designee or the prosecuting attorney, sheriff or director of public safety or their designees of the county wherein located, or the chief of police or his designee of any city or town in which said organization is located, for the purpose of determining compliance or noncompliance with the provisions of this chapter and any rules or regulations adopted pursuant thereto.

The department of revenue shall be provided at such reasonable intervals as the department shall determine with a report,

under oath, detailing all receipts and disbursements in connection with such gambling activities together with such other reasonable information as required in order to determine whether such activities comply with the purposes of this chapter or any local ordinances relating thereto. Upon request, copies of such reports shall be provided by the department of revenue to any law enforcement agency. [1973 1st ex.s. c 218 § 13.]

9.46.140 GAMBLING COMMISSION--HEARING AND SUBPOENA POWER. For the purpose of obtaining information concerning any matter relating to the administration or enforcement of this chapter, the commission, or any person appointed by it in writing for the purpose, may inspect the books, documents and records of any person lending money to or in any manner financing any license holder or applicant for a license or receiving any income or profits from the use of such license for the purpose of determining compliance or non-compliance with the provisions of this chapter or the rules and regulations adopted pursuant thereto. The commission, or its designee, may conduct hearings, administer oaths, take depositions, compel the attendance of witnesses and issue subpoenas pursuant to RCW 34.04.105. [1973 1st ex.s. c 218 § 14.]

9.46.150 INJUNCTIONS--VOIDING OF LICENSES, PERMITS OR CERTIFICATES. (1) Any activity conducted in violation of any provision of this chapter may be enjoined in an action commenced by the commission through the attorney general or by the prosecuting attorney or legal counsel of any city or town in which the prohibited activity may occur.

(2) When a violation of any provision of this chapter or any rule or regulation adopted pursuant hereto has occurred on any property or premises for which one or more licenses, permits, or certificates issued by this state, or any political subdivision or public agency thereof are in effect, all such licenses, permits and certificates may be voided and no license, permit, or certificate so voided shall be issued or reissued for such property or premises for a period of up to sixty days thereafter. [1973 1st ex.s. c 218 § 15.]

9.46.160 CONDUCTING GAMBLING ACTIVITY WITHOUT LICENSE AS VIOLATION--PENALTIES. Any person who conducts gambling activities without a license issued by the commission shall be guilty of a felony and upon conviction shall be punished by imprisonment for not more than five years or by a fine of not more than one hundred thousand dollars, or both. If any corporation conducts any gambling activity

without a license issued by the commission, it may be punished by forfeiture of its corporate charter, in addition to the other penalties set forth in this section. [1973 1st ex.s. c 218 § 16.]

9.46.170 FALSE OR MISLEADING ENTRIES OR STATEMENTS, REFUSAL TO PRODUCE RECORDS, AS VIOLATIONS--PENALTY. Whoever, in any application for a license or in any book or record required to be maintained by the commission or in any report required to be submitted to the commission, shall make any false or misleading statement, or make any false or misleading entry or wilfully fail to maintain or make any entry required to be maintained or made, or who wilfully refuses to produce for inspection by the commission, or its designee, any book, record, or document required to be maintained or made by federal or state law, shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both. [1973 1st ex.s. c 218 § 17.]

9.46.180 CAUSING ORGANIZATION TO VIOLATE CHAPTER AS VIOLATION--PENALTY. Any person who knowingly causes, aids, abets, or conspires with another to cause any association or organization to violate any provision of this chapter or of any rule or regulation adopted pursuant to this chapter shall be guilty of a felony and upon conviction shall be punished by imprisonment for not more than five years or a fine of not more than one hundred thousand dollars, or both. [1973 1st ex.s. c 218 § 18.]

9.46.190 VIOLATIONS RELATING TO FRAUD OR DECEIT--PENALTY. Any person or association or organization operating any gambling activity authorized under RCW 9.46.030, who or which, directly or indirectly, shall in the course of such operation:

(1) Employ any device, scheme or artifice to defraud; or

(2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or

(3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than five thousand dollars, or both. [1973 1st ex.s. c 218 § 19.]

9.46.200 ACTION FOR MONEY DAMAGES DUE TO VIOLATIONS—INTEREST—ATTORNEYS' FEES—CLASS ACTION. In addition to any other penalty provided for in this chapter, every person, directly or indirectly controlling the operation of any gambling activity authorized in RCW 9.46.030 including a director, officer, and/or manager of any association, organization or corporation conducting the same, whether charitable, nonprofit, or profit, shall be liable, jointly and severally, for money damages suffered by any person because of any violation of this chapter, together with interest on any such amount of money damages at six percent per annum from the date of the loss, and reasonable attorneys' fees: PROVIDED, That if any such director, officer, and/or manager did not know any such violation was taking place and had taken all reasonable care to prevent any such violation from taking place, the burden of proof thereof shall be on such director, officer, and/or manager, and if such director, officer and/or manager shall sustain the burden of proof he shall not be liable hereunder. Any civil action under this section may be considered a class action. [1973 1st ex.s. c 218 § 20.]

9.46.210 ENFORCEMENT. It shall be the duty of and all peace officers or law enforcement officers or law enforcement agencies within this state are hereby empowered to investigate, and enforce and prosecute all violations of this chapter. [1973 1st ex.s. c 218 § 21.]

9.46.220 PROFESSIONAL GAMBLING AS VIOLATION—PENALTY. Whoever engages in professional gambling, or knowingly causes, aids, abets, or conspires with another to engage in professional gambling, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both: PROVIDED, HOWEVER, That this section shall not apply to those activities enumerated in RCW 9.46.030 or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. [1973 1st ex.s. c 218 § 22.]

9.46.230 SEIZURE AND DISPOSITION OF GAMBLING DEVICES—OWNING, BUYING, SELLING, ETC., GAMBLING DEVICES OR RECORDS—PENALTIES. (1) All gambling devices as defined in RCW 9.46.020 (9) are common nuisances and shall be subject to seizure, immediately upon detection by any peace officer, and to confiscation and destruction by order of a superior or district justice court, except when in the possession of officers enforcing this chapter.

(2) No property right in any gambling device as defined in RCW 9.46.020 (9)

shall exist or be recognized in any person, except the possessory right of officers enforcing this chapter.

(3) All furnishings, fixtures, equipment and stock, including without limitation furnishings and fixtures adaptable to nongambling uses and equipment and stock for printing, recording, computing, transporting or safekeeping, used in connection with professional gambling or maintaining a gambling premises, and all money or other things of value at stake or displayed in or in connection with professional gambling or any gambling device used therein, shall be subject to seizure, immediately upon detection, by any peace officer, and unless good cause is shown to the contrary by the owner, shall be forfeited to the state or political subdivision by which seized by order of a court having jurisdiction, for disposition by public auction or as otherwise provided by law. Bona fide liens against property so forfeited, on good cause shown by the lienor, shall be transferred from the property to the proceeds of the sale of the property. Forfeit moneys and other proceeds realized from the enforcement of this subsection shall be paid into the general fund of the state if the property was seized by officers thereof or to the political subdivision or other public agency, if any, whose officers made the seizure, except as otherwise provided by law. This subsection shall not apply to such items utilized in activities enumerated in RCW 9.46.030 or any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(4) Whoever knowingly owns, manufactures, possesses, buys, sells, rents, leases, finances, holds a security interest in, stores, repairs or transports any gambling device as defined in RCW 9.46.020 or offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a felony and fined not more than one hundred thousand dollars or imprisoned not more than five years or both: PROVIDED, HOWEVER, That this subsection shall not apply to devices used in those activities enumerated in RCW 9.46.030, or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. Subsection (2) of this section shall have no application in the enforcement of this subsection. In the enforcement of this subsection direct possession of any such gambling device shall be presumed to be knowing possession thereof.

(5) Whoever knowingly prints, makes, possesses, stores or transports any gambling record, or buys, sells, offers or solicits any interest therein, whether through an agent or employee or otherwise, shall be guilty of a gross misdemeanor: PROVIDED, HOWEVER, That this subsection



shall not apply to records relating to activities enumerated in RCW 9.46.030 or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. In the enforcement of this subsection direct possession of any such gambling record shall be presumed to be knowing possession thereof. [1973 1st ex.s. c 218 § 23.]

9.46.240 GAMBLING INFORMATION, TRANSMITTING OR RECEIVING AS VIOLATION--PENALTY. Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore or similar means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information shall be guilty of a gross misdemeanor: PROVIDED, HOWEVER, That this section shall not apply to such information transmitted or received or equipment installed or maintained relating to activities as enumerated in RCW 9.46.030 or to any act or acts in furtherance thereof when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. [1973 1st ex.s. c 218 § 24.]

9.46.250 GAMBLING PROPERTY OR PREMISES--COMMON NUISANCES, ABATEMENT--TERMINATION OF MORTGAGE, CONTRACT OR LEASEHOLD INTERESTS, LICENSES--ENFORCEMENT. (1) All gambling premises are common nuisances and shall be subject to abatement by injunction or as otherwise provided by law. The plaintiff in any action brought under this subsection against any gambling premises, need not show special injury and may, in the discretion of the court, be relieved of all requirements as to giving security.

(2) When any property or premise held under a mortgage, contract or leasehold is determined by a court having jurisdiction to be a gambling premises, all rights and interests of the holder therein shall terminate and the owner shall be entitled to immediate possession at his election: PROVIDED, HOWEVER, That this subsection shall not apply to those premises in which activities set out in RCW 9.46.030, or any act or acts in furtherance thereof are carried on when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto.

(3) When any property or premises for which one or more licenses issued by the commission are in effect, is determined by a court having jurisdiction to be a gambling premise, all such licenses may be voided and no longer in effect, and no license so voided shall be issued or reissued for such property or premises for a period of up to sixty days thereafter. Enforcement of this subsection shall be

the duty of all peace officers and all taxing and licensing officials of this state and its political subdivisions and other public agencies. This subsection shall not apply to property or premises in which activities set out in RCW 9.46.030, or any act or acts in furtherance thereof, are carried on when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations adopted pursuant thereto. [1973 1st ex.s. c 218 § 25.]

9.46.260 PROOF OF POSSESSION AS EVIDENCE OF KNOWLEDGE OF ITS CHARACTER. Proof of possession of any device used for professional gambling or any record relating to professional gambling specified in RCW 9.46.230 is prima facie evidence of possession thereof with knowledge of its character or contents. [1973 1st ex.s. c 218 § 26.]

9.46.270 CHAPTER AS EXCLUSIVE AUTHORITY FOR TAXATION OF GAMBLING ACTIVITIES. This chapter shall constitute the exclusive legislative authority for the taxing by any city, town, city-county or county of any gambling activity and its application shall be strictly construed to those activities herein permitted and to those persons, associations or organizations herein permitted to engage therein. [1973 1st ex.s. c 218 § 27.]

9.46.280 CHAPTER EXCLUSIVE AUTHORIZATION FOR GAMBLING ACTIVITIES--EXISTING LOCAL AUTHORITY AS VOID. This chapter, constituting exclusive legislative authority for the authorization of any gambling activity by any city, town, city-county or county, any ordinance, resolution or other legislative act by any city, town, city-county or county relating to gambling in existence on July 16, 1973 shall be null and void and of no effect; any such city, town, city-county or county may thereafter enact such local law as consistent with the provisions of this chapter. [1973 1st ex.s. c 218 § 28.]

9.46.285 CHAPTER AS EXCLUSIVE AUTHORITY FOR LICENSING AND REGULATION OF GAMBLING ACTIVITY. This chapter constitutes the exclusive legislative authority for the licensing and regulation of any gambling activity and the state preempts such licensing and regulatory functions, except as to the powers and duties of any city, town, city-county, or county which are specifically set forth in this chapter. Any ordinance, resolution, or other legislative act by any city, town, city-county, or county relating to gambling in existence on September 27, 1973 shall be as of that date null and void and of no effect. Any such city, town, city-county, or county may thereafter enact only such

local law as is consistent with the powers and duties expressly granted to and imposed upon it by chapter 9.46 RCW and which is not in conflict with that chapter or with the rules of the commission. [1973 2nd ex.s. c 41 § 8.]

9.46.900 SEVERABILITY--1973 1ST EX.S. C 218. 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 provision to other persons or circumstances is not affected. [1973 1st ex.s. c 218 § 31.]

Reviser's note: See note following RCW 9.46.010.

Chapter 9.47  
GAMBLING

9.47.150 GAMES FOR HIRE NEAR UNIVERSITY. [1967 c 90 § 1; 1923 c 21 § 1; RRS § 5103-1.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.160 GAMES FOR HIRE NEAR UNIVERSITY--TERMS DEFINED. [1923 c 21 § 2; RRS § 5103-2.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.170 GAMES FOR HIRE NEAR UNIVERSITY--PENALTY. [1923 c 21 § 3; RRS § 5103-3.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.300 LEGISLATIVE DECLARATION. [1971 ex.s. c 280 § 1.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.310 DEFINITIONS. [1972 ex.s. c 141 § 1; 1971 ex.s. c 280 § 2.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.320 PROFESSIONAL GAMBLING UNLAWFUL--PENALTY. [1972 ex.s. c 141 § 2; 1971 ex.s. c 280 § 3.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.330 SEIZURE AND DISPOSITION OF GAMBLING DEVICES--OWNING, BUYING, SELLING, ETC., GAMBLING DEVICES OR RECORDS--PENALTIES. [1972 ex.s. c 141 § 3; 1971 ex.s. c 280 § 4.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.340 GAMBLING INFORMATION--PENALTY. [1972 ex.s. c 141 § 4; 1971 ex.s. c 280 § 5.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.350 GAMBLING PROPERTY OR PREMISES--COMMON NUISANCES, ABATEMENT--TERMINATION OF MORTGAGE, CONTRACT OR LEASEHOLD INTERESTS, LICENSES OR PERMITS. [1972 ex.s. c 141 § 5; 1971 ex.s. c 280 § 6.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.360 INJUNCTIONS. [1971 ex.s. c 280 § 7.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.370 INSPECTION AND AUDIT OF PREMISES, PARAPHERNALIA, BOOKS AND RECORDS--REPORTS. [1972 ex.s. c 141 § 6; 1971 ex.s. c 280 § 8.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.380 PROOF OF POSSESSION OF DEVICES AND RECORDS, EFFECT--OCCURRENCE OF EVENT, EVIDENCE. [1971 ex.s. c 280 § 9.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.390 AUTHORITY OF POLITICAL SUBDIVISIONS OR AGENCIES RESTRICTED--BINGO GAMES--PENALTY. [1971 ex.s. c 280 § 11.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.400 PENALTIES FOR PROFESSIONAL GAMBLING NOT APPLICABLE TO CERTAIN GAMES, WHEN. [1972 ex.s. c 141 § 7; 1971 ex.s. c 280 § 16.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.410 VIOLATIONS--PENALTIES. [1971 ex.s. c 280 § 18.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.420 ACTION FOR MONEY DAMAGES DUE TO VIOLATIONS--INTEREST--CLASS ACTION. [1971 ex.s. c 280 § 19.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.430 VIOLATIONS--VOIDING OF LICENSES, PERMITS OR CERTIFICATES--ENFORCEMENT. [1971 ex.s. c 280 § 20.] Repealed by 1973 1st ex.s. c 218 § 29.

9.47.440 PROVISIONS EXCLUSIVE--STRICT CONSTRUCTION. [1971 ex.s. c 280 § 25.] Repealed by 1973 1st ex.s. c 218 § 29.

Chapter 9.59  
LOTTERIES

9.59.010 DEFINED--A NUISANCE--DRAWING--HOW PUNISHED. [1909 c 249 § 212; Code 1881 § 913; 1873 p 205 § 109; 1869 p



222 § 103; 1854 p 93 § 98; RRS § 2464.]  
Repealed by 1973 1st ex.s. c 218 § 29.

9.59.020 SELLING TICKETS, ADVERTISING.  
[1909 c 249 § 213; Code 1881 § 913; 1873 p  
205 § 109; 1869 p 222 § 103; 1854 p 93 §  
98; RRS § 2465.] Repealed by 1973 1st  
ex.s. c 218 § 29.

9.59.030 DISPOSING OF PROPERTY BY LOT-  
TERY--KEEPING OFFICE--LETTING BUILDING.  
[1909 c 249 § 214; RRS § 2466.] Repealed  
by 1973 1st ex.s. c 218 § 29.

9.59.040 INSURING LOTTERY TICKETS--AD-  
VERTISING OFFERS TO INSURE. [1909 c 249 §  
215; RRS § 2467.] Repealed by 1973 1st  
ex.s. c 218 § 29.

9.59.050 LOTTERIES OUT OF STATE--AD-  
VERTISEMENT BY NONRESIDENTS. [1909 c 249  
§ 216; RRS § 2468.] Repealed by 1973 1st  
ex.s. c 218 § 29.

#### Chapter 9.68 OBSCENITY

9.68.040 USING INDECENT OR VULGAR LAN-  
GUAGE, ETC.

Reviser's note: The effective date of  
the repeal of this section by chapter 122,  
Laws of 1972 ex. sess. has been changed to  
January 1, 1975. See note following RCW  
70.96A.010.

#### Chapter 9.79 SEX CRIMES

9.79.010 RAPE. Rape is an act of  
sexual intercourse with a person not the  
wife or husband of the perpetrator commit-  
ted against the person's will and without  
the person's consent. Every perpetrator  
of such an act of sexual intercourse with  
a person of the age of ten years or  
upwards not his wife or husband:

(1) When, through idiocy, imbecility or  
any unsoundness of mind, either temporary  
or permanent, the person is incapable of  
giving consent; or

(2) When the person's resistance is  
forcibly overcome; or

(3) When the person's resistance is  
prevented by fear of immediate and great  
bodily harm which the person has reason-  
able cause to believe will be inflicted  
upon her or him; or

(4) When the person's resistance is  
prevented by stupor or weakness of mind  
produced by an intoxicating narcotic or  
anaesthetic agent administered by or with  
the privity of the defendant; or

(5) When the person is at the time  
unconscious of the nature of the act, and  
this is known to the defendant;

Shall be punished by imprisonment in the  
state penitentiary for not less than five  
years. [1973 1st ex.s. c 154 § 122; 1909  
c 249 § 183; 1897 c 19 § 1; 1886 p 84 § 1;  
Code 1881 § 812; 1873 p 187 § 37; 1869 p  
204 § 35; 1854 p 80 § 33; RRS § 2435.]

Severability--1973 1st ex.s. c 154: See  
note following RCW 2.12.030.

9.79.020 CARNAL KNOWLEDGE--PENALTIES.  
Every male person who shall carnally know  
and abuse any female child under the age  
of eighteen years, not his wife, and every  
female person who shall carnally know and  
abuse any male child under the age of  
eighteen years, not her husband, shall be  
punished as follows:

(1) When such an act is committed upon  
a child under the age of ten years, by  
imprisonment in the state penitentiary for  
life;

(2) When such an act is committed upon  
a child of ten years and under fifteen  
years of age, by imprisonment in the state  
penitentiary for not more than twenty  
years;

(3) When such act is committed upon a  
child of fifteen years of age and under  
eighteen years of age, by imprisonment in  
the state penitentiary for not more than  
fifteen years. [1973 1st ex.s. c 154 §  
123; 1943 c 112 § 1; 1937 c 74 § 1; 1919 c  
132 § 1; 1909 c 249 § 184; 1897 c 19 § 1;  
1886 p 84 § 1; Code 1881 § 814; 1873 p 187  
§ 37; 1869 p 204 § 35; 1854 p 80 § 33;  
Rem. Supp. 1943 § 2436.]

Severability--1973 1st ex.s. c 154: See  
note following RCW 2.12.030.

9.79.030 SEXUAL INTERCOURSE, CARNAL  
KNOWLEDGE, PROSTITUTION, SEXUAL CONDUCT,  
DEFINED. Any sexual penetration, however  
slight, is sufficient to complete sexual  
intercourse or carnal knowledge. The word  
prostitution as used in this chapter and  
title means any sexual conduct engaged in  
for a fee or agreed or offered to be  
engaged in for a fee between persons not  
married to each other. Sexual conduct  
means either or both sexual intercourse or  
any conduct involving the sex organs of  
one person and the mouth or anus of  
another. [1973 1st ex.s. c 154 § 124;  
1909 c 249 § 185; 1873 p 187 § 37; RRS §  
2437.]

Severability--1973 1st ex.s. c 154: See  
note following RCW 2.12.030.

9.79.040 COMPELLING A PERSON TO MARRY.  
Every person who, by force, menace, or  
duress, shall compel another person  
against his or her will to marry him or  
her or to marry any other person, or to be

defiled, shall be punished by imprisonment in the state penitentiary for not more than twenty years, or by a fine of not more than one thousand dollars, or by both. [1973 1st ex.s. c 154 § 125; 1909 c 249 § 186; Code 1881 § 813; RRS § 2438.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

9.79.050 ABDUCTION. Every person who—

(1) Shall take another person who is under the age of eighteen years for the purpose of prostitution or sexual intercourse, or without the consent of his or her father, mother, guardian or other person having legal charge of such other person, for the purpose of marriage; or

(2) Shall inveigle or entice an unmarried person of previously chaste character into a house of ill fame or assignation, or elsewhere, for the purpose of prostitution; or

(3) Shall take or detain another person unlawfully against such person's will, with intent to compel such person by force, menace or duress, to marry him or her or another person, or to be defiled; or

(4) Being the parent, guardian or other person having legal charge of a person under the age of eighteen years, shall consent to the taking or detention of such person by any other person for the purpose of prostitution or sexual intercourse or for any obscene, indecent or immoral purpose;

Shall be guilty of abduction and punished by imprisonment in the state penitentiary for not more than ten years or by a fine of not more than one thousand dollars, or by both. [1973 1st ex.s. c 154 § 126; 1909 c 249 § 187; Code 1881 § 815; RRS § 2439.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

9.79.060 PLACING PERSONS IN HOUSE OF PROSTITUTION--PIMPING. Every person who—

(1) Shall place a female or male in the charge or custody of another person for immoral purposes, or in a house of prostitution, with intent that he or she shall live a life of prostitution, or who shall compel any female or male to reside with him or her or with any other person for immoral purposes, or for the purpose of prostitution, or shall compel any female or male to reside in a house of prostitution or to live a life of prostitution; or

(2) Shall ask or receive any compensation, gratuity or reward, or promise thereof, for or on account of placing in a house of prostitution or elsewhere any female for the purpose of causing her to cohabit with any male person or persons

not her husband, or any male for the purpose of causing him to cohabit with any female person or persons not his wife; or

(3) Shall give, offer, or promise any compensation, gratuity or reward, to procure any person for the purpose of placing such person for immoral purposes in any house of prostitution, or elsewhere; or

(4) Being the spouse of any person, or the parent, guardian or other person having legal charge of such person shall connive at, consent to or permit such person being or remaining in any house of prostitution or leading a life of prostitution; or

(5) Shall live with or accept any earnings of a common prostitute, or entice or solicit any person to go to a house of prostitution for any immoral purpose;

Shall be punished by imprisonment in the state penitentiary for not less than one year nor more than five years. [1973 1st ex.s. c 154 § 127; 1927 c 186 § 1; 1909 c 249 § 188; RRS § 2440.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

9.79.070 SEDUCTION. Every person who shall seduce and have sexual intercourse with any person of previously chaste character, shall be punished by imprisonment in the state penitentiary for not more than five years or by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both fine and imprisonment: PROVIDED, That if at any time before judgment upon an information or indictment, a defendant shall marry such person, the court shall order all further proceedings stayed. [1973 1st ex.s. c 154 § 128; 1909 c 249 § 189; 1905 c 33 § 1; Code 1881 § 816; RRS § 2441.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

9.79.080 INDECENT LIBERTIES, EXPOSURE, ETC. (1) Every person who takes any indecent liberties with, or on the person of any other person of chaste character, without the other person's consent, shall be guilty of a gross misdemeanor;

(2) Every person who takes any indecent liberties with or on the person of any child under the age of fifteen years, or makes any indecent or obscene exposure of his person, or of the person of another, whether with or without his or her consent, shall be guilty of a felony, and shall be punished by imprisonment in the state penitentiary for not more than twenty years, or by imprisonment in the county jail for not more than one year. [1973 1st ex.s. c 154 § 129; 1955 c 127 § 1; 1909 c 249 § 190; 1937 c 74 § 2; RRS § 2442.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 9.87  
VAGRANCY

9.87.010 VAGRANCY.

Reviser's note: The effective date of the amendment to this section by chapter 122, Laws of 1972 ex. sess. has been changed to January 1, 1975. See note following RCW 70.96A.010.

Chapter 9.91  
MISCELLANEOUS CRIMES

9.91.120 FOOD STAMPS AND FOOD PURCHASED WITH STAMPS--RESELLING OR PURCHASING. Any person who resells food stamps manufactured under the food stamp program established pursuant to RCW 74.04.500, 74.04.505 and 74.04.510, or food purchased therewith, and any person who knowingly purchases such resold stamps or food, shall (1) if the face value of the stamps or food transferred be one hundred dollars or more, be guilty of a gross misdemeanor and (2) if the face value of the stamps or food transferred be less than one hundred dollars, shall be guilty of a misdemeanor. [1973 2nd ex.s. c 6 § 1.]

Cross Reference:

Food stamp program: RCW 74.04.500-74.04.527.

Chapter 9.95  
PRISON TERMS, PAROLES AND PROBATION

Cross References:

Interstate parole and probation hearing procedures: Chapter 9.95B RCW.

Victims of crimes, reimbursement by convicted person as condition of work release or parole: RCW 7.68.120.

9.95.270 COMPACTS FOR OUT-OF-STATE SUPERVISION OF PAROLEES OR PROBATIONERS--UNIFORM ACT.

Cross Reference:

Interstate parole and probation hearing procedures: Chapter 9.95B.

Chapter 9.95A  
SPECIAL ADULT SUPERVISION PROGRAMS

9.95A.010 LEGISLATIVE INTENT. It is the intention of the legislature in enacting this chapter to increase the protection afforded the citizens of this state, to permit a more even administration of justice in the courts, to rehabilitate

adult offenders, and to reduce the necessity for commitment of adults to either state or county institutions for convicted persons by developing, strengthening and improving both public and private resources available in the local communities and counties and the care, treatment and supervision of adults placed in "special adult supervision programs" by the courts of this state. [1973 1st ex.s. c 123 § 1.]

9.95A.020 STATE TO SHARE IN COSTS. From any state moneys made available for such purpose, the state of Washington, through the department of social and health services, shall, in accordance with this chapter, share in the cost of supervising and providing services for persons processed in the courts as nondangerous adults who could otherwise be committed by the superior courts to the custody of the department of social and health services, but who are instead granted probation and placed in "special adult supervision programs". [1973 1st ex.s. c 123 § 2.]

9.95A.030 DEFINITIONS. As used in this chapter:

(1) "Secretary" means the secretary of the department of social and health services.

(2) "Department" means the department of social and health services.

(3) "Special adult supervision program" means a program (a) directly operated by the county or (b) provided for by the county by purchase, contract or agreement, or (c) a combination of subsections (a) and (b), which embodies a degree of supervision substantially above or better than the usual, individualized so as to deal with the individual and his family in the context of his total life, or which embodies the use of new techniques in addition to, or instead of, routine supervision techniques or those otherwise or ordinarily available in the applying county, and which meets the standards prescribed pursuant to this chapter. A person may only be placed in a special adult supervision program pursuant to court order. The court is hereby authorized to make such order.

(4) "Deferred prosecution" means a special supervision program, for an individual, ordered for a specified period of time by the court prior to a guilty plea to, or a trial on, a felony charge, pursuant to either:

(a) A written agreement of the prosecuting attorney, defendant, and defense counsel, with concurrence by the court; or

(b) A motion by the prosecuting attorney or defendant, the court being satisfied based upon all appropriate evidence, that a deferred prosecution program for the indicated individual is in the best interests of society and of the individual.

A deferred prosecution program shall provide that at the end of the court ordered specified time, if the defendant has satisfied all the conditions of the program, the charge shall be dismissed; but if the defendant does not meet any of the conditions of the program at any time prior to completion of the specified period, the court may enter an order rescinding the deferred prosecution program and authorizing the prosecution to proceed.

The court is hereby authorized to make such orders as are described in this section.

(5) "County" means one county or two or more counties acting jointly or in combination by agreement.

(6) "Court" means a superior court of the state of Washington for a county or judicial district. [1973 1st ex.s. c 123 § 3.]

9.95A.040 RULES—STANDARDS—PROCEDURES. The department of social and health services shall adopt rules prescribing minimum standards for the operation of "special adult supervision programs", including those authorized in RCW 9.95A.070, and such other rules as may be necessary for the administration and implementation of the provisions of this chapter. Such standards shall be sufficiently flexible to foster the development of new and improved supervision or rehabilitative practices. The secretary shall seek advice from appropriate county and local officials as well as concerned and involved private citizens in developing standards and procedures for the content and operation of "special adult supervision programs", but the implementation of all such programs shall first be approved by the secretary. [1973 1st ex.s. c 123 § 4.]

9.95A.050 APPLICATION FOR FINANCIAL AID. Any county may make application to the department in the manner and form prescribed by the department for financial aid for the cost of "special adult supervision programs". Any such application must include a comprehensive plan or plans developed for providing special adult supervision programs for appropriate persons, and a method of certifying that moneys received are spent only for such "special adult supervision programs". [1973 1st ex.s. c 123 § 5.]

9.95A.060 TERMS AND CONDITIONS FOR RECEIVING STATE FUNDS—CALCULATIONS, ETC.—REIMBURSEMENTS—ALTERNATIVES. No county shall be entitled to receive any state funds provided for the purposes of this chapter until its application is approved, and unless and until the standards prescribed by the department are complied

with, and then only on such terms as are set forth in this section.

(1) A base commitment rate for each county and for the state as a whole shall be calculated by the department. The base commitment rate shall be determined by computing the ratio of the number of persons convicted of felonies and committed to state correctional institutions for convicted felons to the number of persons convicted of felonies, such ratio to be expressed as a rate per hundred persons convicted of felonies for each of the calendar years 1966 through 1970: PROVIDED, That deferred prosecution, deferred and suspended sentences pursuant to chapters 9.95 RCW and 9.92 RCW, as well as other convictions of felonies shall, for purpose of these computations only, be counted as "convictions of felonies". The average of these rates for a county for the five year period, or the average of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the secretary: PROVIDED, FURTHER, That a county may elect as its base commitment rate the average of the base commitment rates of all counties in the state over the last two years of the period described in this subsection.

(2) An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1) of this section. In addition, the department shall at the same time determine the number of persons placed in special adult supervision programs in each participating county.

(3) The "commitment reduction number" is the amount obtained by subtracting (a) the product of the most recent annual commitment rate and the number of persons convicted of felonies in the county for the same year, from (b) the product of the base commitment rate and the number of persons convicted of felonies in the county for the same year employed in (a).

(4) Except as provided in this chapter, the amount that may be paid to a county pursuant to this chapter shall not exceed the actual cost of the operation of a special adult supervision program. Reimbursement shall be computed by multiplying the commitment reduction number by actual program cost or four thousand eight hundred dollars, whichever is less; and by adding thereto the product obtained by multiplying (a) the number of persons charged with or convicted of felonies in excess of the commitment reduction number who have been placed in a special adult supervision program, if any, by (b) actual program cost or three thousand dollars, whichever is less: PROVIDED, That reimbursement shall not be authorized when a county exceeds its base commitment rate.

Notwithstanding the limitations set forth in this subsection, there shall be paid to the county on account of each person placed in a deferred prosecution

special adult supervision program, one hundred fifteen percent of the amount paid on account of each person placed in a special adult supervision program, but not in a deferred prosecution program.

(5) The secretary shall reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in reducing the annual commitment rate from its base commitment rate, and placing appropriate persons in special adult supervision programs. Whenever a claim made by a county pursuant to this chapter, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(6) In the event a participating county earns in a payment period less than one-half of the sum paid in the previous payment period because of extremely unusual circumstances claimed by the county and verified by the secretary, the secretary may pay to the county a sum not to exceed actual program expenditures: PROVIDED, That in subsequent periods the county will be paid only the amount earned.

(7) If the amount received by a county in reimbursement of its expenditures in a calendar year is less than the maximum amount computed under subsection (4) of this section, the difference may be paid to the county as reimbursement of program costs during the next two succeeding years upon receipt of valid claims for reimbursement of program expenses.

(8) Funds received by participating counties pursuant to this chapter shall not be used to replace local funds for existing programs for adults on probation based on either felony or misdemeanor offenses. Such funds may also not be used to develop or build county institutional programs or facilities, except such as qualify pursuant to RCW 9.95A.040.

(9) Any county averaging less than twenty felony commitments annually during either the two year or five year period used to determine the base commitment rate as defined in subsection (1) of this section may:

(a) Apply for subsidies under subsections (1) through (7) of this section; or

(b) As an alternative, elect to receive from the state the salary of one full-time probation officer and related employee benefits; or

(c) Elect to receive from the state the salary and related employee benefits of one full-time additional probation officer, and in addition, reimbursement for certain supporting services other than capital outlay and equipment, the total cost of which will not exceed a maximum limit established by the secretary; or

(d) Elect to receive from the state reimbursement for certain supporting services other than capital outlay and equipment, the total cost of which will not

exceed a maximum limit established by the secretary.

(10) In the event a county chooses one of the alternative proposals set forth in subparagraphs (b), (c) or (d) of subsection (9) of this section, it will be eligible for reimbursement only so long as the officer and supporting services are wholly used in the performance of services to provide supervision of persons eligible for state commitment and in special adult supervision programs, and are paid in accordance with a salary schedule adopted by rule of the department, and:

(a) If its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or

(b) If its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by four its own base commitment rate.

(11) Where any county does not have a probation officer, but obtains such services by agreement with another county or counties, or, where two or more counties by agreement mutually provide special adult supervision program services for such counties, then under such circumstances the secretary may make the computations and payments under this chapter as though the counties served with such services were one geographical unit.

(12) Notwithstanding the limitations imposed by this section, the secretary may make additional reimbursement of not to exceed ten percent of earnings pursuant to RCW 9.95A.010 through 9.95A.060 to counties operating and providing special adult supervision program services mutually, jointly, or in combination, in accordance with rules and standards adopted by the secretary. [1973 1st ex.s. c 123 § 6.]

9.95A.070 ADDITIONAL REIMBURSEMENT FOR PROGRAM FOR MISDEMEANANT OFFENDERS. In the event a participating county elects to broaden its special adult supervision program to provide services and care for misdemeanor offenders, the county, either itself or acting jointly with another county or city, may receive from any state moneys made available for such purpose an additional reimbursement of program costs not to exceed thirty percent of its earnings pursuant to RCW 9.95A.010 through 9.95A.060: PROVIDED, That to receive such additional reimbursement, the county, or combination of counties or county and city, must provide a like sum for the purpose of equally matching the state's payment for misdemeanor offender special supervision programs. [1973 1st ex.s. c 123 § 7.]

9.95A.080 PRO RATA PAYMENTS FOR REDUCTION IN COMMITMENTS AND PLACEMENT IN PROGRAM. The secretary may make pro rata payments to eligible counties for periods of less than one year, but for periods of

not less than six months, upon satisfactory demonstration of a reduction in commitments and placement of persons in special adult supervision programs in accordance with the provisions of this chapter and the regulations of the department of social and health services. [1973 1st ex.s. c 123 § 8.]

9.95A.090 MINIMUM PAYMENTS TO COUNTIES DURING FIRST TWELVE MONTHS. Notwithstanding any other provision of this chapter, for the first twelve month period of a county's participation, the county shall be paid no less than the product obtained by multiplying (a) the number of persons charged with or convicted of felonies who have been placed in a special adult supervision program, by (b) the actual program cost or three thousand dollars, whichever is less. [1973 1st ex.s. c 123 § 9.]

9.95A.900 EFFECTIVE DATE--1973 1ST EX.S. C 123. The effective date of this act shall be January 1, 1974. [1973 1st ex.s. c 123 § 11.]

Chapter 9.95B  
INTERSTATE PAROLE AND PROBATION HEARING  
PROCEDURES

Cross Reference:

Interstate compact for out-of-state supervision of parolees or probationers: RCW 9.95.270.

9.95B.010 PAROLE OR PROBATION VIOLATIONS--HEARING REQUIREMENTS--PURPOSE--REPORT TO SENDING STATE--CUSTODY. Where supervision of a parolee or probationer is being administered by this state pursuant to RCW 9.95.270, the interstate compact for the out-of-state supervision of parolees and probationers, the appropriate interstate compact administrative authorities in this state shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. Prior to the giving of any such notification, a hearing at or near the site of the alleged violation shall be held in accordance with this chapter within a reasonable time, unless such hearing is waived by the parolee or probationer. The purpose of such hearing shall be to determine whether there is probable cause to believe that the parolee or probationer has committed a violation of a condition of parole or probation, and if so, whether or not there is reason to believe that the violation or violations are of such a nature that revocation of parole or probation should be considered. The appropriate officer or officers of this state shall, as soon as practicable following

termination of any such hearing, report, through the interstate compact administrator's office, to the sending state, furnish a copy of the summary and digest of the hearing, and may, in addition, make recommendations, with reasons, regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this section, the appropriate officers of this state may take custody of and detain the parolee or probationer involved for a period not to exceed ten days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration. [1973 c 21 § 2.]

9.95B.020 QUALIFICATIONS OF HEARING OFFICERS. Any hearing pursuant to this chapter may be before the administrator of the interstate compact for the out-of-state supervision of parolees and probationers, a deputy of such administrator, or any other person or persons authorized pursuant to the laws of this state to hold preliminary hearings or hear cases involving alleged parole or probation violation, except that no hearing officer shall be the person or direct supervisor of the person making the allegation of violation. [1973 c 21 § 3.]

9.95B.030 HEARING--NOTICE, CONTENT--PROCEDURE. With respect to any hearing pursuant to this chapter, the parolee or probationer:

(1) Shall have reasonable notice in writing of the nature and content of the allegations to be made, including notice that its purpose is to determine whether there is probable cause to believe that he has committed a violation of a condition of parole or probation, and if so, whether or not there is reason to believe that the violation or violations are of such a nature that revocation of parole or probation should be considered.

(2) Shall be permitted to consult with any persons whose assistance he reasonably desires, prior to the hearing.

(3) Shall have the right to confront and examine any persons who have made allegations or given evidence against him, unless the hearing officer determines, on a reasonable basis, that such confrontation would present a substantial present or subsequent danger of harm to such person or persons in which case a written general summary of the evidence, without disclosure of the identity of the witness, shall be provided to the parolee or probationer who shall have the opportunity to present evidence relevant to or controverting any information contained in the summary.

(4) May admit, deny or explain the violation alleged and may present proof, including affidavits and other evidence, in support of his contentions. A record of the proceedings shall be made, and preserved for no less than ninety days. [1973 c 21 § 4.]

9.95B.040 HEARINGS BY OTHER STATES--EFFECT ON THIS STATE. In any case of alleged parole or probation violation by a person being supervised in another state pursuant to the interstate compact for the out-of-state supervision of parolees and probationers, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation, which hearing shall be substantially similar to the hearing required by RCW 9.95B.030. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this chapter, such record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers of this state. Should any recommendations be contained in or accompany the record, such recommendations shall be considered by the appropriate officer or officers of this state in making disposition of the matter. [1973 c 21 § 5.]

9.95B.900 EFFECTIVE DATE--1973 C 21. This act shall take effect on July 1, 1973. [1973 c 21 § 6.]

Chapter 9.96  
RESTORATION OF CIVIL RIGHTS

Cross Reference:

Restoration of employment rights: Chapter 9.96A RCW.

Chapter 9.96A  
RESTORATION OF EMPLOYMENT RIGHTS

Cross Reference:

Restoration of civil rights: Chapter 9.96 RCW.

9.96A.010 LEGISLATIVE DECLARATION. The legislature declares that it is the policy of the state of Washington to encourage and contribute to the rehabilitation of felons and to assist them in the assumption of the responsibilities of citizenship, and the opportunity to secure employment or to pursue, practice or engage in a meaningful and profitable trade, occupation, vocation, profession or business is an essential ingredient to rehabilitation and the assumption of the responsibilities of citizenship. [1973 c 135 § 1.]

9.96A.020 PUBLIC EMPLOYMENT--LICENSES, PERMITS, CERTIFICATES, OR REGISTRATIONS ISSUED BY STATE AND POLITICAL SUBDIVISIONS--DISQUALIFICATION DUE TO PRIOR FELONY CONVICTION REMOVED--EXCEPTIONS. Notwithstanding any other provisions of law to the contrary, a person shall not be disqualified from employment by the state of Washington or any of its agencies or political subdivisions, nor shall a person be disqualified to practice, pursue or engage in any occupation, trade, vocation, or business for which a license, permit, certificate or registration is required to be issued by the state of Washington or any of its agencies or political subdivisions solely because of a prior conviction of a felony: PROVIDED, This section shall not preclude the fact of any prior conviction of a crime from being considered. However, a person may be denied employment by the state of Washington or any of its agencies or political subdivisions, or a person may be denied a license, permit, certificate or registration to pursue, practice or engage in an occupation, trade, vocation, or business by reason of the prior conviction of a felony if the felony for which he was convicted directly relates to the position of employment sought or to the specific occupation, trade, vocation, or business for which the license, permit, certificate or registration is sought, and the time elapsed since the conviction is less than ten years. [1973 c 135 § 2.]

9.96A.030 CHAPTER NOT APPLICABLE TO LAW ENFORCEMENT AGENCIES. This chapter shall not be applicable to any law enforcement agency; however, nothing herein shall be construed to preclude a law enforcement agency in its discretion from adopting the policy set forth in this chapter. [1973 c 135 § 3.]

9.96A.040 VIOLATIONS--ADJUDICATION PURSUANT TO ADMINISTRATIVE PROCEDURE ACT. Any complaints or grievances concerning the violation of this chapter shall be processed and adjudicated in accordance with the procedures set forth in chapter 34.04 RCW, the administrative procedure act. [1973 c 135 § 4.]

9.96A.050 PROVISIONS OF CHAPTER PREVAILING. The provisions of this chapter shall prevail over any other provisions of law which purport to govern the denial of licenses, permits, certificates, registrations, or other means to engage in a business, on the grounds of a lack of good moral character, or which purport to govern the suspension or revocation of such a license, permit, certificate, or registration on the grounds of conviction of a crime. [1973 c 135 § 5.]



9.96A.900 EFFECTIVE DATE—1973 C 135.  
This act shall take effect on July 1,  
1973. [1973 c 135 § 7.]

TITLE 10  
CRIMINAL PROCEDURE

Sections added, amended, or repealed:

Chapter 10.16 Preliminary Hearings.

10.16.150 Recognizances for minors.

Chapter 10.76 Insanity Plea—Subsequent Procedure.

10.76.010 Definition "criminally insane."  
10.76.020 Pleading insanity.  
10.76.030 Instructions to jury on special verdict.  
10.76.040 Verdict—Orders applicable to various verdicts.  
10.76.050 Statement of facts—Certification—Preservation.  
10.76.060 Institutional placement—Custody—Discharge.  
10.76.070 Procedure to secure discharge from confinement as criminally insane.  
10.76.080 Relapse—Recommitment—Procedure.

Chapter 10.77 Criminally Insane—Procedures.

10.77.010 Definitions.  
10.77.020 Right to legal counsel—Waiver—Finding—Right to expert and attorney when subjected to mental status examination—Indigents—Order of commitment or treatment—Self-incrimination.  
10.77.030 Mental disease or defect—Admissibility in evidence—Evidence required to establish as a defense—Acquittal verdict and judgment.  
10.77.040 Instructions to jury on verdict.  
10.77.050 Trial, conviction, or sentencing of person under mental incapacity.  
10.77.060 Plea of not guilty due to mental disease or defect—Examination—Report.  
10.77.070 Examination rights of defendant's expert or professional person.  
10.77.080 Judgment of acquittal—Grounds—Procedure.  
10.77.090 Stay of proceedings—Grounds—Procedure.  
10.77.100 Experts or professional persons as witnesses—Scope of testimony—Examination.

10.77.110 Acquittal of defendant—Release or hospitalization, alternative treatment—Finding—Order.  
10.77.120 Confinement of committed person—Custody—Hearings—Discharge.  
10.77.130 Statement of facts or bill of exceptions as part of record.  
10.77.140 Periodic examinations—Reports—Notice to court.  
10.77.150 Conditional release—Application—Procedure.  
10.77.160 Conditional release—Reports as to adherence to terms and conditions of release.  
10.77.170 Payments to conditionally released persons.  
10.77.180 Conditional release—Periodic review of case.  
10.77.190 Conditional release—Modification of terms—Procedure.  
10.77.200 Final discharge—Procedure.  
10.77.210 Right to adequate care and treatment—Records and reports to be kept—Availability.  
10.77.220 Incarceration in correctional institution or facility prohibited.  
10.77.230 Appeals.  
10.77.240 Existing rights not affected.  
10.77.250 Responsibility for costs—Reimbursement.  
10.77.900 Savings—Construction.  
10.77.910 Severability—1973 1st ex.s. c 117.  
10.77.920 Chapter successor to chapter 10.76 RCW.  
10.77.930 Effective date—1973 1st ex.s. c 117.

Chapter 10.85 Rewards.

10.85.025 Offenses against transportation—Reward upon proof of conviction.

Cross Reference:

Victims of crimes, compensation: Chapter 7.68 RCW.

Chapter 10.16  
PRELIMINARY HEARINGS

10.16.150 RECOGNIZANCES FOR MINORS.  
When any minor is a material witness, any other person may be allowed to recognize for the appearance of such witness, or the magistrate may, in his discretion, take the recognizance of such minor in a sum not exceeding fifty dollars which shall be valid and binding in law, notwithstanding the disability of minority. [1973 1st ex.s. c 154 § 19; Code 1881 § 1931; 1873 p 396 § 230; 1854 p 108 § 38; RRS § 1961.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.



Chapter 10.27  
GRAND JURIES—CRIMINAL INVESTIGATIONS

Cross Reference:

Interpreters—Legal proceedings: Chapter 2.42 RCW.

Chapter 10.76  
INSANITY PLEA—SUBSEQUENT PROCEDURE

10.76.010 DEFINITION "CRIMINALLY INSANE." [1907 c 30 § 1; 1873 p 239 § 262; RRS § 2173.] Repealed by 1973 1st ex.s. c 117 § 29.

10.76.020 PLEADING INSANITY. [1907 c 30 § 2; RRS § 2174.] Repealed by 1973 1st ex.s. c 117 § 29.

10.76.030 INSTRUCTIONS TO JURY ON SPECIAL VERDICT. [1907 c 30 § 3; RRS § 2175.] Repealed by 1973 1st ex.s. c 117 § 29.

10.76.040 VERDICT—ORDERS APPLICABLE TO VARIOUS VERDICTS. [1907 c 30 § 4; 1891 c 28 § 79; Code 1881 § 1101; 1873 p 239 § 262; 1854 p 121 § 126; RRS § 2176.] Repealed by 1973 1st ex.s. c 117 § 29.

10.76.050 STATEMENT OF FACTS—CERTIFICATION—PRESERVATION. [1971 c 81 § 49; 1907 c 30 § 5; RRS § 6969.] Repealed by 1973 1st ex.s. c 117 § 29.

10.76.060 INSTITUTIONAL PLACEMENT—CUSTODY—DISCHARGE. [1971 c 81 § 50; 1965 ex.s. c 9 § 1; 1957 c 48 § 1; 1907 c 30 § 8; RRS § 6972.] Repealed by 1973 1st ex.s. c 117 § 29.

10.76.070 PROCEDURE TO SECURE DISCHARGE FROM CONFINEMENT AS CRIMINALLY INSANE. [1971 c 81 § 51; 1965 ex.s. c 9 § 2; 1957 c 48 § 2; 1907 c 30 § 6; RRS § 6970.] Repealed by 1973 1st ex.s. c 117 § 29.

10.76.080 RELAPSE—RECOMMITMENT—PROCEDURE. [1971 c 81 § 52; 1907 c 30 § 7; RRS § 6971.] Repealed by 1973 1st ex.s. c 117 § 29.

Chapter 10.77  
CRIMINALLY INSANE—PROCEDURES

Cross Reference:

Mentally ill, commitment: Chapter 71.02 RCW.

10.77.010 DEFINITIONS. As used in this chapter:

(1) "Criminally insane" means any person who has been acquitted of a crime charged by reason of mental disease or defect excluding responsibility, and thereupon found to be a substantial danger to himself or other persons and in need of further control by the court or other persons or institutions. No condition of mind proximately induced by the voluntary act of a person charged with a crime shall be deemed a mental disease or defect excluding responsibility.

(2) "Indigent" means any person who is financially unable to obtain counsel or other necessary expert or professional services without causing substantial hardship to himself or his family.

(3) "Secretary" means the secretary of the department of social and health services or his designee.

(4) "Department" means the state department of social and health services.

(5) "Treatment" means any currently standardized medical or mental health procedure including medication. [1973 1st ex.s. c 117 § 1.]

10.77.020 RIGHT TO LEGAL COUNSEL—WAIVER—FINDING—RIGHT TO EXPERT AND ATTORNEY WHEN SUBJECTED TO MENTAL STATUS EXAMINATION—INDIGENTS—ORDER OF COMMITMENT OR TREATMENT—SELF-INCRIMINATION.

(1) At any and all stages of the proceedings pursuant to this chapter, any person subject to the provisions of this chapter shall be entitled to the assistance of counsel, and if the person is indigent and unable to retain counsel the court shall appoint counsel to assist him. A person may waive his right to counsel only following a specific finding by the court that he is competent to so waive. In making such findings, the court shall be guided but not limited by the following standards: Whether the person attempting to waive the assistance of counsel, does so understanding:

(a) The nature of the charges;  
(b) The statutory offense included within them;  
(c) The range of allowable punishments thereunder;  
(d) Possible defenses to the charges and circumstances in mitigation thereof; and

(e) All other facts essential to a broad understanding of the whole matter.

(2) Whenever any person is subjected to a mental status examination pursuant to any provision of this chapter, he may retain an expert or professional person to participate in the examination in his behalf. In the case of a person who is indigent, either the court or the secretary shall upon his request assist the person in obtaining an expert or professional person to participate in the examination or hearing on his behalf. An expert or professional person obtained by

an indigent person pursuant to the provisions of this chapter shall be compensated for his services out of funds of the department, in an amount determined by it to be fair and reasonable.

(3) Whenever any person has been committed under any provision of this chapter, or ordered to undergo alternative treatment following his acquittal of a crime charged by reason of mental disease or defect excluding responsibility, such commitment or treatment cannot exceed the maximum possible penal sentence for any offense charged. If at the end of that period the person has not been finally discharged and is still in need of commitment or treatment, civil commitment proceedings may be instituted, if appropriate.

(4) Any time the defendant is being examined by court appointed experts or professional persons pursuant to the provisions of this chapter, he shall be entitled to have his attorney present. If the defendant is indigent and unable to retain counsel, the court upon the request of the defendant shall appoint counsel to assist the defendant. The defendant may refuse to answer any question if he believes his answers may tend to incriminate him or form links leading to evidence of an incriminating nature. [1973 1st ex.s. c 117 § 2.]

10.77.030 MENTAL DISEASE OR DEFECT--ADMISSIBILITY IN EVIDENCE--EVIDENCE REQUIRED TO ESTABLISH AS A DEFENSE--ACQUIT-TAL VERDICT AND JUDGMENT.

(1) Evidence of mental disease or defect excluding responsibility is not admissible unless the defendant, at the time of arraignment or within ten days thereafter or at such later time as the court may for good cause permit, files a written notice of his intent to rely on such a defense.

(2) Mental disease or defect excluding responsibility is a defense which the defendant must establish by a preponderance of the evidence.

(3) When the defendant is acquitted on the grounds of mental disease or defect excluding responsibility, the verdict and judgment shall so state. [1973 1st ex.s. c 117 § 3.]

10.77.040 INSTRUCTIONS TO JURY ON VER-DICT.

Whenever the issue of mental disease or defect excluding responsibility has been raised by the defendant, the court shall instruct the jury to return a verdict in substantially the following form:

- answer  
yes or no
1. Did the defendant commit the crime charged? -----
  2. If your answer to number 1 is yes, do you acquit hime because of mental disease

or defect excluding respon-sibility?

3. If your answer to number 2 is yes, is the defendant a substantial danger to him-self or others and in need of control by the court or other persons or institu-tions? -----

[1973 1st ex.s. c 117 § 4.]

10.77.050 TRIAL, CONVICTION, OR SEN-TENCING OF PERSON UNDER MENTAL INCAPACITY.

No person who lacks the capacity to understand the proceedings against him or to assist in his own defense as a result of mental disease or defect shall be tried, convicted, or sentenced for the commission of an offense so long as such incapacity continues. [1973 1st ex.s. c 117 § 5.]

10.77.060 PLEA OF NOT GUILTY DUE TO MENTAL DISEASE OR DEFECT--EXAMINATION--REPORT.

(1) Whenever a defendant has pleaded not guilty by reason of mental disease or defect excluding responsibili-ty, or there is reason to doubt his fitness to proceed as a result of mental disease or defect, the court on its own motion or on the motion of any party shall appoint, or shall request the secretary to designate, at least two qualified experts or professional persons, one of whom shall be approved by the prosecuting attorney, to examine and report upon the mental condition of the defendant. For purposes of the examination, the court may order the defendant committed to a hospital or other suitable facility for a period of time necessary to complete the examina-tion, but not to exceed fifteen days.

(2) The court shall direct that a qual-ified expert or professional person re-tained by the defendant be permitted to witness the examination authorized by subsection (1) of this section, and that he shall have access to all information obtained by the court appointed experts or professional persons. The defendant's expert or professional person shall have the right either to join in the report filed by the court appointed experts or professional persons authorized by subsec-tion (1) of this section, or to file his own separate report following the guide-lines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him in obtaining a duly qualified expert or professional person to partici-pate in the examination on the defendant's behalf.

(3) The report of the examination shall include the following:

- (a) A description of the nature of the examination;
- (b) A diagnosis of the mental condition of the defendant;

(c) If the defendant suffers from a mental disease or defect, an opinion as to his capacity to understand the proceedings against him and to assist in his own defense;

(d) If the defendant has indicated his intention to rely on the defense of irresponsibility pursuant to RCW 10.77-.030, an opinion as to the extent he lacked capacity either:

(i) To know or appreciate the nature and consequences of such conduct; or

(ii) To know or appreciate the criminality of such conduct;

(e) When directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(f) An opinion as to whether the defendant is a substantial danger to himself or others and is in need of control by the court or other persons or institutions. [1973 1st ex.s. c 117 § 6.]

10.77.070 EXAMINATION RIGHTS OF DEFENDANT'S EXPERT OR PROFESSIONAL PERSON. When the defendant wishes to be examined by a qualified expert or professional person of his own choice such examiner shall be permitted to have reasonable access to the defendant for the purpose of such examination, as well as to all relevant medical and psychological records and reports. [1973 1st ex.s. c 117 § 7.]

10.77.080 JUDGMENT OF ACQUITTAL—  
GROUND—PROCEDURE. If the report filed pursuant to RCW 10.77.060 finds that the defendant at the time of the criminal conduct charged did not have capacity to either (1) know or appreciate the nature and consequence of such conduct; or (2) know or appreciate the criminality of such conduct, the defendant, upon notification to the prosecuting attorney, may move that a judgment of acquittal on the grounds of mental disease or defect excluding responsibility be entered. If the court, after a hearing on the motion, is satisfied that such impairment was sufficient to exclude responsibility, the court shall enter judgment of acquittal on the grounds of mental disease or defect excluding responsibility. If the motion is denied, the question shall be submitted to the trier of fact in the same manner as all other issues of fact. [1973 1st ex.s. c 117 § 8.]

10.77.090 STAY OF PROCEEDINGS—  
GROUND—PROCEDURE. (1) If at any time during the pendency of an action and prior to judgment, the court finds following a report as provided in RCW 10.77.060, that the defendant is incapable of understanding the proceedings against him or assisting in his own defense, the court shall order the proceedings against him be

stayed, except as provided in subsection (5) of this section, and may commit the defendant to the custody of the secretary, who shall place such defendant in an appropriate facility of the department for evaluation and treatment, or the court may alternatively order the defendant to undergo evaluation and treatment at some other facility, or under the guidance and control of some other person, until he has regained the competency necessary to understand the proceedings against him and assist in his own defense, but in any event, for no longer than a period of ninety days. If during the ninety day period, the court on its own motion, or upon application of the secretary, the prosecuting attorney, or the defendant, finds by a preponderance of the evidence, after a hearing, that the defendant is now able to understand the proceedings against him and assist in his own defense, the proceedings shall be resumed.

(2) If at the end of the ninety day period the court finds that the defendant is not able to understand the proceedings against him and assist in his own defense, the court shall have the option of extending the order of commitment or alternative treatment for an additional ninety day period, but it must at the time of extension set a date for a prompt hearing to determine the defendant's competency if the defendant has not been judged competent to proceed before the expiration of the second ninety day period. The defendant, his attorney, the prosecutor, or the judge shall have the right to demand that the competency hearing at the end of the ninety day extension period be before a jury. If no demand is made, the hearing shall be before the court. The sole issue to be determined at such a hearing is whether the defendant has the competency to understand the proceedings against him and to assist in his own defense.

(3) If the jury or court, as the case may be, finds by a preponderance of the evidence that the defendant is unable to understand the proceedings against him and assist in his own defense, the charges shall be dismissed without prejudice, and either civil commitment proceedings shall immediately be instituted, if appropriate, or the court shall order the release of the defendant: PROVIDED, That if the jury or court, as the case may be, also finds by a preponderance of the evidence that, on or before ninety days from the expiration date of the second ninety day period, the defendant will be so improved as to be able to understand the proceedings against him and assist in his own defense, the court shall extend the order of commitment or alternative treatment for a period no longer than an additional ninety days and shall also order that if the defendant has not been judged competent to proceed and has not been brought to trial on or before the end of said additional ninety day period, then at the end of said period, upon providing notice to the court, but

without further order of the court, either civil commitment proceedings shall immediately be instituted, if appropriate, or the defendant shall be released.

(4) If the jury or the court, as the case may be, finds by a preponderance of the evidence that the defendant has regained the ability to understand the proceedings against him and to assist in his own defense, the criminal proceedings shall be resumed.

(5) The fact that the defendant is unfit to proceed does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(6) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables him to understand the proceedings against him and to assist in his own defense, or does not disable him from so understanding and assisting in his own defense. [1973 1st ex.s. c 117 § 9.]

10.77.100 EXPERTS OR PROFESSIONAL PERSONS AS WITNESSES--SCOPE OF TESTIMONY--EXAMINATION. At any proceeding held pursuant to this chapter:

(1) Experts or professional persons who have reported pursuant to this chapter may be called as witnesses. Both the prosecution and the defendant may summon any other qualified expert or professional persons to testify, but no one who has not examined the defendant outside of court shall be competent to testify to an expert opinion with respect to the mental condition or responsibility of the defendant, as distinguished from the validity of the procedure followed by, or the general scientific propositions stated by, another witness.

(2) Experts or professional persons who have examined the defendant and who have been called as witnesses concerning his mental condition shall be permitted to make a statement as to the nature of his examination, his diagnosis of the mental condition of the defendant at the time of the commission of the offense charged and his opinion as to the extent, if any, the defendant lacked capacity either (1) to know or appreciate the nature and consequence of such conduct; or (2) to know or appreciate the criminality of such conduct. He shall be permitted to make any explanation reasonably serving to clarify his diagnosis and opinion and may be cross-examined as to any matter bearing on his competency or credibility or the validity of his diagnosis or opinion. [1973 1st ex.s. c 117 § 10.]

10.77.110 ACQUITTAL OF DEFENDANT--RELEASE OR HOSPITALIZATION, ALTERNATIVE TREATMENT--FINDING--ORDER. If a defendant charged with a crime is acquitted by

reason of mental disease or defect excluding responsibility, and it is found that he is not a substantial danger to himself or other persons, and not in need of control by the court or other persons or institutions, the court shall direct his release. If it is found that the defendant is a substantial danger to himself or others and in need of control by the court or other persons or institutions, the court may order his hospitalization or may order alternative treatment pursuant to the terms of this chapter. [1973 1st ex.s. c 117 § 11.]

10.77.120 CONFINEMENT OF COMMITTED PERSON--CUSTODY--HEARINGS--DISCHARGE. The secretary shall forthwith provide adequate care and individualized treatment at one or several of the state institutions or facilities under his direction and control wherein persons committed as criminally insane may be confined. Such persons shall be under the custody and control of the secretary to the same extent as are other persons who are committed to his custody, but such provision shall be made for their control, care, and treatment as is proper in view of their condition. In order that the secretary may adequately determine the nature of the mental illness of the person committed to him as criminally insane, and in order for the secretary to place such individuals in a proper facility, all persons who are committed to the secretary as criminally insane shall be promptly examined by qualified personnel in such a manner as to provide a proper evaluation and diagnosis of such individual. Any person so committed shall not be discharged from the control of the secretary save upon the order of a court of competent jurisdiction made after a hearing and judgment of discharge.

Whenever there is a hearing which the committed person is entitled to attend, the secretary shall send him in the custody of one or more department employees to the county where the hearing is to be held at the time the case is called for trial. During the time he is absent from the facility, he shall be confined in a facility designated by and arranged for by the department, and shall at all times be deemed to be in the custody of the department employee and provided necessary treatment. If the decision of the hearing remits the person to custody, the department employee shall forthwith return him to such institution or facility designated by the secretary. If the state appeals an order of discharge, such appeal shall operate as a stay, and the person in custody shall so remain and be forthwith returned to the institution or facility designated by the secretary until a final decision has been rendered in the cause. If the state does not appeal, the order of discharge shall be sufficient acquittal to the secretary. [1973 1st ex.s. c 117 § 12.]

10.77.130 STATEMENT OF FACTS OR BILL OF EXCEPTIONS AS PART OF RECORD. Either party to the cause may have the evidence and all of the matters not of record in the cause made a part of the record by the certification of a statement of facts or bill of exceptions as in other cases. If an appeal should not be taken, such statement of facts or bill of exceptions shall remain on file in the office of the clerk of the court where the cause was tried, and if an appeal be taken, the statement of facts or bill of exceptions shall be returned from the court of appeals or the supreme court to the court where the cause was tried when the court of appeals or the supreme court shall have rendered its final judgment in the cause. [1973 1st ex.s. c 117 § 13.]

10.77.140 PERIODIC EXAMINATIONS--REPORTS--NOTICE TO COURT. Each patient committed to a hospital or other facility or conditionally released pursuant to this chapter shall have a current examination of his mental condition made by one or more experts or professional persons at least once every six months. The patient may retain, or if he is indigent and so requests, the court may appoint a duly qualified expert or professional person to examine him, and such expert or professional person shall have access to all hospital records concerning the patient. The secretary, upon receipt of the periodic report, shall provide written notice to the court of commitment of compliance with the requirements of this section. [1973 1st ex.s. c 117 § 14.]

10.77.150 CONDITIONAL RELEASE--APPLICATION--PROCEDURE. (1) Persons examined pursuant to RCW 10.77.140 may make application to the secretary for conditional release. The secretary shall, after considering the reports of experts or professional persons conducting the examination pursuant to RCW 10.77.140, forward to the court the person's application for conditional release as well as his recommendations concerning the application and any proposed terms and conditions upon which he believes the person can be conditionally released. Conditional release may also contemplate partial release for work, training, or educational purposes.

(2) The court, upon receipt of an application for conditional release with the secretary's recommendation for conditional release, shall within thirty days schedule a hearing. The court may schedule a hearing on applications recommended for disapproval by the secretary. The prosecuting attorney shall represent the state at such hearings and shall have the right to have the patient examined by an expert or professional person of his choice. If the patient is indigent, and he so requests, the court shall appoint a duly qualified expert or professional person to

examine the patient on his behalf. The issue to be determined at such a hearing is whether the person may be released conditionally without substantial danger to himself or other persons and is not in need of further control by the court or other persons or institutions. The court, after hearing, shall rule on the secretary's recommendations, and if it disapproves of said recommendations, may do so only on the basis of substantial evidence. The court, prior to conditional release, may modify the suggested terms and conditions on which the person is to be conditionally released. Pursuant to the determination of the court after hearing, the committed person shall thereupon be released on such conditions as the court determines to be necessary, or shall be remitted to the custody of the secretary.

(3) A recommendation by the secretary pursuant to this section that the person should not be conditionally released does not preclude such person from applying for a writ of habeas corpus on the issue of whether he may be released without substantial danger to himself or other persons and is not in need of further control by the court or other persons or institutions, where no hearing has been held pursuant to subsection (2) of this section.

(4) Any person, whose application for conditional release has been denied, may reapply after a period of six months from the date of denial. [1973 1st ex.s. c 117 § 15.]

10.77.160 CONDITIONAL RELEASE--REPORTS AS TO ADHERENCE TO TERMS AND CONDITIONS OF RELEASE. When a conditionally released person is required by the terms of his conditional release to report to a physician, probation officer, or other such person on a regular or periodic basis, the doctor, probation officer, or other such person shall monthly, or as otherwise directed by the court, submit to the court, the secretary, the institution from which released, and to the prosecuting attorney of the county in which the person was committed, a report stating whether the person is adhering to the terms and conditions of his conditional release. [1973 1st ex.s. c 117 § 16.]

10.77.170 PAYMENTS TO CONDITIONALLY RELEASED PERSONS. As funds are available, the secretary may provide payment to a person conditionally released pursuant to RCW 10.77.150, consistent with the provisions of RCW 72.02.100 and 72.02.110, and may adopt rules and regulations to do so. [1973 1st ex.s. c 117 § 17.]

Reviser's note: During the course of passage of chapter 117, Laws of 1973 1st ex. sess. [Engrossed Senate Bill No. 2319], section 15 was deleted from the bill by amendment and the section numbers

were changed accordingly but not the internal references to sections 16 and 17 in various sections in the bill. These internal references have been changed in codification to carry out the obvious intention of the legislature. Thus the internal references in the session law chapter to sections 16 and 17 have been in effect reduced by one number and in codification changed to RCW 10.77.150 and 10.77.160, respectively.

10.77.180 CONDITIONAL RELEASE--PERIODIC REVIEW OF CASE. Each person conditionally released pursuant to \*RCW 10.77.150 shall have his case reviewed by the court which conditionally released him no later than one year after such release and no later than every two years thereafter, such time to be scheduled by the court. Review may occur in a shorter time or more frequently, if the court, in its discretion, on its own motion, or on motion of the person, the secretary or the prosecuting attorney, so determines. The sole question to be determined by the court is whether the person shall continue to be conditionally released. The court in making its determination shall be aided by the periodic reports filed pursuant to RCW 10.77.140 and \*10.77.160, and the opinions of the secretary and other experts or professional persons. [1973 1st ex.s. c 117 § 18.]

\*Reviser's note: See note following RCW 10.77.170.

10.77.190 CONDITIONAL RELEASE--MODIFICATION OF TERMS--PROCEDURE. (1) Any person submitting reports pursuant to \*RCW 10.77.160, the secretary, or the prosecuting attorney may petition the court to, or the court on its own motion may schedule an immediate hearing for the purpose of modifying the terms of conditional release if the petitioner or the court believes the released person is failing to adhere to the terms and conditions of his conditional release or is in need of additional care and treatment.

(2) If the prosecuting attorney, the secretary, or the court, after examining the report filed with them pursuant to \*RCW 10.77.160, or based on other information received by them, reasonably believes that a conditionally released person is failing to adhere to the terms and conditions of his conditional release, and because of that failure he has become a substantial danger to himself or other persons, the secretary may order that the conditionally released person be apprehended and taken into custody until such time as a hearing can be scheduled to determine the facts and whether or not the patient should be rehospitalized. The court shall be notified before the close of the next judicial day of a patient's

apprehension. Both the prosecuting attorney and the patient shall have the right to request an immediate mental status examination of the patient. In the case of a patient who is indigent, the secretary shall, upon request of the patient, assist him in obtaining a duly qualified expert or professional person to conduct the examination.

(3) The court, upon receiving notification of the patient's apprehension, shall promptly schedule a hearing. The issue to be determined is whether the conditionally released person did or did not adhere to the terms and conditions of his release, is likely to harm himself or other persons if not hospitalized or whether the conditions of release should be modified. Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be rehospitalized subject to release only in accordance with the provisions of this chapter. [1973 1st ex.s. c 117 § 19.]

\*Reviser's note: See note following RCW 10.77.170.

10.77.200 FINAL DISCHARGE--PROCEDURE. (1) If the secretary determines, after such investigation as he may deem necessary, that a patient committed as criminally insane pursuant to this chapter may be finally discharged without substantial danger to himself or other persons and is not in need of further control by the court or other persons or institutions, he shall make application to the court for the final discharge.

(2) The court, upon receipt of the application for final discharge, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the patient examined by an expert or professional person of his choice. If the patient is indigent, and he so requests, the court shall appoint a duly qualified expert or professional person to examine the patient on his behalf. The hearing shall be before a jury if demanded by either the patient or the prosecuting attorney. The issue to be determined at such a hearing is whether the person may be finally discharged without substantial danger to himself or others and is not in need of further control by the court or other persons or institutions.

(3) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for final discharge. The issue to be determined on such proceeding is whether the patient is a substantial danger to himself or other persons and is not in need of further control by the court or other persons or

institutions. [1973 1st ex.s. c 117 § 20.]

10.77.210 RIGHT TO ADEQUATE CARE AND TREATMENT—RECORDS AND REPORTS TO BE KEPT—AVAILABILITY. Any person involuntarily detained, hospitalized, or committed pursuant to the provisions of this chapter shall have the right to adequate care and individualized treatment. The person who has custody of the patient or is in charge of treatment shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations of the patient that have been filed with the secretary pursuant to this chapter. All records and reports made pursuant to this chapter, shall be made available only upon request, to the committed person, to his attorney, to his personal physician, to the prosecuting attorney, to the court or other expert or professional persons who, upon proper showing, demonstrate a need for access to such records. [1973 1st ex.s. c 117 § 21.]

10.77.220 INCARCERATION IN CORRECTIONAL INSTITUTION OR FACILITY PROHIBITED. No person confined pursuant to this chapter shall be incarcerated in a state correctional institution or facility. [1973 1st ex.s. c 117 § 22.]

10.77.230 APPEALS. Either party may appeal to the court of appeals the judgment of any hearing held pursuant to the provisions of this chapter. The procedure on appeal shall be the same as in other cases. [1973 1st ex.s. c 117 § 23.]

10.77.240 EXISTING RIGHTS NOT AFFECTED. Nothing in this chapter shall prohibit a person presently committed from exercising a right presently available to him for obtaining release from confinement, including the right to petition for a writ of habeas corpus. [1973 1st ex.s. c 117 § 24.]

10.77.250 RESPONSIBILITY FOR COSTS—REIMBURSEMENT. Notwithstanding any provision of the Revised Code of Washington to the contrary, the department shall be responsible for all costs relating to the evaluation and treatment of persons committed to it pursuant to any provisions of this chapter, and the logistical and supportive services pertaining thereto. Reimbursement may be obtained by the department pursuant to RCW 71.02.380. [1973 1st ex.s. c 117 § 25.]

10.77.900 SAVINGS—CONSTRUCTION. (1) Any acts done before July 1, 1973 and any proceedings then pending and any constitutional right or any action taken in any proceeding pending under statutes in effect prior to July 1, 1973 are not impaired by this chapter.

(2) This chapter shall also apply to persons committed under prior law as incompetent to stand trial or as being criminally insane and to any proceedings in court then pending or thereafter commenced regardless of when the proceedings were commenced, except to the extent that in the opinion of the court, the former procedure should continue to be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedures of this chapter. [1973 1st ex.s. c 117 § 26.]

10.77.910 SEVERABILITY—1973 1ST EX.S. C 117. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or its application of the provision to other persons or circumstances is not affected. [1973 1st ex.s. c 117 § 27.]

10.77.920 CHAPTER SUCCESSOR TO CHAPTER 10.76 RCW. Sections 1 through 27 of this act shall constitute a new chapter in Title 10 RCW, and shall be considered the successor chapter to chapter 10.76 RCW. [1973 1st ex.s. c 117 § 28.]

10.77.930 EFFECTIVE DATE—1973 1ST EX.S. C 117. This act shall take effect on July 1, 1973. [1973 1st ex.s. c 117 § 30.]

## Chapter 10.85 REWARDS

10.85.025 OFFENSES AGAINST TRANSPORTATION—REWARD UPON PROOF OF CONVICTION. The governor of the state shall prepare a voucher for the treasurer for the amount of the reward upon presentation to him of a certificate of the clerk of the court where the conviction was had of such conviction and the finding of the court that the satisfactory proof was made that the person claiming the reward is entitled thereto, under RCW 10.85.020 and the treasurer shall issue a warrant for such amount. [1973 c 106 § 9; Code 1881 § 1291; 1877 p 284 § 2; RRS § 2248. Formerly RCW 10.85.020, part.]



TITLE 11  
PROBATE LAW AND PROCEDURE--1965 ACT

Sections added, amended, or repealed:

Chapter 11.08 Escheats.

- 11.08.111 Property of deceased inmates of state institutions--Disposition within two years.
- 11.08.185 Escheat property--Records of department of revenue--Public record information.
- Chapter 11.86 Disclaimer of Interests.
- 11.86.010 Definitions.
- 11.86.020 Disclaimer of interest authorized.
- 11.86.030 Times for filing.
- 11.86.040 Effective date--Filing--Recording--Notice.
- 11.86.050 Disposition of disclaimed interest.
- 11.86.060 When right to disclaim barred.
- 11.86.070 Spendthrift or similar restriction, effect--Effect of filing disclaimer or waiver.
- 11.86.080 Rights under other statutes or rules not abridged.
- 11.86.090 Interests existing on effective date of chapter.

Chapter 11.08  
ESCHEATS

11.08.111 PROPERTY OF DECEASED INMATES OF STATE INSTITUTIONS--DISPOSITION WITHIN TWO YEARS. Prior to the expiration of the two-year period provided for in RCW 11.08-.101, the superintendent may transfer such money or property in his possession, upon request and satisfactory proof submitted to him, to the following designated persons:

- (1) To the personal representative of the estate of such deceased inmate; or
- (2) To the next of kin of the decedent, where such money and property does not exceed the value of one thousand dollars, and the person or persons requesting same shall have furnished an affidavit as to his or her being next of kin; or
- (3) In the case of money, to the person who may have deposited such money with the superintendent for the use of the decedent, where the sum involved does not exceed one thousand dollars; or
- (4) To the department of social and health services, when there are moneys due and owing from such deceased person's estate for the cost of his care and maintenance at a state institution: PROVIDED, That transfer of such money or property may be made to the person first qualifying under this section and such transfer shall exonerate the superintendent from further responsibility relative to such money or property: AND PROVIDED

FURTHER, That upon satisfactory showing the funeral expenses of such decedent are unpaid, the superintendent may pay up to one thousand dollars from said deceased inmate's funds on said obligation. [1973 1st ex.s. c 76 § 1; 1965 c 145 § 11.08.111. Prior: 1959 c 240 § 1; 1951 c 138 § 2.]

11.08.185 ESCHEAT PROPERTY--RECORDS OF DEPARTMENT OF REVENUE--PUBLIC RECORD INFORMATION. All records of the department of revenue relating to escheated property or property about to escheat shall be a public record and shall be made available by the department of revenue for public inspection. Without limitation, the records to be made public shall include all available information regarding possible heirs, descriptions and amounts of property escheated or about to escheat, and any information which might serve to identify the proper heirs. [1973 c 25 § 1.]

Chapter 11.86  
DISCLAIMER OF INTERESTS

11.86.010 DEFINITIONS. As used in this section, unless otherwise clearly required by the context:

(1) "Beneficiary" means and includes any person entitled, but for his disclaimer, to take an interest: By intestate succession, devise, legacy, or bequest; by succession to a disclaimed interest by will, trust instrument, intestate succession, or through the exercise or nonexercise of a testamentary or other power of appointment; by virtue of a renunciation and election to take against a will; as beneficiary of a testamentary or other written trust; pursuant to the exercise or nonexercise of a testamentary or other power of appointment; as donee of a power of appointment created by testamentary or trust instrument; or otherwise under a testamentary or trust instrument or community property agreement; or by right of survivorship.

(2) "Interest" means and includes the whole of any property, real or personal, legal or equitable, or any fractional part, share or particular portion or specific assets thereof, or any estate in any such property, or power to appoint, consume, apply or expend property or any other right, power, privilege or immunity relating thereto.

(3) "Disclaimer" means a written instrument which declines, refuses, releases, renounces or disclaims an interest which would otherwise be succeeded to by a beneficiary, which instrument defines the nature and extent of the interest disclaimed thereby and which must be signed, witnessed and acknowledged by the disclaimant in the manner provided for deeds of real estate, and also a written instrument which exercises a power to invade the



corpus or principal of an estate or trust when such exercise has the effect of terminating an interest which could otherwise be succeeded to by a beneficiary. [1973 c 148 § 2.]

11.86.020 DISCLAIMER OF INTEREST AUTHORIZED. A beneficiary may disclaim any interest in whole or in part, or with reference to specific parts, shares or assets thereof, by filing a disclaimer in court in the manner provided in RCW 11.86.030 and 11.86.040. A guardian, executor, administrator or other personal representative of the estate of a minor, incompetent or deceased beneficiary, if he deems it in the best interests of those interested in the estate of such beneficiary and of those who take the beneficiary's interest by virtue of the disclaimer and not detrimental to the best interests of the beneficiary, with or without an order of the probate court, may execute and file a disclaimer on behalf of the beneficiary within the time and in the manner in which the beneficiary himself could disclaim if he were living, of legal age and competent. A beneficiary likewise may execute and file a disclaimer by agent or attorney so empowered. [1973 c 148 § 3.]

11.86.030 TIMES FOR FILING. Such disclaimer shall be filed at any time after the creation of the interest, but in all events within the later of six months from June 7, 1973 or six months after the death of the person by whom the interest was created or from whom it is or, but for the disclaimer would be received, or, if the disclaimant is not finally ascertained as a beneficiary or his interest has not become indefeasibly fixed both in quality and quantity as of the death of such person, then such disclaimer shall be filed not later than six months after the event which causes or, but for the disclaimer, would cause him so to become finally ascertained and his interest to become indefeasibly fixed both in quality and quantity. [1973 c 148 § 4.]

11.86.040 EFFECTIVE DATE--FILING--RECORDING--NOTICE. Such disclaimer shall be effective upon being filed with the clerk of the court of which the estate of the person by whom the interest was created or from whom it would have been received is, or has been, administered or, if no probate administration has been commenced, then with the clerk of the court of any county provided by law as the place for probate administration of the estate of such person, where it shall be indexed under the name of the decedent in the probate index upon payment of a fee of two dollars. A copy of the disclaimer shall be delivered or mailed by certified or registered mail, return receipt requested

to the representative, trustee or other person having legal title to, or possession of, the property in which the interest disclaimed exists, and no such representative, trustee or person shall be liable for any otherwise proper distribution or other disposition made without actual knowledge of the disclaimer, or in reliance upon the disclaimer and without actual knowledge that said disclaimer is barred as provided in RCW 11.86.060. If an interest in or relating to real estate is disclaimed, the original of the disclaimer, or a copy of the disclaimer certified as true and complete by the clerk of the court wherein the same has been filed, shall be recorded in the office of the auditor in the county or counties where the real estate is situated and shall constitute notice to all persons only from and after the time of such recording. [1973 c 148 § 5.]

11.86.050 DISPOSITION OF DISCLAIMED INTEREST. Unless the person by whom the interest was created or from whom it would have been received has otherwise provided by will or other appropriate instrument with reference to the possibility of a disclaimer by the beneficiary, the interest disclaimed shall descend, be distributed or otherwise be disposed of in the same manner as if the disclaimant had died immediately preceding the death or other event which causes him to become finally ascertained as a beneficiary and his interest to become indefeasibly fixed both in quality and quantity and in any case, the disclaimer shall relate for all purposes to such date, whether filed before or after such death or other event. However, one disclaiming an interest in a nonresiduary gift, devise or bequest shall not be excluded, unless his disclaimer so provides, from sharing in a gift, devise or bequest of the residue even though, through lapse, such residue includes the assets disclaimed. An interest of any nature in or to the estate of an intestate may be declined, refused or disclaimed as herein provided without ever vesting in the disclaimant. [1973 c 148 § 6.]

11.86.060 WHEN RIGHT TO DISCLAIM BARRED. The right to disclaim otherwise conferred by this chapter shall be barred if the beneficiary is insolvent at the time of the event giving rise to the commencement of the six months period within which the disclaimer must be filed. Any voluntary assignment or transfer of, or contract to assign or transfer, an interest in real or personal property, or written waiver of the right to disclaim the succession to an interest in real or personal property, by any beneficiary, or any sale or other disposition of an interest in real or personal property pursuant to judicial process, made before he has filed a disclaimer, as provided in

RCW 11.86.040, bars the right otherwise conferred on such beneficiary to disclaim as to such interest. [1973 c 148 § 7.]

Chapter 12.40  
SMALL CLAIMS

11.86.070 SPENDTHRIFT OR SIMILAR RESTRICTION, EFFECT--EFFECT OF FILING DISCLAIMER OR WAIVER. The right to disclaim granted by RCW 11.86.020 exists regardless of any limitation imposed on the interest of the disclaimant in the nature of an express or implied spendthrift provision or similar restriction. A disclaimer, when filed as provided in RCW 11.86.040, or a written waiver of the right to disclaim, shall be binding upon the disclaimant or beneficiary so waiving and all parties thereafter claiming by, through or under him, except that a beneficiary so waiving may thereafter transfer, assign or release his interest if such is not prohibited by an express or implied spendthrift provision. [1973 c 148 § 8.]

11.86.080 RIGHTS UNDER OTHER STATUTES OR RULES NOT ABRIDGED. This chapter shall not abridge the right of any person, apart from this chapter, under any existing or future statute or rule of law, to disclaim any interest or to assign, convey, release, renounce or otherwise dispose of any interest. [1973 c 148 § 9.]

11.86.090 INTERESTS EXISTING ON EFFECTIVE DATE OF CHAPTER. Any interest which exists on June 7, 1973 but which has not then become indefeasibly fixed both in quality and quantity, or the taker of which has not then become finally ascertained, may be disclaimed after June 7, 1973 in the manner provided in RCW 11.86.030 and 11.86.040. [1973 c 148 § 10.]

12.40.010 DEPARTMENT AUTHORIZED--JURISDICTIONAL AMOUNT. That in every justice court of this state there shall be created and organized by the court a department to be known as the "small claims department of the justice's court". If the justice court is operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed three hundred dollars. If the justice court is not operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed two hundred dollars. [1973 c 128 § 1; 1970 ex.s. c 83 § 1; 1963 c 123 § 1; 1919 c 187 § 1; RRS § 1777-1.]

12.40.110 PROCEDURE ON NONPAYMENT. The judgment of said court shall be conclusive. If the defendant fails to pay the judgment according to the terms and conditions thereof within twenty days, the justice before whom such hearing was had shall certify such judgment in substantially the following form:

Washington.  
In the Justice's Court of \_\_\_\_\_  
County, before \_\_\_\_\_ Justice of the  
Peace for \_\_\_\_\_ Precinct.  
\_\_\_\_\_  
Plaintiff,  
vs.  
\_\_\_\_\_  
Defendant.

In the Small Claims Department.

This is to certify that in a certain action before me, the undersigned, had on this the \_\_\_\_ day of \_\_\_\_\_ 19\_\_, wherein \_\_\_\_\_ was plaintiff and \_\_\_\_\_ defendant, jurisdiction of said defendant having been had by personal service (or otherwise) as provided by law, I then and there entered judgment against said defendant in the sum of \_\_\_\_\_ Dollars; which judgment has not been paid.  
Witness my hand this \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

\_\_\_\_\_  
Justice of the Peace  
sitting in the Small  
Claims Department.

The justice of the peace of said justice's court shall forthwith enter such judgment transcript on the judgment docket of such justice's court; and thereafter garnishment, execution and other process on execution provided by law may issue thereon, as obtains in other cases of

TITLE 12

JUSTICE COURTS--CIVIL PROCEDURE

Sections added, amended, or repealed:

Chapter 12.40 Small Claims.

- 12.40.010 Department authorized--Jurisdictional amount.
- 12.40.110 Procedure on nonpayment.

Chapter 12.20  
JUDGMENTS

12.20.060 JUDGMENT FOR COSTS--ATTORNEY'S FEE.

Cross Reference:

Attorney's fees as costs in damage actions of one thousand dollars or less: RCW 4.84.250-4.84.310.

judgments of justice's courts, and transcripts of such judgments may be filed and entered in judgment lien dockets in superior courts with like effect as in other cases. [1973 c 128 § 2; 1919 c 187 § 11; RRS § 1777-11.]

## TITLE 13

## JUVENILE COURTS AND JUVENILE DELINQUENTS

Sections added, amended, or repealed:

Chapter 13.04 Juvenile Courts.

13.04.053 Notice to parent or guardian that child taken into custody—  
Time limitation on detention—  
Responsibility of juvenile court.

Chapter 13.06 Probation Services—Special Supervision Programs.

13.06.050 Conditions for receiving state funds—Base commitment rates—  
Amounts payable—Restrictions.  
13.06.055 Housing authorities law—Group homes or halfway houses for released juveniles or developmentally disabled.

Chapter 13.07 Probation Counselors—State Aid.

13.07.020 Program established—Funds.

Chapter 13.04  
JUVENILE COURTS

13.04.053 NOTICE TO PARENT OR GUARDIAN THAT CHILD TAKEN INTO CUSTODY—TIME LIMITATION ON DETENTION—RESPONSIBILITY OF JUVENILE COURT. Whenever any child is taken into custody, the parent or guardian must be immediately notified. Such requirement may be waived by the court in cases where the parent or guardian cannot be located.

No child shall be held in detention or shelter longer than seventy-two hours excluding Sundays and holidays, unless a petition as provided for in RCW 13.04.060 has been filed. No child may be held longer than seventy-two hours after the filing of such a petition unless an order for such continued detention or shelter has been signed by the juvenile court judge. No child shall be detained for longer than thirty days without an order, signed by the judge, authorizing continued detention. In every order authorizing continued detention the court shall make and enter its findings upon which continued detention is based. A child in need of detention either by reason of assaultive conduct or because of probable failure to appear for further proceedings,

whether alleged to be dependent or delinquent, shall, prior to findings and disposition by the court pursuant to RCW 13.04.095, be the responsibility of and provided for by the juvenile court. The juvenile court shall also provide necessary detention facilities and services for a child previously paroled from juvenile correctional facilities whose parole has been suspended by juvenile parole authorities based on one or more allegations of violation of a condition or conditions of parole. [1973 1st ex.s. c 101 § 1; 1961 c 302 § 2.]

Chapter 13.06  
PROBATION SERVICES—SPECIAL SUPERVISION PROGRAMS

13.06.050 CONDITIONS FOR RECEIVING STATE FUNDS—BASE COMMITMENT RATES—AMOUNTS PAYABLE—RESTRICTIONS. No county shall be entitled to receive any state funds provided by this chapter until its application is approved, and unless and until the minimum standards prescribed by the department of social and health services are complied with and then only on such terms as are set forth hereafter in this section.

(1) A base commitment rate for each county and for the state as a whole shall be calculated by the department of social and health services. The base commitment rate shall be determined by computing the ratio of the number of juveniles committed to state juvenile correctional institutions plus the number of juveniles who have been convicted of felonies and committed to state correctional institutions after a juvenile court has declined jurisdiction of their cases and remanded them for prosecution in the superior courts, to the county population, such ratio to be expressed in a rate per hundred thousand population, for each of the calendar years 1964 through 1968. The average of these rates for a county for the five year period or the average of the last two years of the period, whichever is higher, shall be the base commitment rate, as certified by the secretary: PROVIDED, That, a county may elect as its base commitment rate the average of the base commitment rates of all counties in the state over the last two years of the period described above. The county and state population shall be that certified as of April 1st of each year by the office of program planning and fiscal management, such population figures to be provided to the secretary of social and health services not later than June 30th of each year.

(2) An annual commitment rate shall be calculated by the department at the end of each year for each participating county and for the state as a whole, in a like manner as provided in subsection (1).

(3) The amount that may be paid to a county pursuant to this chapter shall be the actual cost of the operation of a special supervision program or four thousand dollars multiplied by the "commitment reduction number", whichever is the lesser. The "commitment reduction number" is obtained by subtracting (a) the product of the most recent annual commitment rate and population of the county for the same year from (b) the product of the base commitment rate and population of the county for the same year employed in (a).

(4) The secretary of social and health services will reimburse a county upon presentation and approval of a valid claim pursuant to the provisions of this chapter based on actual performance in reducing the annual commitment rate from its base commitment rate. Whenever a claim made by a county pursuant to this chapter, covering a prior year, is found to be in error, an adjustment may be made on a current claim without the necessity of applying the adjustment to the allocation for the prior year.

(5) In the event a participating county earns in a payment period less than one-half of the sum paid in the previous payment period because of extremely unusual circumstances claimed by the county and verified by the secretary of the department of social and health services, the secretary may pay to the county a sum not to exceed actual program expenditures, provided, however, that in subsequent periods the county will be paid only the amount earned: PROVIDED, That \*the amendatory provisions of subsection (5) of this act may be applied to payment periods prior to May 20, 1971.

(6) If the amount received by a county in reimbursement of its expenditures in a calendar year is less than the maximum amount computed under subsection (3) above, the difference may be paid to the county as reimbursement of program costs during the next two succeeding years upon receipt of valid claims for reimbursement of program expenses.

(7) Funds received by participating counties under this chapter shall not be used to replace local funds for existing programs for delinquent juveniles or to develop county institutional programs.

(8) Any county averaging less than thirty commitments annually during either the two year or five year period used to determine the base commitment rate as defined in subsection (1) above may:

(a) apply for subsidies under subsection (1); or

(b) as an alternative, elect to receive from the state the salary of one full-time additional probation officer and related employee benefits.

(c) elect to receive from the state the salary and related employee benefits of

one full-time additional probation officer and in addition, reimbursement for certain supporting services other than capital outlay and equipment whose total will not exceed a maximum limit established by the secretary of the department of social and health services; or

(d) elect to receive from the state reimbursement for certain supporting services other than capital outlay and equipment whose total cost will not exceed a maximum limit established by the secretary of the department of social and health services.

(9) In the event a county chooses one of the alternative proposals in subsection (8), it will be eligible for reimbursement only so long as the officer and supporting services are wholly used in the performance of probation services to supervision of persons eligible for state commitment and are paid the salary referred to in this section in accordance with a salary schedule adopted by rule of the department and:

(a) if its base commitment rate is below the state average, its annual commitment rate does not exceed the base commitment rate for the entire state; or

(b) if its base commitment rate is above the state average, its annual commitment rate does not in the year exceed by two its own base commitment rate.

(10) Where any county does not have a juvenile probation officer, but obtains such services by agreement with another county or counties, or, where two or more counties mutually provide probation services by agreement for such counties, then under such circumstances the secretary may make the computations and payments under this chapter as though the counties served with probation services were one geographical unit. [1973 1st ex.s. c 198 § 1; 1971 ex.s. c 165 § 1; 1969 ex.s. c 165 § 5.]

Effective date—1973 1st ex.s. c 198:  
"This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1973.. [1973 1st ex.s. c 198 § 3.]

\*Reviser's note: "the amendatory provisions of subsection (5) of this act" apparently refers to the changes made in subsection (5) of this section by 1971 ex.s. c 165 § 1.

13.06.055 HOUSING AUTHORITIES LAW—  
GROUP HOMES OR HALFWAY HOUSES FOR RELEASED  
JUVENILES OR DEVELOPMENTALLY DISABLED.  
See RCW 35.82.285.

Chapter 13.07  
PROBATION COUNSELORS—STATE AID

13.07.020 PROGRAM ESTABLISHED—FUNDS. There is hereby established a program of state aid for county probation services which shall be administered by the department of social and health services. Funds appropriated or otherwise made available shall be disbursed by the department in accordance with the provisions of this chapter. [1973 1st ex.s. c 59 § 2; 1959 c 331 § 2.]

Effective date—1973 1st ex.s. c 59:  
See note following RCW 43.79.420.

TITLE 14  
AERONAUTICS

Sections added, amended, or repealed:

Chapter 14.08 Municipal Airports—1945 Act.

14.08.290 County airport districts authorized.

Chapter 14.08  
MUNICIPAL AIRPORTS—1945 ACT.

14.08.290 COUNTY AIRPORT DISTRICTS AUTHORIZED. The establishment of county airport districts is hereby authorized. Written application for the formation of such a district signed by at least one hundred registered voters, who reside and own real estate in the proposed districts, 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 county airport district be established in the following area: (describing the proposed district)?," upon the ballot for vote of the people of the proposed district at the next election, general or special. If a majority of the voters on such proposition shall 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 may be the area of the county including incorporated

cities and towns, or such portion or portions thereof as the board may determine to be the most feasible for establishing an airport. When established, an airport district shall be a municipality as defined in this chapter and entitled to all the powers conferred by this chapter and exercised by municipal corporations in this state. The airport district is hereby empowered to levy not more than seventy-five cents per thousand dollars of assessed value of the property lying within the said airport district: PROVIDED, HOWEVER, Such levy shall not be made unless first approved at any election called for the purpose of voting on such levy. [1973 1st ex.s. c 195 § 1; 1949 c 194 § 1; 1945 c 182 § 12; Rem. Supp. 1949 § 2722-41.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

TITLE 15  
AGRICULTURE AND MARKETING

Sections added, amended, or repealed:

Chapter 15.24 Apple Advertising Commission.

15.24.086 Promotional printing contracts—Contractual conditions of employment.

Chapter 15.28 Soft Tree Fruits.

15.28.010 Definitions.

Chapter 15.32 Dairies and Dairy Products.

15.32.430 Cattle breed name—Use in trade—Penalty.

Chapter 15.44 Dairy Products Commission.

15.44.080 Assessments on milk and cream—Amounts—Increases—Producer referendum.

Chapter 15.65 Washington State Agricultural Enabling Act of 1961.

15.65.490 Records of financial transactions to be kept by director—Audits—Financial statements—Delivery of audit, financial statements to governor.

Chapter 15.76 Agricultural Fairs, Youth Shows, Exhibitions.

15.76.165 Application of counties for capital improvement and maintenance assistance—Exemption of leased property from property taxation.

Chapter 15.24  
APPLE ADVERTISING COMMISSION

15.24.086 PROMOTIONAL PRINTING CONTRACTS--CONTRACTUAL CONDITIONS OF EMPLOYMENT. All such printing contracts provided for in this section and RCW 15.24.085 shall be executed and performed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale, and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and the violation of such provision of any contract shall be ground for cancellation thereof. [1973 1st ex.s. c 154 § 20; 1961 c 11 § 15.24.086. Prior: 1953 c 222 § 2.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 15.28  
SOFT TREE FRUITS

15.28.010 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" mean 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, subvarieties, 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, and Benton county north of the Yakima river;

(12) "District No. 3" or "third district" comprises all of the state not included in the first and second districts. [1973 c 11 § 1; 1963 c 51 § 1; 1961 c 11 § 15.28.010. Prior: 1955 c 47 § 1; 1947 c 73 § 1; Rem. Supp. 1947 § 2909-10.]

Chapter 15.32  
DAIRIES AND DAIRY PRODUCTS

15.32.430 CATTLE BREED NAME--USE IN TRADE--PENALTY. No person shall without permission, use in his corporate, firm, or trade name, brand, or advertising, the name of any breed of dairy cattle unless the milk sold, offered for sale, or advertised, is produced entirely from a herd, each cow of which possesses more than fifty percent of the blood of the breed of cattle so named: PROVIDED, That milk solids, as defined by the department of agriculture, added to nonfat milk, skim milk, and low-fat milk as defined by the department of agriculture shall not be subject to such breed requirements.

Any person desiring to use the name of a breed of dairy cattle in connection with the sale of his milk shall make application to the supervisor so to do, and upon a sufficient showing the supervisor may grant permission.

Any person violating this section shall be punished by a fine of not less than twenty-five dollars for the first offense and not less than fifty nor more than one hundred dollars for each subsequent offense. [1973 c 31 § 1; 1961 c 11 § 15.32.430. Prior: (i) 1933 c 23 § 1; RRS § 6260-1. (ii) 1933 c 23 § 2; RRS § 6260-2. (iii) 1933 c 23 § 3; RRS § 6260-3.]

Chapter 15.44  
DAIRY PRODUCTS COMMISSION

15.44.080 ASSESSMENTS ON MILK AND CREAM--AMOUNTS--INCREASES--PRODUCER REFERENCE--ENDUM. (1) There is hereby levied upon all milk produced in this state an assessment of 0.6% of class I price for 3.5% butter fat milk as established in any

market area by a market order in effect in that area or by the state department of agriculture in case there is no market order for that area; and

(2) Subject to approval by a producer referendum as provided in this section, the commission shall have the further power and duty to increase the amount of the assessment to be levied upon either milk or cream according to the necessities required to effectuate the stated purpose of the commission.

In determining such necessities, the commission shall consider one or more of the following:

(a) The necessities of—

(i) developing better and more efficient methods of marketing milk and related dairy products;

(ii) aiding dairy producers in preventing economic waste in the marketing of their commodities;

(iii) developing and engaging in research for developing better and more efficient production, marketing and utilization of agricultural products;

(iv) establishing orderly marketing of dairy products;

(v) providing for uniform grading and proper preparation of dairy products for market;

(vi) providing methods and means including but not limited to public relations and promotion, for the maintenance of present markets, for development of new or larger markets, both domestic and foreign, for dairy products produced within this state, and for the prevention, modification or elimination of trade barriers which obstruct the free flow of such agricultural commodities to market;

(vii) restoring and maintaining adequate purchasing power for dairy producers of this state; and

(viii) protecting the interest of consumers by assuring a sufficient pure and wholesome supply of milk and cream of good quality;

(b) The extent and probable cost of required research and market promotion and advertising;

(c) The extent of public convenience, interest and necessity; and

(d) The probable revenue from the assessment as a consequence of its being revised.

This section shall apply where milk or cream is marketed either in bulk or package. However, this section shall not apply to milk or cream used upon the farm or in the household where produced.

The increase in assessment or any part thereof to be charged producers on milk and cream provided for in this section shall not become effective until approved by fifty-one percent of the producers voting in a referendum conducted by the commission.

The referendum for approval of any increase in assessment or part thereof provided for in this section shall be by

secret mail ballot furnished to all producers paying assessments to the commission. The commission shall furnish ballots to producers at least ten days in advance of the day it has set for concluding the referendum and counting the ballots. Any interested producer may be present at such time the commission counts said ballots.

Any proposed increase in assessments by the commission subsequent to a decrease in assessments as provided for in RCW 15.44-.130 (2) shall be subject to a referendum and approval by producers as herein provided. [1973 1st ex.s. c 41 § 1; 1969 c 60 § 1; 1965 ex.s. c 44 § 1; 1961 c 11 § 15.44.080. Prior: 1959 c 163 § 11; prior: 1949 c 185 § 1, part; 1939 c 219 § 9, part; Rem. Supp. 1949 § 6266-9, part.]

#### Chapter 15.65

#### WASHINGTON STATE AGRICULTURAL ENABLING ACT OF 1961

15.65.490 RECORDS OF FINANCIAL TRANSACTIONS TO BE KEPT BY DIRECTOR--AUDITS--FINANCIAL STATEMENTS--DELIVERY OF AUDIT, FINANCIAL STATEMENTS TO GOVERNOR. The director and each of his designees shall keep or cause to be kept separately for each agreement and order in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to such order or agreement, and the same shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. The books and accounts maintained under every such agreement and order shall be closed as of the last day of each fiscal year of the state of Washington. A copy of every such audit shall be delivered within thirty days after the completion thereof to the governor and the commodity board of the agreement or order concerned. The department of agriculture shall make at least annually a composite financial statement showing the financial position under all such orders and agreements as of the last day of the fiscal year of the state of Washington and a copy of such composite financial statement shall be delivered within thirty days after completion thereof to the governor. [1973 c 106 § 10; 1961 c 256 § 49.]

#### Chapter 15.76

#### AGRICULTURAL FAIRS, YOUTH SHOWS, EXHIBITIONS

15.76.165 APPLICATION OF COUNTIES FOR CAPITAL IMPROVEMENT AND MAINTENANCE ASSISTANCE--EXEMPTION OF LEASED PROPERTY FROM PROPERTY TAXATION. Any county which owns

or leases property from another governmental agency and provides such property for area or county and district agricultural fair purposes may apply to the director for special assistance in carrying out necessary capital improvements to such property and maintenance of the appurtenances thereto, and in the event such property and capital improvements are leased to any organization conducting an agricultural fair pursuant to chapter 15.76 RCW and chapter 257 of the Laws of 1955, such leasehold and such leased property shall be exempt from real and personal property taxation. [1973 c 117 § 1; 1969 c 85 § 1.]

TITLE 16  
ANIMALS, ESTRAYS, BRANDS AND FENCES

Sections added, amended, or repealed:

Chapter 16.52 Prevention of Cruelty to Animals.

16.52.020 Humane societies.

Chapter 16.65 Public Livestock Markets.

16.65.235 Cash or other security in lieu of surety bond.

Chapter 16.52  
PREVENTION OF CRUELTY TO ANIMALS

16.52.020 HUMANE SOCIETIES. Any citizens of the state of Washington who have heretofore, or who shall hereafter, incorporate as a body corporate, under the laws of this state as a humane society or as a society for the prevention of cruelty to animals may avail themselves of the privileges of RCW 16.52.010 through 16.52.050, 16.52.070 through 16.52.090 and 16.52.100 through 16.52.180: PROVIDED, That the legislative authority in each county may grant exclusive authority to exercise the privileges and authority granted by this section to one or more qualified corporations for a period of up to three years based upon ability to fulfill the purposes of this chapter. [1973 1st ex.s. c 125 § 1; 1901 c 146 § 1; RRS § 3184.]

Chapter 16.65  
PUBLIC LIVESTOCK MARKETS

16.65.235 CASH OR OTHER SECURITY IN LIEU OF SURETY BOND. In lieu of the surety bond required under the provisions of this chapter, an applicant or licensee may file with the director a deposit consisting of cash or other security acceptable to the director. The director may adopt rules and regulations necessary

for the administration of such security. [1973 c 142 § 3.]

TITLE 17  
WEEDS, RODENTS AND PESTS

Sections added, amended, or repealed:

Chapter 17.12 Agricultural Pest Districts.

17.12.070 Tax levy--Assessment for benefits. (Repeal effective January 1, 1974.)

17.12.080 Levies on state and county lands--Levies on state lands to be added to rental or purchase price.

Chapter 17.16 Rodents.

17.16.120 Poisons and supplies, purchase and sale of--Tax levy. (Repeal effective January 1, 1974.)

Chapter 17.28 Mosquito Control Districts.

17.28.100 Election on proposition to levy tax.  
17.28.252 Excess levy authorized.  
17.28.260 General obligation bonds.

Chapter 17.12  
AGRICULTURAL PEST DISTRICTS

17.12.070 TAX LEVY--ASSESSMENT FOR BENEFITS. [1919 c 152 - 7; RRS - 2807.] Repealed by 1973 1st ex.s. c 195 § 133, effective January 1, 1974.

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

17.12.080 LEVIES ON STATE AND COUNTY LANDS--LEVIES ON STATE LANDS TO BE ADDED TO RENTAL OR PURCHASE PRICE. Whenever there shall be included within any pest district lands belonging to the state or to the county the board of county commissioners shall determine the amount of the tax or assessment for which such land would be liable if the same were in private ownership for each subdivision of forty acres or fraction thereof. The assessor shall transmit to the county commissioners a statement of the amounts so due from county lands and the county commissioners shall appropriate from the current expense fund of the county sufficient money to pay such amounts. A statement of the amounts due from state lands within each county shall be annually forwarded to the commissioner of public lands who shall examine the same and if he finds the same correct and that the determination was made according to law,



he shall certify the same and issue a warrant for the payment of same against any funds in the state treasury appropriated for such purposes.

The commissioner of public lands shall keep a record of the amounts so paid on account of any state lands which are under lease or contract of sale and such amounts shall be added to and become a part of the annual rental or purchase price of the land, and shall be paid annually at the time of payment of rent or payment of interest or purchase price of such land. When such amounts shall be collected by the commissioner of public lands it shall be paid into the general fund in the state treasury. [1973 c 106 § 11; 1919 c 152 § 8; RRS § 2808. Formerly RCW 17.12.080 and 17.12.090.]

Chapter 17.16  
RODENTS

17.16.120 POISONS AND SUPPLIES, PURCHASE AND SALE OF—TAX LEVY. [1921 c 140 § 6; RRS § 2793.] Repealed by 1973 1st ex.s. c 195 § 133, effective January 1, 1974.

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 17.28  
MOSQUITO CONTROL DISTRICTS

17.28.100 ELECTION ON PROPOSITION TO LEVY TAX. At the same election there shall be submitted to the voters residing within the district, for their approval or rejection, a proposition authorizing the mosquito control district, if formed, to levy at the earliest time permitted by law on all taxable property located within the mosquito control district a general tax, for one year, of twenty-five cents per thousand dollars of assessed value in excess of any constitutional or statutory limitation for authorized purposes of the mosquito control district. The proposition shall be expressed on the ballots in substantially the following form:

"ONE YEAR TWENTY-FIVE CENTS PER THOUSAND DOLLARS OF ASSESSED VALUE LEVY

"Shall the mosquito control district, if formed, levy a general tax of twenty-five cents per thousand dollars of assessed value for one year upon all the taxable property within said district in excess of the constitutional and/or statutory tax limits for authorized purposes of the district?

YES.....  
NO.....

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax in the manner set forth in Article VII, section 2 (a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended. [1973 1st ex.s. c 195 § 2; 1957 c 153 § 10.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

17.28.252 EXCESS LEVY AUTHORIZED. A mosquito control district shall have the power to levy additional taxes in excess of the constitutional and/or statutory limitations for any of the authorized purposes of such district, not in excess of fifty cents per thousand dollars of assessed value per year when authorized so to do by the electors of such district by a three-fifths majority of those voting on the proposition in the manner set forth in Article VII, section 2 (a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended at such time as may be fixed by the board of trustees for the district, which special election may be called by the board of trustees of the district, 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 opposing thereto to vote "No". Nothing herein shall be construed to prevent holding the foregoing special election at the same time as that fixed for a general election. [1973 1st ex.s. c 195 § 3; 1959 c 64 § 4.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

17.28.260 GENERAL OBLIGATION BONDS. A mosquito control district shall have the power to issue general obligation bonds and to pledge the full faith and credit of the district to the payment thereof, for any authorized purpose or purposes of the mosquito control district: PROVIDED, That a proposition authorizing the issuance of such bonds shall have been submitted to the electors of the mosquito control district at a special or general election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said mosquito control district at the last preceding county or state general election.

General obligation bonds shall bear interest at a rate or rates as authorized by the board of trustees. The various annual

maturities shall commence not more than two years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall never be issued to run for a longer period than ten years from the date of issue.

The bonds shall be signed by the presiding officer of the board of trustees of the district and shall be attested by the secretary of the board, one of which signatures may be a facsimile signature and the seal of the mosquito control district shall be impressed thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the first class and at a price not less than par and accrued interest.

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of the principal and interest on the said bonds maturing as herein provided upon all taxable property within the mosquito control district. [1973 1st ex.s. c 195 § 4; 1970 ex.s. c 56 § 5; 1969 ex.s. c 232 § 65; 1957 c 153 § 26.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

## TITLE 18 BUSINESSES AND PROFESSIONS

Sections added, amended, or repealed:

### Chapter 18.04 Accountancy.

- 18.04.290 Annual permits—Issuance—Duration—Fee—Prerequisite to annual renewal.
- 18.04.300 Revocation and suspension of certificates, licenses, registrations, or permits.

### Chapter 18.15 Barbering—Men's Hairstyling. (Formerly: Barbers)

- 18.15.010 Definition—Exceptions.
- 18.15.045 License to practice barbering—When final examination not required.
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 18.106.090 Temporary permits.  
 18.106.100 Revocation of certificate of competency—Grounds—Procedure.  
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 18.106.140 Powers and duties of director.  
 18.106.150 Exemptions from chapter requirements.  
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Cross Reference:

Domestic waste treatment plants—Certification and regulation of operators:  
 Chapter 70.95B RCW.

Chapter 18.04  
 ACCOUNTANCY

18.04.290 ANNUAL PERMITS—ISSUANCE—DURATION—FEE—PREREQUISITE TO ANNUAL RENEWAL. (1) The director of motor vehicles shall upon application issue an annual permit to practice public accounting in this state to any person or partnership authorized to engage in such practice in this state under a valid certificate, license, or registration, to any corporation presently authorized to do business under RCW 18.04.350, as now or hereafter amended, and to any candidate for a certificate as a certified public accountant who has passed the entire examination given by the examining committee as provided in RCW 18.04.120 as now or

hereafter amended. Such permits shall expire on the thirtieth day of June of each year. The annual fee for a permit to practice public accounting in this state shall be twenty-five dollars. In the event the holder of a permit fails to renew the same prior to the expiration thereof such failure shall not deprive a person or partnership otherwise entitled to such permit of the right to renew the same upon the payment of the fees which the applicant would have been required to pay if the permit had been renewed prior to its expiration.

(2) Every person practicing public accounting shall as a prerequisite to annual renewal of such permit, submit to the Washington state board of accountancy satisfactory proof of having, during the preceding three years, completed fifteen days or an accumulation of one hundred twenty hours of continuing education recognized and approved by the board: PROVIDED, That this subsection shall not apply to applications for renewal until three years after July 16, 1973: PROVIDED, That this requirement may be waived by the board for good cause. [1973 1st ex.s. c 23 § 1; 1969 c 114 § 6; 1949 c 226 § 28; Rem. Supp. 1949 § 8269-35. Prior: 1933 ex.s. c 56 § 2; RRS § 8269-2.]

18.04.300 REVOCATION AND SUSPENSION OF CERTIFICATES, LICENSES, REGISTRATIONS, OR PERMITS. Upon complying with RCW 18.04.320 the board may revoke or suspend any certificate issued under RCW 18.04.120, or any license issued under RCW 18.04.210, or any registration under RCW 18.04.230 through 18.04.260, or may revoke, suspend, or refuse to renew any annual permit issued under RCW 18.04.290 for any one or any combination of the following causes:

(1) The practice of any fraud or deceit in obtaining a certificate as a certified public accountant, or a license as a licensed public accountant, or in obtaining registration under this chapter, or in obtaining an annual permit under this chapter;

(2) Dishonesty, fraud, or gross negligence in the practice of public accounting;

(3) Violation of any of the provisions of RCW 18.04.340;

(4) Violation of the rules of professional conduct promulgated by the board under the authority granted by RCW 18.04.070;

(5) Conviction of a felony under the laws of any state or of the United States;

(6) Conviction of any crime, an essential element of which is dishonesty or fraud, under the laws of any state or of the United States;

(7) Cancellation, revocation, suspension, or refusal of renewal of the authority to practice as a certified public accountant, as a licensed public accountant, or as a public accountant in any of the United States; or

(8) Violation of any of the provisions of this chapter. [1973 1st ex.s. c 23 § 2; 1961 c 294 § 2; 1949 c 226 § 29; Rem. Supp. 1949 § 8269-36. Prior: 1933 ex.s. c 56 § 3; RRS § 8269-3.]

Chapter 18.15  
BARBERING—MEN'S HAIRSTYLING  
(FORMERLY: BARBERS)

18.15.010 DEFINITION—EXCEPTIONS. Any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment, for the public generally upon male or female) constitutes the practice of barbering: (1) Shaving or trimming the beard or cutting the hair; (2) giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations, either by hand or mechanical appliances; (3) singeing, shampooing or dyeing the hair, or applying tonics; (4) applying cosmetic preparations, antiseptics, powders, oils, clays, or lotions to the scalp, face, neck or upper part of the body: PROVIDED, That the provisions of this chapter shall not apply to any person employed in, or engaged in the operation of any beauty shop or hair dressing establishment or to persons engaged in the care or treatment of patients in health facilities or engaged in the care of residents of boarding homes and similar residential care facilities: PROVIDED, FURTHER, That a certified men's hair stylist may perform the following additional practices: (1) Hair analysis, reconditioning, and restoration procedures, as required; (2) the chemical processing of the hair, including temporary or permanent body waving, curl correction, or straightening, as well as the application of other chemicals in the process of barbering; and (3) the fitting and servicing of wigs, wefts, and hair pieces. [1973 1st ex.s. c 148 § 1; 1957 c 52 § 1; 1927 c 211 § 1; 1923 c 75 § 1; RRS § 8277-1. Prior: 1901 c 172 § 2.]

18.15.045 LICENSE TO PRACTICE BARBERING—WHEN FINAL EXAMINATION NOT REQUIRED. Any person with a permit to barber in this state who is indentured as a barber apprentice pursuant to chapter 49.04 RCW and who has successfully completed the related training course as approved by the barber examining committee and the state department of labor and industries, apprenticeship council, and who has served the required number of months under the direct supervision of a licensed barber of this state as provided in this chapter, shall be deemed qualified to receive a license to practice barbering in this state without a final examination. Upon

application and payment of a sum equal to the annual license renewal fee, the director shall issue him a license to practice as a barber in this state: PROVIDED, That the applicant meets all of the other requirements of this chapter. [1973 1st ex.s. c 148 § 3.]

18.15.050 EXAMINATIONS—TIME AND PLACE—SCOPE—LICENSE OR PERMIT—SERVICE UNDER LICENSED BARBER—REEXAMINATION—MANAGER-OPERATOR LICENSEE ELIGIBLE FOR BARBERING LICENSE. Barber examinations shall be held six times in each year in the months of February, April, June, August, October and December; and on such particular dates, within the said times, and in such particular cities and places as the director of motor vehicles shall determine. Every applicant for a license or permit to practice barbering in this state shall be required to take an examination in each branch as follows: (1) sanitation as applied to the practice of barbering, (2) sterilization as applied to the practice of barbering, (3) and as to whether he has sufficient knowledge of the common contagious and infectious diseases of the face, skin, and scalp, to avoid spreading thereof in the practice of barbering; (4) and as to whether he has sufficient knowledge of the use of chemicals, creams, lotions, and solutions as applied in the practice of barbering; (5) and in any other portion of the curriculum as required by this law; and such applicant shall be required to demonstrate to the barber examining committee his professional skill and ability in performing the following barber services; (1) Haircutting, (2) shaving, (3) massaging, (4) shampooing, and (5) conditioning his barber tools.

Any applicant, other than one applying under the provisions of RCW 18.15.040, who secures a passing grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than sixty-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director of licenses shall issue to him, a permit to practice barbering in this state. Every person receiving such permit shall be required to serve one and one-half years (eighteen months) under the direct supervision of a licensed barber. A year shall be construed to mean a period of not less than fifty-two weeks consisting of forty hours per week of service by the permittee. He must then pass an examination not less than seventy-five percent of perfect, and demonstrate to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly

perform each of the said barber services, not less than seventy-five percent of perfect, and possess the qualifications required in this chapter, after which the director shall issue to him a license to practice barbering.

Any applicant under the provisions of RCW 18.15.040 who secures a grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the barber examining committee that he possesses the required professional skill and ability to properly perform each of the said barber services, not less than seventy-five percent of perfect, and possesses the other particular qualifications provided in this chapter, shall be entitled to receive, and the director of licenses shall issue to him a license to practice barbering in this state, until the first day of July next following the issuance of such license. Every applicant for such license shall pay a fee of thirty-five dollars, which fee shall accompany his application. The director upon receipt of such application and fee shall notify the applicant of the particular date, city and place where he is to appear for his examination for a license or permit to practice barbering in this state.

Any unsuccessful applicant for a license or permit to practice barbering in this state shall be entitled to appear at any subsequent barber examination and be reexamined for a license or permit, as the case may be, to practice barbering in this state upon the payment of a reexamination fee of fifteen dollars, and which reexamination fee shall be paid at the time of application for such reexamination, said application and fee to be submitted to the director at least fifteen days prior to an examination date: PROVIDED, That an unsuccessful applicant for a permit shall return to an approved school or college for an additional two hundred fifty hours of instruction before he may be reexamined.

Any person who applies for a license or permit to practice barbering under this chapter, and who does not appear for examination at the time, date, and place as notified by the director, shall forfeit application fees, and must reapply with a fee of fifteen dollars, which fee shall accompany his new application.

Any person holding a current manager-operator license of this state issued under the provisions of chapter 18.18 RCW shall be deemed qualified to apply to the director to be examined for a license to practice barbering, pursuant to the provisions of this chapter: PROVIDED, That any such applicant who fails said examination must then enroll in a licensed barber school of this state and complete a course of instruction of not less than two hundred fifty hours before applying to be reexamined for a barber license. The curriculum for such course of instruction

shall be determined by the barber examining committee and approved by the director. [1973 1st ex.s. c 148 § 2; 1967 c 223 § 4; 1959 c 84 § 4; 1951 c 16 § 3; 1949 c 51 § 4; 1929 c 209 § 3; 1927 c 211 § 5; 1923 c 75 § 6; Rem. Supp. 1949 § 8277-6.]

18.15.060 ANNUAL RENEWAL OF LICENSE OR PERMIT. Every person licensed as a barber or a permit barber shall pay an annual license fee of not less than five dollars nor more than fifteen dollars, for a license or permit renewal certificate on or before the thirtieth day of June each year. The annual license and permit renewal fee shall be determined by the director under the provisions of chapter 34.04 RCW. Failure to pay the annual license or permit renewal fees before delinquency shall work a forfeiture of the license or permit, but the license or permit may be renewed within three years thereafter without examination upon application therefor by the licensee or permittee, and payment of a fee of fifteen dollars plus all lapsed fees. Should the licensee or permittee allow his license or permit to elapse for more than three years, he must be reexamined as for a new license or permit. [1973 1st ex.s. c 148 § 4; 1971 ex.s. c 266 § 2; 1967 c 223 § 9; 1957 c 101 § 14; 1929 c 209 § 4; 1927 c 211 § 6; 1923 c 75 § 7; RRS § 8277-7.]

18.15.065 BARBER SHOP LOCATION LICENSES--FEES, RENEWALS, ETC. It shall be unlawful for any firm, corporation, or person to operate a barber shop without a shop location license for each barber shop. Application therefor shall be made to the director of motor vehicles. Each application for a license shall be accompanied by a fee of twenty-five dollars.

Upon receipt of the application and fee, the director shall issue a shop location license, if the barber shop meets the requirements of this chapter. Each license shall be issued for the shop and persons named in the application. Application for the transfer or assignment of a shop location license shall be upon such form as the director shall prescribe, and application shall be made within ten days of the sale or transfer. Upon the receipt of the application and a fee of twenty-five dollars, the director shall assign or transfer the shop location license, if the assignee or transferee and the barber shop meets the requirements of this chapter. If the application for transfer or assignment is not made within ten days, a penalty fee of twenty-five dollars will be made, prior to issuance of a license.

All licenses issued under this section shall expire on the first day of July next succeeding the date of issue. Each such license shall be renewable annually on or before the expiration date, and the application for renewal shall be accompanied by



a fee of four dollars. Failure to obtain a renewal before delinquency shall work a forfeiture of the shop location license, but the license may be reinstated at any time after forfeiture upon the payment of the annual renewal fee, together with a penalty fee of twenty-five dollars, upon satisfactory inspection. [1973 1st ex.s. c 148 § 5; 1967 c 223 § 10; 1959 c 84 § 3.]

18.15.090 BARBER COLLEGES. Any firm, corporation or person desiring to conduct or operate a barber school or barber college in this state shall first secure from the director of motor vehicles a permit to do so, and shall keep the same prominently displayed. No barber school or college shall be issued a permit by the director of motor vehicles unless such school or college is financially responsible, and will be able in the judgment of the director to carry out and perform any contract made for the instruction of students therein.

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

Every school or college shall at all times maintain one barber duly licensed as a manager-instructor or instructor, and there shall be at least one such licensed instructor or manager-instructor for each twenty students or fraction thereof, in attendance; and there shall be at least one such instructor or manager-instructor on the floor at all times when the barber school or college is open to serve the public, which said instructor or manager-instructor shall devote his entire time to the instruction of students therein and who shall at no time operate any particular barber's chair in such school or college, or practice any barbering therein except while giving instructions to a student therein. Every such school or college shall at all times maintain on each window therein, facing upon any street, a sign in plain letters at least six inches high composed of the words "barber school" or "barber college," placed as nearly as practicable in the center between top and bottom of any such

window, and, if desired by the manager-instructor of such school or college, underneath these words, a sign with letters no greater in size, composed of the words "shaving" and/or "hair cutting," giving the price charged; and such school or college shall not at any time keep or maintain upon any of the windows or doors of such school or college, or use in any advertisement, any sign or words "barber shop," "expert barbering," or other similar words, or display any barber pole or barber pole stripes such as has long been used to designate a barber shop, or barber shop services as distinguished from services performed by student barbers in such school or college. Every such school or college, at all times when open for business, shall place and maintain upon the floor within its premises in front of each entrance a standing floor sign composed of the words "student barbers perform all services herein" painted in three-inch red letters upon a white standing floor sign thirty inches high and twenty inches wide, and designed as prescribed by the director. The director shall revoke the license of any school or college which shall violate any of the provisions of this chapter, or which shall fail to impart to each student in such school or college the instructions herein required.

No barber school or college shall be operated unless it is under the control of a barber licensed as a manager-instructor. Each applicant for a manager-instructor's license shall submit an application to the director on such forms as it may prescribe. The qualifications for such a license, license fees and license renewal fees shall be the same as those prescribed for an instructor's license. The examination for a manager-instructor's license, shall in addition to the requirements for an instructor's license, include business management as related to barber shops and barber schools, state laws and regulations relating to the operation of barber schools and barbering, and such other subjects relating to the operation of barber schools or colleges as the examining committee may prescribe. The name and designation of the licensee as manager-instructor shall appear on each school or college location license issued by the director. A manager-instructor's license shall stand revoked if not used for a period of two years, after which time licensee must be reexamined as for a new license. [1973 1st ex.s. c 148 § 6; 1967 c 223 § 12; 1947 c 102 § 1; 1929 c 209 § 6; 1927 c 211 § 11; 1923 c 75 § 14; Rem. Supp. 1947 § 8277-14.]

18.15.097 INSTRUCTORS--LICENSE RE-  
QUIRED--APPLICATION--QUALIFICATIONS--EXAM-  
INATION--RENEWAL--FEES. No person shall engage in teaching or instructing in barber schools or colleges without an



instructor's license issued by the director. Each applicant for an instructor's license shall submit an application to the director on such forms as he may prescribe, and must comply with the following qualifications: (1) Each applicant must be at least twenty-five years of age; (2) must be of good health; (3) must be of good moral character; (4) must have had at least five years of experience as a licensed barber of this state in a licensed barber shop of this state immediately preceding application; (5) must have a current barber license; (6) must have at least a tenth grade education or be capable of proving an equivalent education as determined by the board for vocational education and local schools; (7) each applicant must take an examination administered by the examining committee. The examination shall cover such subjects as are usually taught in barber schools and colleges in practical and theory work; (8) such applicant shall be required to demonstrate to the barber examining committee his professional skill and ability in performing all of the barbering services as required by this chapter. Applications for an instructor's license must be made before becoming engaged in teaching or instructing, but applicant may be permitted to engage in teaching or instructing for a period of not more than sixty days, at which time he must present himself for examination. The fee for such license and examination shall be fifty dollars. Each license shall be renewed on or before July 1st; the renewal fee shall be twenty-five dollars. If application for a renewal is not received on or before July 1st, the renewal fee shall be twenty-five dollars plus a penalty of twenty-five dollars. The instructor's license shall stand revoked if not used for a period of two years, and an examination as for a new license will be required before a license will be reissued.

Any person engaged as an instructor or manager-instructor on effective date of this chapter, in a barber school or college of this state, shall be issued a license under this section upon payment of the fees herein prescribed. [1973 1st ex.s. c 148 § 7; 1967 c 223 § 13.]

**18.15.100 STUDENT BARBERS--STUDENT CERTIFICATE--FEE--APPLICATION FOR BARBER'S PERMIT.** It shall be unlawful for any person to study the practice of barbering in any barber school or barber college authorized under this chapter unless he shall first have obtained and holds a valid student barber certificate issued pursuant to this chapter. Any person of good moral character, free from contagious or infectious disease, at least eighteen years of age, and showing completion of the tenth grade, or has an equivalent education as determined by the director whose determination shall be conclusive, shall be deemed qualified to make an

application for and be entitled to obtain a student barber certificate authorizing him to study the practice of barbering in any barber school or barber college in this state. Application therefor shall be made to the director. Each application shall have attached thereto the certificate of a licensed physician and surgeon that the said applicant is not afflicted with any contagious or infectious disease, and a certificate signed by two reputable citizens living in the community in which the applicant now resides or has recently resided, that he is of good moral character. Each application shall be accompanied by two signed photographs of the applicant. Every such applicant shall pay a fee of five dollars, which fee shall accompany his application. The director upon the receipt of such application and fee shall issue to each qualified applicant a student barber certificate which shall be valid for one year from the date of its issue, and which shall be subject to one renewal thereafter upon the payment of a fee of five dollars: PROVIDED, That any student barber holding (1) a valid student barber certificate, and (2) a graduation certificate from any barber school or barber college authorized under this chapter shall be deemed qualified to make application for a permit to practice barbering in this state. Application therefor shall be made to the director. Each applicant shall pay a fee of twenty-five dollars plus an amount equal to the annual renewal fee, which fee shall accompany his application. The director upon the receipt of such application and fee shall notify the applicant of the particular date, city, and place where he is to appear for his examination for a permit to practice barbering in this state. Failure of applicant to appear for said examination will cause a forfeiture of fees. [1973 1st ex.s. c 148 § 8; 1967 c 223 § 15; 1959 c 84 § 5; 1957 c 101 § 2; 1949 c 51 § 3; 1937 c 199 § 3; 1923 c 75 § 5; 1901 c 172 § 8; Rem. Supp. 1949 § 8277-5.]

**18.15.110 STUDENT BARBERS--COURSE OF INSTRUCTION--TEXTBOOKS--CERTIFICATE.** It shall be unlawful for any barber school or barber college authorized under this chapter to grant admission to or instruct any person in the practice of barbering therein unless such person then holds a valid student barber certificate issued under this chapter. Every such barber school or barber college shall require as a prerequisite to graduation therefrom the completion of a course of instruction and practice therein of not less than one thousand two hundred forty-eight hours, to be completed in not less than eight consecutive months' time nor more than sixteen months' time from the date of the admission of such barber student. Such course of instruction and practice shall include, in addition to the subjects and

practice hereinbefore prescribed, instruction in the following subjects: (1) Scientific fundamentals of barbering; (2) histology of the hair, skin and scalp; (3) structure of the head, face and neck; (4) coloring and bleaching the hair; (5) use of chemicals, creams, lotions and solutions as applied in the practice of barbering.

Any basic textbook, or textbooks, may be used in barber schools and colleges, however, a specific textbook (or textbooks) as recommended by the barber examining committee and designated by the director in accordance with the provisions of chapter 34.04 RCW shall be used in the preparation of examinations.

A detailed curriculum approved by the barber examining committee and adopted by the director in accordance with the provisions of chapter 34.04 RCW shall be followed by all barber schools and colleges.

Each student barber upon the satisfactory completion of the said prescribed course of instruction and practice shall be issued a graduation certificate from such barber school or barber college. Each such graduate student shall be furnished a certified copy of his graduation certificate by such barber school or barber college for his use in filing his application for a permit to practice barbering in this state as hereinbefore provided. [1973 1st ex.s. c 148 § 9; 1967 c 223 § 16; 1959 c 84 § 6; 1949 c 51 § 6; 1929 c 209 § 7; Rem. Supp. 1949 § 8277-14a.]

18.15.200 MEN'S HAIRSTYLING--LEGISLATIVE DECLARATION. The legislature finds that there is a distinct difference between the practice of barbering and the practice of men's hairstyling.

The legislature further finds that it is necessary to distinguish between the two practices to enable those persons currently within the profession of barbering to advance themselves professionally to become duly certified men's hairstylists and recognized as such. Therefore, it shall be the policy of the state to make laws regulating the practice of men's hairstyling. [1973 1st ex.s. c 148 § 10.]

18.15.210 MEN'S HAIRSTYLING--DEFINITION. In addition to the practice of barbering any one or any combination of the following practices when done upon the upper part of the human male body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment, either directly or indirectly, or without payment constitutes the practice of men's hairstyling: Straightening, curling, temporary waving, permanent waving, bleaching, or applying chemicals as related to men's hairstyling, or doing similar work thereon by the use of the hands or any

method of mechanical application or appliances. [1973 1st ex.s. c 148 § 11.]

18.15.220 MEN'S HAIRSTYLING--CERTIFICATE--FEE--EXAMINATION--LIMITATION. Any person duly licensed as a barber in this state, and who has satisfactorily completed a course of instruction in the practice of men's hairstyling as approved by the barber examining committee, shall be entitled to make application to be examined for a Washington state men's hairstyling certificate. Fee for such examination and certificate shall be fifty dollars; application and fee to be submitted to the director at least fifteen days prior to an examination date. Any applicant for a certificate under this chapter who secures a grade in each branch of not less than seventy-five percent in his examination and who demonstrates to the satisfaction of the examining committee that he possesses the required professional skill and ability to properly perform each of the said men's hairstyling services, shall be entitled to receive, and the director shall issue to him an official Washington state men's hairstyling certificate, recognizing him as a certified men's hairstylist, and when accompanied by a current barber license of this state, shall entitle him to practice men's hairstyling.

PROVIDED, That persons engaged in the practice of men's hairstyling under this chapter are authorized to perform body waving and permanent waving to the extent necessary to style or arrange the hair on male patrons, but persons engaged in the practice of men's hairstyling under this chapter are not authorized to otherwise engage in the practice of cosmetology unless such person is licensed under chapter 18.18 RCW. [1973 1st ex.s. c 148 § 12.]

18.15.230 MEN'S HAIRSTYLING--BARBER EXAMINING COMMITTEE--DUTIES. The barber examining committee shall prescribe the curriculum and examination for a men's hairstyling certificate in accordance with the provisions of chapter 34.04 RCW. [1973 1st ex.s. c 148 § 13.]

18.15.240 MEN'S HAIRSTYLING--BARBER EXAMINING COMMITTEE--RULES AND REGULATIONS. The barber examining committee shall adopt such reasonable rules and regulations as necessary to regulate the practice of men's hairstyling under this chapter pursuant to chapter 34.04 RCW. [1973 1st ex.s. c 148 § 14.]

18.15.250 MEN'S HAIRSTYLING--BARBER EXAMINING COMMITTEE--MEETINGS. The committee, with the approval of the director, shall meet at least once annually with the manager-instructors and/or instructors of each barber school or barber college in

this state to discuss current trends and examinations. [1973 1st ex.s. c 148 § 15.]

Chapter 18.18  
COSMETOLOGY  
(FORMERLY: BEAUTY CULTURE)

18.18.010 DEFINITIONS (AS AMENDED BY 1973 1ST EX.S. C 148 § 16). Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section:

(1) "Practice of hairdressing" or "hairdressing" means the arranging, dressing, curling, waving, permanent waving, cleansing, bleaching or coloring of the hair, fitting and dressing of wigs and hair pieces on or off the head other than incidental to retail sales, or doing similar work thereon by use of the hands or any method of mechanical application or appliances or the practice of haircutting;

(2) "Hairdresser" means any person, firm or corporation who engages in the practice of hairdressing;

(3) "Practice of cosmetology" or "cosmetology" means the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body, or doing similar work thereon with the hands or with any mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, and manicuring the nails or removing superfluous hair or the practice of haircutting;

(4) "Cosmetologist" means any person, firm or corporation who engages in the practice of cosmetology;

(5) "Practice of manicuring" means the manicuring of nails of the hands and feet, also the administration of facials, by the use of hands and appliances;

(6) "Manicurist" means any person who engages in the practice of manicuring;

(7) A "student" is any person of the age of seventeen or over who has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, who attends a duly licensed cosmetology school, and who does not receive any wage or commission: PROVIDED, That the amendments to this subdivision shall not apply to any person attending as a student prior to the effective date of this amendatory section;

(8) An "operator" is a person of the age of eighteen years or over, who has been licensed to practice hairdressing and cosmetology under the direct supervision and direction of a manager operator;

(9) A "manager operator" is any person having practiced as an operator under the supervision of a manager operator for at least one year;

(10) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing and cosmetology is conducted;

(11) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing and cosmetology;

(12) An "instructor operator" is a person who gives instruction in the practice of hairdressing and cosmetology in a school and who has the qualifications of a manager operator and who has passed an instructor examination: PROVIDED, That the provisions of this subdivision shall not apply to any person acting as an instructor operator on March 16, 1951. An instructor operator shall not perform in a cosmetology school, cosmetology services for members of the public except for instructional purposes;

(13) "Director" means the state director of motor vehicles;

(14) "Committee" means the cosmetology examining committee;

(15) "Board" means the hearing board. [1973 1st ex.s. c 148 § 16; 1965 ex.s. c 3 § 1; 1959 c 324 § 1; 1955 c 313 § 1; 1951 c 180 § 1; 1937 c 215 § 2; 1927 c 281 § 2; RRS § 8278-2.]

Reviser's note: RCW 18.18.010 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

18.18.010 DEFINITIONS (AS AMENDED BY 1973 1ST EX.S. C 154 § 21). Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section:

(1) "Practice of hairdressing" or "hairdressing" means the arranging, dressing, curling, waving, permanent waving, cleansing, bleaching or coloring of the hair, fitting and dressing of wigs and hair pieces on or off the head other than incidental to original retail sales, or doing similar work thereon by use of the hands or any method of mechanical application or appliances or the practice of haircutting;

(2) "Hairdresser" means any person, firm or corporation who engages in the practice of hairdressing;

(3) "Practice of beauty culture" or "beauty culture" means the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body, or doing similar work thereon with the hands or with any mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, and manicuring the nails or removing superfluous hair or the practice of haircutting on persons;

(4) "Beauty culturist" means any person, firm, or corporation who engages in the practice of beauty culture;

(5) A "student" is any person of the age of seventeen or over who has graduated from an accredited high school, or has an equivalent education as determined by the director whose determination shall be conclusive, who attends a duly licensed beauty school, and who does not receive any wage or commission: PROVIDED, That the amendments to this subdivision shall not apply to any person attending as a student prior to the effective date of this amendatory section;

(6) An "operator" is a person of the age of eighteen years or over, who has been licensed to practice hairdressing and beauty culture under the direct supervision and direction of a manager operator;

(7) A "manager operator" is any person having practiced as an operator under the supervision of a manager operator for at least one year;

(8) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing and beauty culture is conducted;

(9) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing and beauty culture;

(10) An "instructor operator" is a person who gives instruction in the practice of hairdressing and beauty culture in a school and who has the qualifications of a manager operator and who has passed an instructor examination: PROVIDED, That the provisions of this subdivision shall not apply to any person acting as an instructor operator on March 16, 1951. An instructor operator shall not perform in a beauty school, beauty culture services for members of the public except for instructional purposes;

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

(12) "Committee" means the beauty culture examining committee;

(13) "Board" means the hearing board. [1973 1st ex.s. c 154 § 21; 1965 ex.s. c 3 § 1; 1959 c 324 § 1; 1955 c 313 § 1; 1951 c 180 § 1; 1937 c 215 § 2; 1927 c 281 § 2; RRS § 8278-2.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Reviser's note: RCW 18.18.010 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

18.18.020 DIRECTOR--DUTIES. The director of motor vehicles shall, in addition to other duties imposed by law, adopt rules for carrying out the provisions of

this chapter and conducting examinations of applicants for licenses; for governing the recognition of, and the credits to be given to, the study of hairdressing and cosmetology under a hairdresser and cosmetologist or any school of hairdressing and cosmetology licensed under the laws of another state, territory or the District of Columbia, and shall, subject to the approval of the state board of health, promulgate rules for the prevention of infectious or contagious diseases in hairdressing and cosmetology shops and schools, and shall furnish to each person, firm or corporation licensed under this chapter a copy of such rules; shall hold examinations of all applicants for a license under this chapter, and grant licenses to those qualified. The director of motor vehicles shall keep all examination papers on file for at least one year, which file shall be open to the inspection of the applicant or his agent. [1973 1st ex.s. c 148 § 17; 1937 c 215 § 8; RRS § 8278-8.]

18.18.030 LICENSING--REQUIRED. It shall be unlawful for any person, firm or corporation to engage in the practice of hairdressing and cosmetology, or the practice of manicuring, for compensation, or hold himself or itself out as qualified to engage in the practice of, or solicit the practice of, hairdressing and cosmetology, or the practice of manicuring, or to own, manage, conduct, or give instruction in a hairdressing and cosmetology shop or school unless licensed to do so as in this chapter provided.

Every hairdressing and cosmetology establishment for the teaching of any branch thereof shall be classified as a school of hairdressing and cosmetology within the meaning of this chapter, and shall be required to comply with its provisions. [1973 1st ex.s. c 148 § 18; 1965 ex.s. c 3 § 2; 1937 c 215 § 1; RRS § 8278-1. Prior: 1927 c 281 § 1.]

18.18.040 LICENSING--EXEMPTIONS. Nothing in this chapter shall prohibit any person authorized under the laws of this state to practice medicine, surgery, or dentistry from engaging in the practice for which they are licensed; nor require a license under this chapter for any barber from performing any service for which he may be licensed; nor prohibit manicuring in barber shops when performed by a manicurist licensed under the provisions of this chapter; but the provisions hereof shall not be construed to authorize any person other than a student or person licensed under this chapter to do permanent, or temporary waving of the hair.

This chapter shall not apply to persons engaged in the care or treatment of patients in health facilities or engaged in the care of residents of boarding homes and similar residential care facilities.

[1973 1st ex.s. c 148 § 19; 1937 c 215 § 18; RRS § 8278-18. Prior: 1927 c 281 § 16.]

18.18.050 OPERATOR'S LICENSE. An operator's license shall be issued to a student who: (1) Is of the age of eighteen years or over; (2) is of good moral character and temperate habits; (3) has graduated from an accredited high school or the equivalent thereof as determined by the director whose determination shall be conclusive: PROVIDED, That this subdivision shall not apply to those holding a valid operator's license or attending a recognized cosmetology school prior to the effective date of this amendatory section but such persons shall be subject to the law in existence prior to the effective date of this amendatory section; (4) is a citizen of the United States or declared his intention to become a citizen; (5) has completed a course of training of not less than two thousand hours in a recognized cosmetology school, such training not to exceed eight hours in any one day; and (6) who has satisfactorily passed the hairdressing and cosmetology examination in this state. [1973 1st ex.s. c 148 § 21; 1959 c 324 § 3; 1957 c 52 § 3; 1951 c 180 § 2. Prior: 1937 c 215 § 3(a); RRS § 8278-3(a).]

18.18.065 SHOP OR SCHOOL LOCATION LICENSE--APPLICATION--ISSUANCE. It shall be unlawful for any person, firm, or corporation to operate a cosmetology shop or a cosmetology school without a shop or school location license for each cosmetology shop or cosmetology school. Application therefor shall be made on forms furnished by the director and shall contain such information as the director may reasonably require. Upon receipt of such application and the fee required by this chapter, the director shall issue a location license if such shop or school meets the other requirements of this chapter. [1973 1st ex.s. c 148 § 22; 1965 ex.s. c 3 § 3; 1959 c 324 § 2.]

18.18.090 APPLICATIONS--FEES. Each application shall be accompanied by the following fees: Student enrollment, five dollars; manicurist, seven dollars and fifty cents; operator, ten dollars; instructor operator, fifteen dollars; manager operator, five dollars; shop, twenty-five dollars; school, one hundred fifty dollars. Any applicant who fails to pass the examination may take the next succeeding examination with payment of an additional fee of seven dollars and fifty cents. [1973 1st ex.s. c 148 § 23; 1965 ex.s. c 3 § 6; 1959 c 324 § 4; 1955 c 313 § 3; 1951 c 180 § 5. Prior: (i) 1937 c 215 § 10(a); RRS § 8278-10(a). (ii) 1937 c 215 § 12(h); RRS § 8276-12(h).]

18.18.100 EXAMINING COMMITTEE--TO CONDUCT EXAMINATIONS--QUALIFICATIONS. All examinations for license shall be conducted and given by the examining committee under the supervision and direction of the director of motor vehicles, in the manner provided by law. No person shall, however, be appointed as a member of an examining committee for the purpose of conducting examinations and performing other duties imposed by this chapter unless he is an operator and of the age of at least twenty-five years, has the qualifications of an instructor, has been a citizen of the state for at least three years immediately prior to his appointment, has been engaged in actual practice as a hairdresser, cosmetologist, or instructor for at least five years, is not connected directly or indirectly with any school of hairdressing and cosmetology, and is not connected directly or indirectly in the business of the manufacturing, renting or selling of hairdressing or cosmetology appliances and supplies at wholesale. [1973 1st ex.s. c 148 § 24; 1965 ex.s. c 3 § 7; 1937 c 215 § 7; RRS § 8278-7. Prior: 1927 c 281 § 11.]

18.18.110 EXAMINATIONS--SUBJECTS--CONDUCT. All examinations for licenses shall be conducted six times a year, an examination to be given once every two months.

The examination shall consist of written and oral questions and answers and practical tests. Written examinations shall cover each of the branches of hairdressing and cosmetology required in the course of study.

Practical tests shall consist of actual demonstrations in hairdressing and cosmetology under the direction and supervision of the committee.

Applicants shall also be required to pass an examination in anatomy, physiology, hygiene, sanitation, sterilization and the use of antiseptics in hairdressing and cosmetology.

Passing grades shall be based upon the standard of one hundred percent.

An applicant who receives a passing grade of not less than seventy-five percent in each branch, and in addition thereto passes the required examination in anatomy, physiology, hygiene, sanitation, sterilization and the use of antiseptics, shall be entitled to a license as an operator.

An instructor's examination shall consist of a lesson plan and a demonstration in the art of teaching at least two subjects of the cosmetology law. [1973 1st ex.s. c 148 § 25; 1965 ex.s. c 3 § 9; 1955 c 313 § 4. Prior: 1937 c 215 § 12; RRS § 8278-12.]

18.18.140 LICENSES--RENEWAL--FEES. Licenses may be renewed from year to year upon the payment on or before the first day of each July following their issuance,

of a renewal fee as follows: Manicurist, not more than five dollars; operator, not more than five dollars; instructor operator, not more than six dollars; manager operator, not more than six dollars; shop, not more than seven dollars; school, not more than one hundred and fifty dollars, all such fees to be determined by the director as provided in RCW 43.24.085.

A certificate of health is required with an application for an original license, one must also be filed with a renewal application.

Any manicurist, operator, manager operator, or instructor operator whose license has lapsed may have the same renewed upon payment of all fees which the applicant would have been required to pay to keep such license in effect, and an additional fee of five dollars for each lapsed year: PROVIDED, That any person whose license has lapsed for more than three years shall be reexamined, as in the case of any applicant for an original license. [1973 1st ex.s. c 148 § 27; 1971 ex.s. c 266 § 3; 1965 ex.s. c 3 § 11; 1959 c 324 § 5; 1955 c 313 § 6; 1951 c 180 § 7. Prior: (i) 1937 c 215 § 10 (b); RRS § 8278-10 (b). (ii) 1937 c 215 § 11; RRS § 8278-11.]

18.18.190 SCHOOLS—COURSES OF INSTRUCTION. The courses of instruction in theory and practical application in every school shall comprise at least the following:

- (1) Shampooing, soap and dry;
- (2) Care of the face and massaging, including make up and care of eyebrows and lashes;
- (3) Care of the scalp and massaging, rinses and packs;
- (4) Hair coloring and bleaching;
- (5) Cold permanent waving;
- (6) Iron curling or waving;
- (7) Finger waving;
- (8) Hair fashioning, shaping and cutting;
- (9) Manicuring;
- (10) Electricity as applied to cosmetology, and the use and application of electrical appliances;
- (11) The study of the law on cosmetology of the state of Washington;
- (12) Shop management, ownership, and business ethics.
- (13) Theory and science of cosmetology. [1973 1st ex.s. c 148 § 26; 1965 ex.s. c 3 § 12; 1957 c 52 § 9; 1951 c 180 § 8. Prior: 1937 c 215 § 3 (f); RRS § 8278-3 (f).]

18.18.220 REVOCATION OF LICENSES—GROUND. Any license issued pursuant to this chapter may be revoked for any of the following causes arising after the issuance thereof:

- (1) Conviction of a felony or misdemeanor involving moral turpitude, in which

case the record of conviction shall be conclusive evidence;

- (2) Habitual drunkenness or the use of habit forming drugs;

- (3) Gross incompetency;

- (4) Advertising in any manner by means of knowingly false or deceptive statements;

- (5) Performing work authorized by said license in an unsanitary or filthy manner;

- (6) Performing either the practice of hairdressing and cosmetology or the practice of manicuring upon the person of another while knowingly suffering from an infectious or contagious disease;

- (7) Wilful violation of any of the provisions of this chapter;

- (8) Failure to pay an operator the minimum wage required by law. [1973 1st ex.s. c 148 § 28; 1959 c 324 § 8; 1937 c 215 § 15; RRS § 8278-15. Prior: 1927 c 281 § 14.]

18.18.260 UNLAWFUL PRACTICES AND OMISSIONS. No person shall engage in the practice of hairdressing, and cosmetology in any place other than a hairdressing and cosmetology shop or school, except in case of his own family or in case of a person whose physical condition prevents his presence at a shop or school.

No person shall sleep in, or use for residential purposes, any room used wholly or in part as a hairdressing and cosmetology shop, nor engage in hairdressing and cosmetology in any room used for sleeping or residential purposes.

Every hairdressing and cosmetology shop shall maintain an outside entrance separate from the entrances to rooms used for sleeping or residential purposes.

From and after July 1, 1959 every hairdressing and cosmetology shop shall provide and maintain for the use of the customers adequate toilet facilities.

No hairdressing or cosmetology shop shall be operated unless it is under the direct supervision of a manager operator.

No person other than a manicurist limited to the practice of manicuring or an operator in demonstrating, or instructing in the use of any cosmetics or supplies of any kind, shall engage in any of the acts enumerated in RCW 18.18.010 and 18.18.190.

No student shall engage in the practice of hairdressing and cosmetology except in a school under the direct supervision of an instructor. [1973 1st ex.s. c 148 § 29; 1965 ex.s. c 3 § 17; 1959 c 324 § 9; 1957 c 52 § 11. Prior: 1937 c 215 § 17 (a), (d), (e), (f); RRS § 8278-17 (a), (d), (e), (f).]

18.18.270 VIOLATIONS—PENALTIES. Every person shall be guilty of a misdemeanor or who: (1) Violates any of the provisions of this chapter or any regulation lawfully promulgated by the director; or, (2) permits any person in his employ or under his supervision or control to practice

hairdressing and cosmetology without a license where one is required by this chapter; or, (3) attempts to obtain a license by fraudulent means. Each and every day on which such violation occurs shall constitute a separate offense. [1973 1st ex.s. c 148 § 30; 1957 c 52 § 12. Prior: 1937 c 215 § 17(i); RRS § 8278-17(i).]

18.18.300 MANICURING—LICENSE REQUIRED—EXCEPTION—APPLICATION—EXAMINATIONS. Within ninety days after July 16, 1973 the examining committee, under the supervision and direction of the director of motor vehicles, shall devise the qualifications necessary for and an examination for the practice of manicuring, for which a separate license shall hereafter be required under this chapter, except for persons holding a valid license in the practice of beauty culture: PROVIDED, That any person engaged in the practice of manicuring for at least one year prior to July 16, 1973 shall be deemed qualified for such a license without an examination therefor. Applications for licenses shall be made on such form and require such information and certificates, as required by the examining committee and be accompanied by the proper application fee. Examinations shall be held at regular intervals throughout the year as the examining committee deems necessary. The provisions of RCW 18.18.110 shall not be applicable hereto. [1973 1st ex.s. c 148 § 20.]

Chapter 18.22  
PODIATRY  
(FORMERLY: CHIROPODY)

18.22.010 DEFINITIONS. The practice of podiatry means the diagnosis and the medical, surgical, mechanical, manipulative, and electrical treatments of ailments of the human foot. A podiatrist is a podiatric physician and surgeon of the foot licensed to treat ailments of the foot, except for:

- (1) Amputation of the foot; and
  - (2) The administration of a spinal anesthetic or any anesthetic, which renders the patient unconscious, or the administration and prescription of drugs including narcotics, other than required to perform the services authorized for the treatment of the feet; and
  - (3) Treatment of systemic conditions.
- [1973 c 77 § 1; 1955 c 149 § 1; 1941 c 31 § 1; 1921 c 120 § 1; 1917 c 38 § 1; Rem. Supp. 1941 § 10074.]

18.22.020 LICENSING REQUIRED. It shall be unlawful for any person to practice podiatry in this state unless he first has obtained a license therefor.

[1973 c 77 § 2; 1957 c 52 § 13. Prior: 1917 c 38 § 2, part; RRS § 10075, part.]

18.22.030 LICENSING—EXEMPTIONS. Nothing in this chapter contained shall be construed as preventing any licensed physician, surgeon, osteopath, chiropractor, or other person licensed to treat the sick and afflicted, from treating the hands or feet by the methods and means permitted by his license, nor to prevent the domestic administration of family remedies, nor shall this chapter be construed to discriminate against any particular school of medicine or surgery or osteopathy and surgery, or any chiropractic school, or any licensed system or mode of treating the sick or afflicted, or to interfere in any way with the practice of religion: PROVIDED, That nothing herein shall be held to apply to or to regulate any kind of treatment by prayer. [1973 c 77 § 3; 1917 c 38 § 18; RRS § 10091.]

18.22.040 APPLICANTS—ELIGIBILITY. Before any person shall be permitted to take an examination for the issuance of a podiatry license, he shall furnish the director of motor vehicles with satisfactory proof that:

- (1) He is eighteen years of age or over;
- (2) He is of good moral character; and
- (3) He has received a diploma or certificate of graduation from a legally incorporated, regularly established and recognized school of podiatry having as a minimum requirement not less than four thousand two hundred sixteen scholastic hours given over a period of four years with personal attendance.

"Recognized" means official recognition by the Council of Education of the American Podiatry Association: PROVIDED, That each applicant, prior to the beginning of his course in podiatry or registration or matriculation in a recognized school of podiatry, must have as a minimum requirement, a four years' course in a high school or its equivalent and the successful completion of a two years' residence course of work of college grade leading toward the degree of bachelor of science. [1973 c 77 § 4; 1971 ex.s. c 292 § 19; 1955 c 149 § 2; 1935 c 48 § 3; 1921 c 120 § 3; 1917 c 38 § 6; RRS § 10079.]

18.22.050 APPLICANTS—EDUCATIONAL QUALIFICATIONS. Applicants for a certificate to practice podiatry shall file satisfactory evidence of having pursued in any recognized legally chartered school of podiatry, a course of instruction covering a total of at least four thousand two hundred sixteen scholastic hours, including those subjects that appear on the examinations administered by the national board of podiatry examiners. [1973 c 77 § 5; 1955 c 149 § 4. Prior: 1935 c 48 § 1,



part; 1921 c 120 § 2, part; 1917 c 38 § 4, part; RRS § 10077, part.]

**18.22.060 APPLICATION FEE--REEXAMINATION.** Every applicant for a license to practice podiatry shall pay to the state treasurer a fee of fifty dollars.

An applicant who fails to pass an examination satisfactorily after the expiration of six months from the date of the examination at which he failed, is entitled to a reexamination at a meeting called for the examination of applicants, upon the payment of a fee of twenty-five dollars for each reexamination. [1973 c 77 § 6; 1965 c 97 § 1; 1957 c 52 § 14. Prior: (i) 1921 c 120 § 5; 1917 c 38 § 9; RRS § 10082. (ii) 1921 c 120 § 4; 1917 c 38 § 7; RRS § 10080.]

**18.22.070 EXAMINATION.** Examinations shall be conducted by an examining committee and shall be written and clinical.

The minimum requirement for licensing of applicants under this chapter shall be based upon a general average of seventy-five percent of all the subjects involved, taken collectively, and not less than seventy percent in any one subject. [1973 c 77 § 7; 1955 c 149 § 5. Prior: (i) 1935 c 48 § 1, part; 1917 c 38 § 4, part; RRS § 10077, part. (ii) 1917 c 38 § 8; RRS § 10081.]

**18.22.081 LICENSE--RECIPROCITY WITH OTHER STATES.** Any applicant who has been examined and licensed under the laws of another state, which through a reciprocity provision in its laws, similarly accredits the holders of certificates from the proper authorities of this state to the full privileges of practice within its borders or an applicant who has satisfactorily passed examinations given by the national board of podiatry examiners, may, in the discretion of the examining committee be granted a license without examination on the payment of a fee of fifty dollars to the state treasurer: PROVIDED, That he has not previously failed to pass an examination held in this state. If the applicant was licensed in another state, he must file with the director of licenses a copy of his license certified by the proper authorities of the issuing state to be a full and true copy thereof, and must show that the standards, eligibility requirements and examinations of that state are at least equal in all respects to those of this state. [1973 c 77 § 8; 1965 c 97 § 3.]

**18.22.110 LICENSE--DISPLAY.** Every holder of a podiatry license shall keep his license on exhibition in a conspicuous place in his office or place of business. [1973 c 77 § 9; 1957 c 52 § 15. Prior: 1917 c 38 § 2, part; RRS § 10075, part.]

**18.22.120 LICENSE--ANNUAL RENEWAL--FEE.** Every person practicing podiatry must renew his license each year and pay a renewal fee of not more than twenty-five dollars to be determined by the director as provided in RCW 43.24.085.

Any podiatry license that has been allowed to lapse may be renewed by presentation of a new character certificate as required for examination, together with the payment of the annual license fee. [1973 c 77 § 10; 1971 ex.s. c 266 § 4; 1965 c 97 § 2; 1955 c 149 § 6. Prior: (i) 1921 c 120 § 5, part; 1917 c 38 § 9, part; RRS § 10082, part. (ii) 1921 c 120 § 9; RRS § 10096.]

**18.22.130 RECORD OF LICENSEES.** The director shall keep in a book kept for that purpose, a record showing the name, age, place of residence, the time spent in the study and practice of podiatry, the time spent in schools of podiatry, and the date of graduation therefrom and the degree if any, and the date and number of the license issued to such applicant, and whether the same was issued upon or without examination; and the copy of such record certified by the director shall be prima facie evidence of the facts therein stated in all courts and all actions and proceedings where proof of such facts is competent. [1973 c 77 § 11; 1917 c 38 § 5; RRS § 10078.]

**18.22.140 UNPROFESSIONAL CONDUCT--PENALTY.** It shall be unlawful for any person holding a license to practice podiatry to:

(1) Practice podiatry under any name, except his own, which shall be that used in his license issued by the director; or

(2) Conduct an office for the practice of podiatry in his name or use his name in connection with any office for the practice of podiatry, unless he is personally present therein operating as a podiatrist or personally overseeing the operations performed in any office during most of the time that that office is being operated; or

(3) Employ a solicitor or solicitors to obtain business; or

(4) Prepare, cause to be prepared, use, or participate in the use of, any form of public communication that contains professionally self-laudatory statements calculated to attract patients; as used herein, "public communications" includes, but is not limited to, communications by means of television, radio, motion picture, newspaper, magazine, or book; or

(5) Hold out to treat successfully or cure all ailments of the foot or leg or any which are manifestly incurable; or

(6) Advertise in newspapers, periodicals, or in bold face type or in any printed matter or by the use of any form of display sign or by means of hand bills, posters, circulars, stereoptican slide, motion pictures, radio, television or any



printed publication or medium: PROVIDED, HOWEVER, That he may be listed in any directory in a manner uniform as to type, size and color with others listed therein, may display a dignified sign at the entrance to his office or on the windows thereof, containing his name, degree, the designation podiatrist and/or podiatric medicine and surgery and/or podiatric medicine and/or treatment of the foot, and, if he is practicing podiatry through a professional corporation, an appropriate indication of the fact (on his office door and business card, as well), and may use dignified business cards containing his name, title, degree, office and residence address and telephone numbers and his office hours; or

(7) Obtain any fee by fraud or misrepresentation; or

(8) Wilfully betray professional secrets; or

(9) Directly or indirectly employ any person unlicensed as a podiatrist to perform operations of any kind, except dressing following an operation; or

(10) Adopt any means tending to deceive the public or to be habitually intemperate or grossly immoral, or to commit any offense involving moral turpitude, in which case the record of conviction thereof shall be conclusive evidence; or

(11) Obtain by fraud or deceit a license to practice podiatry; or

(12) Use or prescribe for use narcotics in any other way than for therapeutic purposes; or

(13) Offer, undertake or agree to cure any disease or pathological condition of the foot by a secret method, procedure, treatment, or medicine, or to treat, operate, or prescribe for any such condition by a method, means or procedure which the license holder refuses to divulge upon demand of the director of licenses; or

(14) Be guilty of unprofessional conduct as defined in any other act relating to the practice of podiatry.

Any violation of the provisions of this section shall constitute improper, unprofessional and dishonorable conduct; it shall also constitute grounds for injunction proceedings to prevent a continuance of the same, and in addition shall constitute a gross misdemeanor. [1973 c 77 § 12; 1955 c 149 § 8. Prior: 1917 c 38 § 13, part; RRS § 10086, part.]

18.22.150 REVOCATION OR SUSPENSION OF LICENSE—GROUNDS FOR. Upon proof that the holder of a podiatry license:

(1) Has been convicted of the violation of any of the provisions of this chapter or of any crime involving moral turpitude; or

(2) Procured his license by fraud or deceit either in the presentation of any false statement as to his qualifications or in his examination; or

(3) Is guilty of unprofessional conduct or inefficiency in the practice of his

profession; the director may revoke his license or suspend it for a period not to exceed six months. [1973 c 77 § 13; 1955 c 149 § 9. Prior: (i) 1917 c 38 § 13, part; RRS § 10086, part. (ii) 1921 c 120 § 8; RRS § 10095.]

18.22.160 REFUSAL, REVOCATION OR SUSPENSION OF LICENSE—PROCEDURE. If the director refuses to grant a podiatry license or revokes or suspends one, he shall file in the records of his office a concise statement of the grounds and reasons for his refusal, revocation or suspension. This statement, together with his decision in writing, shall remain a permanent record. [1973 c 77 § 14; 1957 c 52 § 17. Prior: 1917 c 38 § 14, part; RRS § 10087, part.]

18.22.185 PRESCRIPTIONS. Podiatrists may issue prescriptions valid at any pharmacy for any drug necessary in the practice of podiatry. [1973 c 77 § 15; 1955 c 149 § 11.]

18.22.200 UNLAWFUL PRACTICES. It shall be unlawful for any persons licensed to practice podiatry under the provisions of this chapter to use, advertise or display the title "doctor" or its synonyms independent of the title "podiatrist" or its synonyms, and it shall be unlawful for any person to exhibit as his own any license that has not been issued to him. [1973 c 77 § 16; 1917 c 38 § 16; RRS § 10089.]

18.22.210 UNLAWFUL PRACTICE—EVIDENCE OF. It shall be deemed prima facie evidence of the practice of podiatry or as holding himself out as a practitioner of podiatry within the meaning of this chapter for any person to treat in any manner the human foot by medical, surgical or mechanical means or appliances, or to use the title "podiatrist" or any other words or letters which designate or tend to designate to the public that the person so treating or holding himself out to treat, is a podiatrist: PROVIDED, HOWEVER, That nothing herein contained shall prohibit a duly licensed physician or surgeon from treating the human foot by medical, surgical or mechanical means or appliances. [1973 c 77 § 17; 1935 c 48 § 4; 1921 c 120 § 6; 1917 c 38 § 10; RRS § 10083.]

18.22.215 INJUNCTIONS. If any person engages in the practice of podiatry without possessing a valid license so to do, or if he violates the provisions of RCW 18.22.140, the attorney general, any prosecuting attorney, the director, or any citizen of the same county may maintain an action in the name of the state to enjoin such person from engaging in the practice

of podiatry. The injunction shall not relieve from criminal prosecution, but the remedy by injunction shall be in addition to the liability of such offender to criminal prosecution and to suspension or revocation of his license. [1973 c 77 § 18; 1955 c 149 § 14.]

18.22.230 EXEMPTIONS. The following practices, acts and operations are excepted from the operation of the provisions of this chapter:

(1) The practice of podiatry in the discharge of official duties by podiatrists in the United States armed forces, public health service, Veterans Bureau or Bureau of Indian Affairs;

(2) Recognized schools of podiatry or colleges of podiatry, and the practice of podiatry by students in such recognized schools or colleges, when acting under the direction and supervision of registered and licensed podiatrists acting as instructors;

(3) The practice of podiatry by licensed podiatrists of other states or countries while appearing as clinicians at meetings of the Washington state podiatry association or component parts thereof, or at meetings sanctioned by them;

(4) The use of roentgen and other rays for making radiograms or similar records of the feet or portions thereof, under the supervision of a licensed podiatrist or physician.

(5) The practice of podiatry by externs, interns, and residents in training programs approved by the American Podiatry Association. [1973 c 77 § 19; 1955 c 149 § 12.]

18.22.930 PERSONS LICENSED UNDER PRIOR LAW. Nothing contained in this 1973 amendatory act shall be construed to require any person who has held a valid chiropody license of this state prior to June 7, 1973 to meet any further eligibility or examination requirements for a podiatry license. [1973 c 77 § 28.]

Reviser's note: "this 1973 amendatory act" refers to RCW 18.22.010-18.22.160, 18.22.185, 18.22.200-18.22.215, 18.22.230, 18.57A.060, 18.71A.060, 43.74.010, 43.74.037, 43.74.040, 43.74.080, 43.74.085, 70.98.170, as those sections were amended by 1973 c 77.

## Chapter 18.27 REGISTRATION OF CONTRACTORS

18.27.010 DEFINITIONS. A "contractor" as used in this chapter 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 installation of carpeting or other floor covering, the erection of scaffolding or other structures or works in connection therewith or who installs or repairs roofing or siding; 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 term "general contractor" shall not include an individual who does all work personally without employees or other "specialty contractors" as defined herein. 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".

"Department" as used in this chapter means the department of labor and industries.

"Director" as used in this chapter means the director of the department of labor and industries. [1973 1st ex.s. 153 § 1; 1972 ex.s. c 118 § 1; 1967 c 126 § 5; 1963 c 77 § 1.]

18.27.020 REGISTRATION REQUIRED—PARTNERSHIPS, JOINT VENTURES—PENALTIES. (1) 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 labor and industries. 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.

(2) In addition to any criminal penalties which may be imposed under the provisions of subsection (1) of this section, any person who is found to be in violation of this section by the director at a hearing held in accordance with the Administrative Procedure Act, chapter 34.04 RCW, shall be required to pay a late registration penalty of not more than one hundred dollars, such amount to be set by the director, in addition to the registration fee provided in RCW 18.27.070, as now or hereafter amended. [1973 1st ex.s. c 153 § 2; 1963 c 77 § 2.]

18.27.030 APPLICATION FOR REGISTRATION. An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

- (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. [1973 1st ex.s. c 153 § 3; 1963 c 77 § 3.]

18.27.040 BOND OR OTHER SECURITY REQUIRED--ACTIONS AGAINST--SUSPENSION OF REGISTRATION UPON IMPAIRMENT. Each applicant shall, at the time of applying for a certificate of registration, file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in a form acceptable to the department 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 persons performing labor, including employee benefits, for the contractor, 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 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. Action upon such bond or deposit shall be commenced by serving and filing of the complaint within one year from the date of expiration of the certificate of registration in force at the time the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was completed. Three copies of the complaint shall be served by registered or certified mail upon the department at the time suit is started and

the department shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the registrant and the surety for suit upon the bond and the department shall transmit the complaint or a copy thereof to the registrant at the address listed in his application and 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. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (1) Labor, including employee benefits;
- (2) Claims for breach of contract by a party to the construction contract;
- (3) Material and equipment;
- (4) Taxes and contributions due the state of Washington;
- (5) Any court costs, interest, and attorney's fees plaintiff may be entitled to recover.

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 department 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 department a deposit consisting of cash or other security acceptable to the department.

Any person having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

The director may promulgate rules and regulations necessary for the proper administration of the security. [1973 1st

ex.s. c 153 § 4; 1972 ex.s. c 118 § 2; 1967 c 126 § 1; 1963 c 77 § 4.]

Cross Reference:

Unpaid wages by public works contractor constitute lien against bond: RCW 39.12.050.

18.27.070 REGISTRATION AND RENEWAL FEES. The applicant shall pay to the director a registration or renewal fee of, if a general contractor, or if a specialty contractor, fifteen dollars. [1973 1st ex.s. c 153 § 5; 1967 c 126 § 2; 1963 c 77 § 7.]

18.27.090 EXEMPTIONS (AS AMENDED BY 1973 1ST EX.S. C 153 § 6). This chapter shall not apply to:

(1) An authorized representative of the United 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 two hundred fifty 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 two hundred fifty dollars for the purpose of evasion of this chapter 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 but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his own property with the intention and for the purpose of selling the improved property;

(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;

(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;

(16) Contractors on highway projects who have been prequalified 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. [1973 1st ex.s. c 153 § 6; 1967 c 126 § 3; 1965 ex.s. c 170 § 50; 1963 c 77 § 9.]

Reviser's note: RCW 18.27.090 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

18.27.090 EXEMPTIONS (AS AMENDED BY 1973 1ST EX.S. C 161 § 1). This chapter shall not apply to:

(1) An authorized representative of the United 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 two hundred fifty 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 two hundred fifty dollars for the purpose of evasion of this chapter 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 but this exemption shall not apply to any person otherwise covered by this chapter who constructs an improvement on his own property with the intention and for the purpose of selling the improved property;

(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 electrical contractor as licensed under the laws of the state of Washington and chapter 19.28 RCW. The exemption provided in this subsection is applicable only when the licensee is operating within the scope of his license;

(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;

(16) Contractors on highway projects who have been prequalified 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. [1973 1st ex.s. c 161 § 1; 1967 c 126 § 3; 1965 ex.s. c 170 § 50; 1963 c 77 § 9.]

Reviser's note: RCW 18.27.090 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

18.27.120 DEPARTMENT TO COMPILE, UPDATE LIST OF REGISTERED CONTRACTORS--AVAILABILITY, FEE. The department shall annually, starting July 1, 1973, compile a list of all contractors registered pursuant to the provisions of this chapter and update such list at least bimonthly. Such list shall be considered as public record information and shall be available to the public upon request: PROVIDED, That the department may charge a reasonable reproduction fee. [1973 1st ex.s. c 153 § 7; 1972 ex.s. c 118 § 5.]

18.27.140 PURPOSE OF CHAPTER. It is the purpose of this chapter to afford protection to the public from unreliable, fraudulent, financially irresponsible, or

incompetent contractors. [1973 1st ex.s. c 161 § 2.]

Chapter 18.35  
HEARING AIDS

18.35.010 DEFINITIONS. As used in this chapter, unless the context requires otherwise:

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

(2) "Council" means the council on hearing aids.

(3) "Hearing aid" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories of such an instrument or device, excluding batteries and cords and ear molds.

(4) "Fitting and dispensing of hearing aids" means the sale, lease, or rental or attempted sale, lease, or rental of hearing aids together with the selection and adaptation of hearing aids and the use of those tests and procedures essential to the performance of these functions. It includes the taking of impressions for ear molds for these purposes. [1973 1st ex.s. c 106 § 1.]

18.35.020 LICENSE--REQUIRED. No person shall engage in the fitting and dispensing of hearing aids unless he holds a valid license issued by the department as provided in this chapter. [1973 1st ex.s. c 106 § 2.]

18.35.030 RECEIPT REQUIRED--CONTENTS. Any person who engages in the fitting and dispensing of hearing aids shall deliver to each person supplied with or sold a hearing aid a receipt which shall contain his signature and show the address of his regular place of business and the number of his license, together with a description of the hearing aid furnished, including the term "used" or "reconditioned" if applicable, amount charged therefor, and terms of sale. [1973 1st ex.s. c 106 § 3.]

18.35.040 APPLICANTS--QUALIFICATIONS--FEE--REQUIREMENTS. An applicant for license shall be at least eighteen years of age, shall pay a fee of sixty dollars, and shall show to the satisfaction of the department that he is free of any infectious or contagious disease which would involve undue risk to the public. An applicant shall not be issued a license under the provisions of this chapter unless he:

(1) Satisfactorily completes the examination required by this chapter; or

(2) Has been engaged in the fitting and dispensing of hearing aids in the state of Washington for a period of six months immediately prior to July 16, 1973: PROVIDED, That any person receiving a license under this section shall be required to complete and pass the examination by the date on which the names of those persons who have passed the third examination subsequent to July 16, 1973 are disclosed by the department; or

(3) Holds a current, unsuspended, unrevoked license or certificate from a state or jurisdiction with whom the department has entered into a reciprocal agreement. [1973 1st ex.s. c 106 § 4.]

18.35.050 EXAMINATION--REQUIRED--WHEN OFFERED. Except as otherwise provided in this chapter an applicant for license shall appear at a time and place and before such persons as the department may designate to be examined by written and practical tests. The department shall give an examination during the second full week in January and during the third full week in July each year. [1973 1st ex.s. c 106 § 5.]

18.35.060 TRAINEE LICENSE--QUALIFICATIONS--REQUIREMENTS--FEE--CONTENTS--AUTHORITY OF TRAINEE--EXPIRATION--REISSUANCE. (1) The department shall issue a trainee license to any applicant who has shown to the satisfaction of the department that:

(a) He is at least eighteen years of age;

(b) He is free of any infectious or contagious disease;

(c) If issued a trainee license, he would be employed and directly supervised in the fitting and dispensing of hearing aids by a person licensed under this chapter in a capacity other than trainee; and

(d) He has paid an application fee of twenty-five dollars to the department.

The provisions of RCW 18.35.030 and 18.35.110 through 18.35.130 shall apply to any person issued a trainee license. Pursuant to the provisions of this section, a person issued a trainee license may engage in the fitting and dispensing of hearing aids without having first passed the examination provided under this chapter.

(2) The trainee license shall contain the name of the person licensed under this chapter who is employing and supervising the trainee and an acknowledgment executed by such person that he is responsible for all acts of the trainee in connection with the fitting and dispensing of hearing aids.

(3) A trainee may fit and dispense hearing aids, but only if he is under the direction and supervision of a person licensed under this chapter in a capacity other than trainee.

(4) The trainee license shall expire one year from the date of its issuance except that at the discretion of the department on recommendation of the council the license may be reissued for one additional year only.

(5) No person licensed under this chapter may assume the responsibility for more than three trainees at any one time, unless approved in writing by the department. [1973 1st ex.s. c 106 § 6.]

18.35.070 EXAMINATION--CONTENTS--TESTS. The examination provided in RCW 18.35.050 shall consist of:

(1) Tests of knowledge in the following areas as they pertain to the fitting of hearing aids:

(a) Basic physics of sound;

(b) The human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders; and

(c) Structure and function of hearing aids.

(2) Tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:

(a) Pure tone audiometry, including air conduction testing and bone conduction testing;

(b) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;

(c) Effective masking;

(d) Recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy;

(e) Selection and adaptation of hearing aids and testing of hearing aids; and

(f) Taking ear mold impressions.

(3) Evidence of knowledge regarding the medical and rehabilitation facilities for children and adults that are available in the area served.

(4) Evidence of knowledge of grounds for revocation or suspension of license under the provisions of this chapter.

(5) Any other tests as the department may by rule establish. [1973 1st ex.s. c 106 § 7.]

18.35.080 LICENSE--ISSUANCE--FEE--DURATION. The department shall license each applicant, without discrimination, who satisfactorily completes the required examination and, upon payment of one hundred twenty-five dollars to the department, shall issue to the applicant a license. The license shall be effective until December 31st of the year in which it is issued. [1973 1st ex.s. c 106 § 8.]

18.35.090 RENEWAL FEE--DISPLAY OF LICENSE. Each person who engages in the fitting and dispensing of hearing aids shall annually, on or before January 1st, pay to the department a fee of one hundred

twenty-five dollars for a renewal of his license and shall keep such license conspicuously posted at his business address at all times. A thirty-day grace period shall be allowed after January 1st, during which licenses may be renewed on payment of a fee of one hundred fifty dollars to the department. The department may suspend the license of any person who fails to renew his license before the expiration of the thirty-day grace period. [1973 1st ex.s. c 106 § 9.]

18.35.100 PLACE OF BUSINESS. (1) A person who holds a license shall notify the department in writing of the regular address of the place or places in the state of Washington where he engages or intends to engage in the fitting and dispensing of hearing aids and of any change thereof within thirty days of such change. Failure to notify the department in writing shall be grounds for suspension or revocation of license.

(2) The department shall keep a record of the places of business of persons who hold licenses.

(3) Any notice required to be given by the department to a person who holds a license may be given by mailing it to him at the address of the last place of business of which he has notified the department, except that notice to a licensee of proceedings to deny, suspend, or revoke the license shall be by certified or registered mail or by means authorized for service of process. [1973 1st ex.s. c 106 § 10.]

18.35.110 GROUND FOR SUSPENSION OF LICENSE. Any person licensed under this chapter may have his license suspended for a fixed period or be placed on probation by the department for any of the following causes:

(1) The licensee, in the application for the license, or in any written or oral communication to the department concerning the issuance or retention of the license, has made any material misstatement of fact, or has omitted to disclose any material fact necessary to make that which is stated not misleading.

(2) For unethical conduct, or for gross incompetence in dealing in hearing aids. Unethical conduct shall include, but not be limited to:

(a) Using or causing or promoting the use of, in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is false, misleading or deceptive;

(b) Employing directly or indirectly any suspended or unlicensed person to perform any work covered by this chapter;

(c) Failing or refusing to honor or to perform as represented any representation,



promise, agreement or warranty in connection with the promotion, dispensing or fitting of the hearing aid;

(d) Advertising a particular model, type, or kind of hearing aid for sale which purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing and where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type, or kind than that advertised;

(e) (i) Whenever any of the following conditions are found or should have been found to exist either from observations by the licensee or on the basis of information furnished by the prospective hearing aid user, prior to fitting and dispensing a hearing aid to any such prospective hearing aid user, failing to advise that prospective hearing aid user in writing that he should first consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to any duly licensed physician:

(A) Visible congenital or traumatic deformity of the ear;

(B) History of, or active drainage from the ear within the previous ninety days;

(C) History of sudden or rapidly progressive hearing loss within the previous ninety days;

(D) Acute or chronic dizziness;

(E) Unilateral hearing loss of sudden or recent onset within ninety days;

(F) Significant air-bone gap (when generally acceptable standards have been established);

(G) Any other conditions that the department may by rule establish: PROVIDED, That it shall be a violation of this subsection for any licensee or his employees and putative agents upon making such required referral for medical opinion to in any manner whatsoever disparage or discourage a prospective hearing aid user from seeking such medical opinion prior to the fitting and dispensing of a hearing aid: AND PROVIDED FURTHER, That no such referral for medical opinion need be made by any licensee in the instance of replacement only of a hearing aid which has been lost or damaged beyond repair within one year of the date of purchase: AND PROVIDED FURTHER, That nothing in this section required to be performed by a licensee shall mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited by the provisions of this code;

(ii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined and cleared for hearing aid use within the previous six months by a physician specializing in otolaryngology except in the case of replacement instruments or except in the case of the parents or guardian of such person refusing, for good cause, to seek medical opinion: PROVIDED, That should

the parents or guardian of such person refuse, for good cause, to seek medical opinion, the licensee shall obtain from such parents or guardian a certificate to that effect in a form as prescribed by the department;

(iii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined by a clinical audiologist for his recommendations during the previous six months, without first advising such person or his parents or guardian in writing that he should first consult a clinical audiologist;

(f) Representing that the services or advice of a person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW or of a clinical audiologist will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, or using the word "doctor", "clinic", or other like words, abbreviations, or symbols which tend to connote a medical or osteopathic profession when such use is not accurate; or

(g) Permitting another to use his license.

(3) Engaging in the fitting or dispensing of hearing aids while suffering from a contagious or infectious disease involving undue risk to the public.

(4) Dealing in hearing aids under a false, misleading, or deceptive name.

(5) For any violation of the provisions of this chapter.

(6) Failure to properly and reasonably accept responsibility for the actions of his employees.

(7) Engaging in any unfair or deceptive practice or unfair method of competition in trade within the meaning of RCW 19.86-.020 as now or hereafter amended. [1973 1st ex.s. c 106 § 11.]

18.35.120 REVOCATION OF LICENSE. A license may also be revoked for any of the grounds provided in RCW 18.35.110 when the department finds revocation is necessary to protect members of the public. [1973 1st ex.s. c 106 § 12.]

18.35.130 HEARING. Where the department proposes to refuse to issue or renew a license, or proposes to revoke or suspend a license, opportunity for hearing shall be accorded pursuant to the Administrative Procedure Act, chapter 34.04 RCW. [1973 1st ex.s. c 106 § 13.]

18.35.140 POWERS AND DUTIES OF DEPARTMENT. The powers and duties of the department, in addition to the powers and duties provided under other sections of this chapter, are as follows:



(1) To purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for license.

(2) To authorize all disbursements necessary to carry out the provisions of this chapter.

(3) To require the periodic inspection of the audiometric testing equipment and to carry out the periodic inspection of facilities of persons who deal in hearing aids, as reasonably required within the discretion of the department.

(4) To establish by rule such minimum standards of equipment and procedures in the fitting and dispensing of hearing aids as deemed appropriate and in the public interest.

(5) To adopt in accordance with the procedures set forth in the Administrative Procedure Act, chapter 34.04 RCW, such rules and regulations not inconsistent with the laws of this state and the provisions of this chapter which are necessary to carry out the provisions of this chapter including but not limited to interpretation of the provisions of this chapter. [1973 1st ex.s. c 106 § 14.]

18.35.150 COUNCIL ON HEARING AIDS--  
CREATED--MEMBERSHIP--QUALIFICATIONS--  
TERMS--VACANCIES--MEETINGS--PER DIEM AND  
EXPENSES. (1) There is created hereby the council on hearing aids. The council shall consist of seven members to be appointed by the governor.

(2) Members of the council shall be residents of this state. Four members shall be persons experienced in the fitting of hearing aids who shall hold valid licenses under this chapter. One member shall be a medical doctor specializing in otolaryngology. One member shall be a clinical audiologist. One member shall represent the public.

(3) The term of office of a member is three years, except that on the first council three members shall serve for two years and four members shall serve for three years. A member shall continue to serve until a successor has been appointed and qualifies. Before a member's term expires, the governor shall appoint a successor to assume his duties at the expiration of his predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The chairman of the council shall be elected from the membership of the council at the beginning of each year.

(5) The council shall meet at least once each year, at a place, day and hour determined by the council, unless otherwise directed by a majority of council members. The council shall also meet at such other times and places as are requested by the department or by three members of the council.

(6) Members of the council shall not be compensated for their services, but shall

be reimbursed for their traveling expenses and receive a per diem in the manner provided for state employees under chapter 43.03 RCW. [1973 1st ex.s. c 106 § 15.]

18.35.160 COUNCIL ON HEARING AIDS--  
POWERS AND DUTIES. (1) The council shall have the responsibility and duty of advising the department in matters relating to this chapter, subject to approval by the department shall prepare the examination required by this chapter, and shall assist the department in carrying out the provisions of this chapter.

(2) The department shall consider and be guided by the recommendations of the council pursuant to this section and in all matters of policy relating to this chapter.

(3) The council whenever possible shall recommend that the department enter into reciprocity of licensure agreements with those states having licensure requirements equivalent to or higher than those provided herein.

(4) The council shall have the responsibility and duty of advising the department and preparing specific recommendations concerning the minimum standards of equipment and procedures in the fitting and dispensing of hearing aids. [1973 1st ex.s. c 106 § 16.]

18.35.170 COUNCIL ON HEARING AIDS--RE-  
STRICTION UPON MEMBER TAKING EXAMINATION. A member of the council on hearing aids shall not be permitted to take the examination provided under this chapter unless he has first satisfied the department that adequate precautions have been taken to assure that he does not and will not have any knowledge, not available to the members of the public at large, as to the contents of the examination. [1973 1st ex.s. c 106 § 17.]

18.35.180 APPLICATION OF CONSUMER PRO-  
TECTION ACT AND FALSE ADVERTISING ACT. Acts and practices in the course of trade in the promoting, advertising, selling, fitting and dispensing of hearing aids shall be subject to the provisions of chapter 19.86 RCW (Consumer Protection Act) and RCW 9.04.050 (False Advertising Act) and any violation of the provisions of this chapter shall constitute violation of RCW 19.86.020. [1973 1st ex.s. c 106 § 18.]

18.35.190 VALID LICENSE PREREQUISITE  
TO SUITS--VIOLATIONS--RESCISSION OF TRANS-  
ACTIONS--SCOPE OF CHAPTER. (1) In addition to remedies otherwise provided by law, in any action brought by or on behalf of a person required to be licensed hereunder, or by any assignee or transferee thereof, arising out of the business of fitting and dispensing of hearing aids, it

shall be necessary to allege and prove that the licensee at the time of the transaction held a valid license as required by this chapter, and that such license has not been suspended or revoked pursuant to RCW 18.35.110 and 18.35.120.

(2) Any person who shall engage in the fitting and dispensing of hearing aids without having obtained a license or who shall wilfully and intentionally violate any of the provisions of this chapter shall be guilty of a gross misdemeanor.

(3) In addition to any other rights and remedies he may have, the purchaser of a hearing aid shall have the right to rescind the transaction for other than the seller's breach if:

(a) The purchaser for whatever reason consults a licensed physician subsequent to purchasing the hearing aid; and

(b) Such licensed physician advises such purchaser against purchasing or using a hearing aid and in writing specifies the medical reasons for such advice; and

(c) The purchaser returns the hearing aid or holds it at the seller's disposal: PROVIDED, That the hearing aid is in its original condition less normal wear and tear;

(d) By sending notice of such cancellation to the licensee at his place of business by certified mail, return receipt requested, which shall be posted not later than thirty days following the date of purchase: PROVIDED, That in the event of cancellation pursuant to this subsection the licensee shall, without request, refund to the purchaser within ten days after such cancellation of all deposits, including any down payment less ten percent of the total purchase price and less the reasonable price of ear molds, if any, and shall return all goods traded in to the licensee on account or in contemplation of the sale less any reasonable costs actually incurred in making ready for sale, goods so traded in: AND PROVIDED FURTHER, That the buyer shall incur no additional liability for such cancellation.

(4) Nothing in this chapter shall be construed to pertain in any manner to the testing of human hearing for the purpose of determining the nature, loss, cause or function of hearing and not for the purpose of fitting and dispensing hearing aids. [1973 1st ex.s. c 106 § 19.]

18.35.200 OTHER LAWS UNAFFECTED. The provisions of this chapter shall not exclude the application of any other law to persons or circumstances covered under this chapter. [1973 1st ex.s. c 106 § 20.]

18.35.900 SEVERABILITY—1973 1ST EX.S. C 106. 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. [1973 1st ex.s. c 106 § 21.]

#### Chapter 18.37

#### ELECTRICIANS

#### Cross Reference:

Electrical inspections, electricians, construction: Chapters 19.28 and 19.29 RCW.

18.37.010 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 meaning:

(1) "Advisory board" means the state advisory board of electricians;

(2) "Apprentice electrician" means any person engaged in learning the trade of electrical and who, under the supervision of a journeyman electrician, performs the actual work necessary to assemble, construct, install, repair, or modify electrical installations;

(3) "Department" means the department of labor and industries;

(4) "Director" means director of department of labor and industries;

(5) "Journeyman electrician" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter for the installation of electrical equipment for light, heat, or power. [1973 1st ex.s. c 206 § 1.]

18.37.020 CERTIFICATE OF COMPETENCY—APPRENTICE PERMIT—REQUIRED—BUSINESS OR TRADE OF ELECTRICIAN DEFINED. (1) No person shall engage in the business or trade as a journeyman electrician without having a current certificate of competency issued by the department in accordance with the provisions of this chapter.

(2) No person shall engage in the business or trade as an electrical apprentice without having a current apprentice permit issued by the department in accordance with the provisions of this chapter.

(3) The business or trade of electrician, as herein used, shall encompass all acts involving installation or maintenance of the distribution of electricity, except as is hereinafter specifically excluded. [1973 1st ex.s. c 206 § 2.]

18.37.030 APPLICATION FOR CERTIFICATE OF COMPETENCY—EVIDENCE OF EXPERIENCE AND COMPETENCY—FORMS. Any person desiring to be issued a certificate of competency as provided in this chapter shall deliver evidence in a form prescribed by the department affirming that said person has had sufficient experience in as well as demonstrated general competency in the electrical trade so as to qualify him to

make an application for a certificate of competency as a journeyman electrician: PROVIDED, That successful completion of a course of study in the electrical trade as defined by this chapter in the armed services of the United States or at a school accredited by the coordinating council on occupational education shall constitute sufficient evidence of experience and competency to enable such person to make application for a certificate of competency: PROVIDED, FURTHER, That completion of such a course of study shall be substitutable for the practical experience required by RCW 18.37.040 only according to the duration of the course.

In addition to supplying the evidence as prescribed in this section, each applicant for a certificate of competency shall submit an application for such certificate on such form and in such manner as shall be prescribed by the director of the department. [1973 1st ex.s. c 206 § 3.]

18.37.040 EXAMINATIONS—ELIGIBILITY—RULES AND REGULATIONS. Upon receipt of the application and evidence set forth in RCW 18.37.030, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination the applicant must have worked as an apprentice electrician, as defined in RCW 18.37.010, for four years, or have satisfactorily attended for up to a maximum of two years and successfully completed an accredited vocational or technical school program related to the electrical trade or shall furnish written evidence that he has had at least four years practical experience in the wiring for the installation of electrical equipment of light, heat, and power. No other requirement for eligibility may be imposed. The director shall establish reasonable rules and regulations for the examinations to be given applicants for certificates of competency. In establishing said rules, regulations, and criteria, the director shall consult with the state advisory board of electricians as established in RCW 18.37.100. Upon determination that the applicant is eligible to take the examination, the director shall so notify him, indicating the time and place for taking the same. [1973 1st ex.s. c 206 § 4.]

18.37.050 EXAMINATIONS—CONTENTS—TIMES—FEES—CERTIFICATION OF RESULTS. The department, in coordination with the advisory board, shall prepare a written examination to be administered to applicants for certificates of competency. The examination shall be so constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that

is identified with the status of journeyman electrician; and

(2) Whether the applicant is sufficiently familiar with the applicable electrical codes and the administrative rules and regulations of the department pertaining to electrical installations and electricians.

The department shall administer at least twice annually the examination to persons eligible to take the same under the provisions of RCW 18.37.040. All applicants shall, before taking such examination, pay to the department a fifteen dollar fee: PROVIDED, That any applicant taking said examination shall pay only such additional fee as is necessary to cover the costs of administering such additional examination.

The department shall certify the results of said examination, upon such terms and after such period of time as the director, in cooperation with the advisory board, shall deem necessary and proper. [1973 1st ex.s. c 206 § 5.]

18.37.060 CERTIFICATE OF COMPETENCY—ISSUANCE—RENEWAL—FEE—EFFECT. The department shall issue a certificate of competency to all applicants who have passed the examination provided in RCW 18.37.050, and who have otherwise complied with the provisions of this chapter and the rules and regulations promulgated thereto. The certificate shall bear the date of issuance, and shall expire on the first of July immediately following the date of issuance. The certificate shall be renewable annually, upon application, on or before the first of July. An annual renewal fee of fifteen dollars shall be assessed for each certificate: PROVIDED, HOWEVER, That any person, firm or corporation, licensed and bonded pursuant to the provisions of RCW 19.28.120 shall not be assessed and shall not be required to pay the annual renewal fee for certification of competency.

The certificates of competency or permits provided for in this chapter shall grant the holder the right to engage in the work of electrical installation as a journeyman electrician in accordance with its provisions throughout the state and within any of its political subdivisions without additional proof of competency or any other license or permit or fee to engage in such work. [1973 1st ex.s. c 206 § 6.]

18.37.070 PERSONS ENGAGED IN BUSINESS OR TRADE AS ELECTRICIAN ON EFFECTIVE DATE. No examination shall be required of any applicant for a certificate of competency who, on July 16, 1973, was engaged in a bona fide business or trade as a journeyman electrician in the state of Washington. Applicants qualifying under this section shall be issued a certificate

by the department upon making an application as provided in RCW 18.37.030 and paying the fee required under RCW 18.37.050: PROVIDED, That no applicant under this section shall be required to furnish such evidence as required by RCW 18.37.030. [1973 1st ex.s. c 206 § 7.]

18.37.080 TEMPORARY PERMITS. The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever an electrician coming into the state of Washington from another state requests the department for a temporary permit to engage in the business and trade of electrical installation as a journeyman during the period of time between filing of an application for a certificate as provided in RCW 18.37.030 and taking the examination provided for in RCW 18.37.050: PROVIDED, That the department is authorized to enter into reciprocal agreements with other states providing for the acceptance of such states' journeyman certificate of competency or its equivalent when such states requirements are equal to the standards set by this act: AND PROVIDED FURTHER, That no temporary permit shall be issued to:

(1) Any person who has failed to pass the examination for a certificate of competency;

(2) Any applicant under this section who has not furnished the department with such evidence required under RCW 18.37.030;

(3) To any apprentice electrician. [1973 1st ex.s. c 206 § 8.]

18.37.090 REVOCATION OF CERTIFICATE OF COMPETENCY—GROUNDS—PROCEDURE. (1) The department may revoke any certificate of competency upon the following grounds:

(a) The certificate was obtained through error or fraud;

(b) The holder thereof is judged to be incompetent to carry on the business and trade of electrical installations as a journeyman electrician;

(c) The holder thereof has violated any of the provisions of this chapter or any rule or regulation promulgated thereto.

(2) Before any certificate of competency shall be revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to said holder's last known address. Said notice shall enumerate the allegations against such holder, and shall give him the opportunity to request a hearing before the advisory board. At such hearing, the department and the holder shall have opportunity to produce witnesses and give testimony. The hearing shall be conducted in accordance with the provisions of chapter 34.04 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon

reaching its decision. A majority of the board shall be necessary to render a decision. [1973 1st ex.s. c 206 § 9.]

18.37.100 ADVISORY BOARD OF ELECTRICIANS. (1) There is created a state advisory board of electricians, to be composed of three members appointed by the governor. One member shall be a journeyman electrician, one member shall be a person conducting an electrical installation business, and one member from the general public who is familiar with the business and trade of electrical installations.

(2) The initial terms of the members of the advisory board shall be one, two, and three years respectively as set forth in subsection (1) of this section. Upon the expiration of said terms, the governor shall appoint a new member to serve for a period of three years. In the case of any vacancy on the board for any reason, the governor shall appoint a new member to serve out the term of the person whose position has become vacant. This shall not be construed to mean the governor cannot reappoint a member.

(3) The advisory board shall carry out all the functions and duties enumerated in this chapter, as well as generally advise the department on all matters relative to this chapter.

(4) Each member of the advisory board shall receive compensation and expenses in accordance with the provisions of RCW 43.03.050 and 43.03.060 for each day in which such member is actually engaged in attendance upon the meetings of the advisory board. [1973 1st ex.s. c 206 § 10.]

18.37.110 APPRENTICES—REGISTRATION—PERMIT TO WORK. (1) Every apprentice shall register with the department.

(2) The department shall issue to such apprentice, upon such form and under such terms as the director and the advisory board shall by agreement deem proper, an apprentice permit to work in the business and trade of electrical installations as an apprentice: PROVIDED, That such work shall be done under the supervision of a journeyman electrician. [1973 1st ex.s. c 206 § 11.]

18.37.120 DISPOSITION OF FEES. All moneys received from certificates, permits, or other sources, shall be paid to the state general fund. [1973 1st ex.s. c 206 § 12.]

18.37.130 POWERS AND DUTIES OF DIRECTOR. The director may promulgate rules, make specific decisions, orders, and rulings, including therein demands and findings, and take other necessary action for the implementation and enforcement of his duties under this chapter: PROVIDED, That

in the administration of this chapter the director shall not enter any controversy arising over work assignments with respect to the trades involved in the construction industry. [1973 1st ex.s. c 206 § 13.]

18.37.140 EXEMPTIONS FROM CHAPTER REQUIREMENTS. Nothing in this chapter shall be construed to require that a person obtain a license or a certified electrician in order to do electrical work at his residence or farm or place of business or on other property owned by him: PROVIDED, HOWEVER, That nothing in this chapter shall be intended to derogate from or dispense with the requirements of any valid electrical code enacted by a political subdivision of the state, except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the trade of electrical installation: AND PROVIDED FURTHER, That this chapter shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees: AND PROVIDED FURTHER, That nothing in this chapter shall be deemed to apply to the installation or maintenance of communications or electronic circuits, wires and apparatus, radio or television stations; nor to any electrical public utility or its employees, in the installations and maintenance of electrical wiring, circuits, apparatus, and equipment by or for such public utility, or comprising a part of its plants, lines or systems. The licensing provisions of this chapter shall not apply to persons making electrical installations on their own property or to regularly employed employees working on the premises of their employer: AND PROVIDED FURTHER, That nothing in this chapter shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing such electrical installation hold themselves out as engaged in the trade or business of electrical installations. [1973 1st ex.s. c 206 § 14.]

18.37.150 PENALTY. Violation of this chapter or of the department rules and regulations provided for in this chapter by a person, firm, or corporation, shall be punishable by a fine of not more than fifty dollars. Each day of such violation constitutes a separate offense. [1973 1st ex.s. c 206 § 15.]

Chapter 18.43  
ENGINEERS AND LAND SURVEYORS

Cross References:

Noncompliance with surveys and monuments recording law--Grounds for revocation: RCW 58.09.140.

Surveys and monuments recording law: Chapter 58.09 RCW.

Chapter 18.44  
ESCROW AGENT REGISTRATION ACT

18.44.230 APPLICANT FOR EXAMINATION--REQUIREMENTS. No examination will be given unless the applicant has one year within the three years immediately preceding application of full time experience in the handling of escrow transactions or in comparable or allied fields, as may be determined from time to time by the escrow commission; and the applicant must be eighteen years of age or older.

Completion of post high school educational courses of the nature and extent prescribed by the escrow commission may be substituted for the experience requirement. [1973 1st ex.s. c 163 § 1; 1971 ex.s. c 245 § 10.]

Chapter 18.51  
NURSING HOMES

18.51.010 DEFINITIONS. (1) "Nursing home" means any home, place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include but not be limited to any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. It may also include care of mentally incompetent persons. Nothing in this definition shall be construed to include general hospitals or other places which provide care and treatment for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both. Nothing in this definition shall be construed to include any boarding home, guest home, hotel or related institution which is held forth to the public as providing, and which is operated to give only board, room and laundry to persons not in need of medical or nursing treatment or supervision except in the case of temporary acute illness. The mere designation by the operator of any place or institution as a

hospital, sanitarium, or any other similar name, which does not provide care for the acutely ill and maintain and operate facilities for major surgery or obstetrics, or both, shall not exclude such place or institution from the provisions of this chapter: PROVIDED, That any nursing home providing psychiatric treatment shall, with respect to patients receiving such treatment, comply with the provisions of RCW 71.12.560, 71.12.570, and 71.12.580.

(2) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(3) "Secretary" means the secretary of the department of social and health services.

(4) "Board" means the state board of health.

(5) "Department" means the state department of social and health services.

(6) "Approved health department" means any city, county, city-county or district health department which holds a certificate of approval under this chapter. [1973 1st ex.s. c 108 § 1; 1953 c 160 § 1; 1951 c 117 § 2.]

18.51.180 OUT-PATIENT SERVICES--AUTHORIZED--DEFINED. A nursing home may, pursuant to rules and regulations adopted by the department of social and health services, offer out-patient services to persons who are not otherwise patients at such nursing home. Any certified nursing home offering out-patient services may receive payments from the federal medicare program for such services as are permissible under that program.

Out-patient services may include any health or social care needs, except surgery, that could feasibly be offered on an out-patient basis. [1973 1st ex.s. c 71 § 1.]

18.51.185 OUT-PATIENT SERVICES--COST STUDIES--VENDOR RATES. The department of social and health services shall assist the nursing home industry in researching the costs of out-patient services allowed under RCW 18.51.180. Such cost studies shall be utilized by the department in the determination of reasonable vendor rates for nursing homes offering such services to insure an adequate return to the nursing homes and a cost savings to the state as compared to the cost of institutionalization. [1973 1st ex.s. c 71 § 2.]

Chapter 18.53  
OPTOMETRY

18.53.165 DISCRIMINATION PROHIBITED--LEGISLATIVE FINDING AND DECLARATION. The legislature finds and declares that the costs of health care to the people are

rising disproportionately to other costs and that there is a paramount concern that the right of the people to obtain access to health care in all its facets is being impaired thereby. For this reason, the reliance on the mechanism of insurance, whether profit or nonprofit, is the only effective manner in which the large majority of the people can attain access to quality health care, and it is therefore declared to be in the public interest that health care insurance be regulated to assure that all the people have access to health care rendered by whatever means, and to the greatest extent possible. RCW 18.53.165 through 18.53.190 and 18.53.901, prohibiting discrimination against the legally recognized and licensed profession of optometrists, is necessary in the interest of the public health, welfare and safety. [1973 c 48 § 1.]

18.53.170 DISCRIMINATION PROHIBITED--ACCEPTANCE OF SERVICES BY STATE AGENCIES AND SUBDIVISIONS. Notwithstanding any other provision of law, the state and its political subdivisions shall accept the services of licensed optometrists for any service covered by their licenses with relation to any person receiving benefits, salaries, wages, or any other type of compensation from the state, its agencies or subdivisions. [1973 c 48 § 2.]

18.53.175 DISCRIMINATION PROHIBITED--STATE AGENCIES AND SUBDIVISIONS--OFFICIALS AND EMPLOYEES. The state and its political subdivisions, and all officials, agents, employees, or representatives thereof, are prohibited from in any way discriminating against licensed optometrists in performing and receiving compensation for services covered by their licenses. [1973 c 48 § 3.]

18.53.180 DISCRIMINATION PROHIBITED--AGREEMENTS OR CONTRACTS BY STATE AND SUBDIVISIONS. Notwithstanding any other provision of law, the state and its political subdivisions, and all officials, agents, employees, or representatives thereof, are prohibited from entering into any agreement or contract with any individual, group, association, or corporation which in any way, directly or indirectly, discriminates against licensed optometrists in performing and receiving compensation for services covered by their licenses. [1973 c 48 § 4.]

18.53.185 DISCRIMINATION PROHIBITED--COSTS IMMATERIAL. Notwithstanding any other provision of law, for the purpose of RCW 18.53.165 through 18.53.180 and 18.53.190 it is immaterial whether the cost of any policy, plan, agreement, or contract be deemed additional compensation for services, or otherwise. [1973 c 48 § 5.]

18.53.190 DISCRIMINATION PROHIBITED--APPLICATION OF LAW. RCW 18.53.165 through 18.53.185 shall apply to all agreements, renewals, or contracts issued on or after June 7, 1973. [1973 c 48 § 6.]

18.53.901 SEVERABILITY--1973 C 48. If any provision of this 1973 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. [1973 c 48 § 7.]

Reviser's note: This applies to RCW 18.53.165 through 18.53.190.

Chapter 18.57A  
OSTEOPATHIC PHYSICIANS' ASSISTANTS

18.57A.060 LIMITATIONS ON HEALTH CARE SERVICES. No health care services may be performed under this chapter in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(4) Nothing in this section shall preclude the performance of routine visual screening.

(5) The practice of dentistry or dental hygiene as defined in chapter 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a physician's assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of podiatry as defined in chapter 18.22 RCW. [1973 c 77 § 20; 1971 ex.s. c 30 § 12.]

Chapter 18.64  
PHARMACISTS

18.64.001 STATE BOARD OF PHARMACY--CREATION--MEMBERSHIP--OATH--REMOVAL--VACANCIES. There shall be a state board of pharmacy consisting of five members, to be appointed by the governor by and with the advice and consent of the senate. Four of the members shall be designated as pharmacist members and one of the members shall be designated a public member.

Each pharmacist member shall be a citizen of the United States and a resident of this state, and at the time of his appointment shall have been a duly registered pharmacist under the laws of this state for a period of at least five consecutive years immediately preceding his appointment and shall at all times during his incumbency continue to be a duly licensed pharmacist: PROVIDED, That subject to the availability of qualified candidates the governor shall appoint pharmacist members representative of the areas of practice and geographically representative of the state of Washington.

The public member shall be a citizen of the United States and a resident of this state. The public member shall be appointed from the public at large, but shall not be affiliated with any aspect of pharmacy.

Members of the board shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

No person who has been appointed to and served for two four year terms shall be eligible for appointment to the board.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his appointment and until his successor is appointed and qualified.

Each member shall be subject to removal at the pleasure of the governor, but no such removal shall be made by the governor unless he furnishes the member with a letter setting forth his reasons for the removal, and files a copy thereof with the secretary of state where it shall remain subject to public inspection.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term. [1973 1st ex.s. c 18 § 1; 1963 c 38 § 16; 1935 c 98 § 1; RRS § 10132-2. Formerly RCW 43.69.010.]

18.64.005 STATE BOARD OF PHARMACY--POWERS AND DUTIES. The board shall:

(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: PROVIDED, That this power and duty shall be limited to the four pharmacist members of the board;

(3) Examine, inspect and investigate all applicants for registration as pharmacists or pharmacy interns and to grant certificates of registration to all applicants whom it shall judge to be properly qualified: PROVIDED, That this power and duty shall be limited to the four pharmacist members of the board;



(4) 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;

(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. [1973 1st ex.s. c 18 § 2; 1963 c 38 § 18; 1935 c 98 § 3; RRS § 10132-2. Formerly RCW 43.69.030.]

Chapter 18.71  
PHYSICIANS AND SURGEONS

18.71.030 EXEMPTIONS. Nothing in this chapter shall be construed to prohibit service in the case of emergency, or the domestic administration of family remedies, or the practice of midwifery; nor shall this chapter apply to any commissioned medical officer in the United States army, navy, or marine hospital service, in the discharge of his official duties; nor to any person serving a period of training, not exceeding three years, in any hospital licensed under chapter 70.41; nor to any person serving a period of training at the University of Washington school of medicine; nor to any licensed dentist when engaged exclusively in the practice of dentistry; nor shall this chapter prevent a physician licensed to practice medicine and surgery in Canada or any province or territory thereof from practicing medicine in any part of this state which shares a common border with Canada and which is surrounded on three sides by water; nor shall this chapter apply to any practitioner from any other state or territory in which he resides: PROVIDED, That such practitioner shall not

open an office or appoint a place of meeting patients or receive calls within the limits of this state. This chapter shall not be construed to apply in any manner to the practice of osteopathy or to any drugless method of treating the sick or afflicted, or to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor to any person now holding a license for any system of drugless practice issued pursuant to chapter 18.36; nor to any person licensed under any law to practice any of the other healing arts if such practice is by the methods and means permitted by his license. [1973 1st ex.s. c 110 § 1; 1961 c 284 § 4; 1919 c 134 § 12; 1909 c 192 § 19; RRS § 10024.]

18.71.095 CONDITIONAL CERTIFICATE OR LICENSE FOR OUT-OF-STATE LICENSEES WHILE ENGAGED BY DEPARTMENT OF SOCIAL AND HEALTH SERVICES. Notwithstanding any provisions of law to the contrary, the director of the department of motor vehicles shall, upon the written request of the secretary of the department of social and health services, issue a conditional certificate or license to practice medicine and surgery in this state to such person or persons as requested by the secretary of the department of social and health services; who have been accepted for employment by the department as physicians or psychiatrists; who are licensed to practice medicine and surgery in another state of the United States or in the country of Canada or any province or territory thereof; and who are graduates of a medical school accredited and approved in accordance with the provisions of RCW 18.71-.055, as now or hereafter amended; any such license or conditional certificate to practice medicine and surgery in this state shall be issued by the director of the department of motor vehicles, and in addition to the above requirements shall be subject to the following limitations, which shall be set forth therein:

(1) The licensee shall only practice the profession of medicine and surgery in conjunction with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services.

(2) The licensee shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapter 18.72 and in addition, the conditional license or certificate to practice medicine and surgery in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72, and determination made by the medical disciplinary board that such licensee has violated the limitations set forth in subsection (1) hereof.



(3) Such license shall remain in full force and effect only so long as the licensee remains an employee of the department of social and health services, and his duties as such employee require him to practice the profession of medicine and surgery, unless such conditional license or certificate is revoked or suspended by the medical disciplinary board, in accordance with the provisions of chapter 18.72. [1973 1st ex.s. c 4 § 1; 1967 c 138 § 1; 1965 c 29 § 1; 1959 c 189 § 1.]

18.71.096 CONDITIONAL CERTIFICATE OR LICENSE FOR OUT-OF-STATE LICENSEES WHILE ENGAGED BY DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DURATION--RENEWAL. The director of motor vehicles shall cause a conditional license or certificate to practice medicine and surgery to be issued subject to the provisions of RCW 18.71.095, which shall remain in effect for a period of two years and which may be renewed at the expiration of such conditional license. All conditional licenses issued prior to July 1, 1967, pursuant to the authority of RCW 18.71.095, shall remain in full force and effect subject to the jurisdiction of the medical disciplinary board. [1973 1st ex.s. c 4 § 2; 1967 c 138 § 2; 1965 c 29 § 2; 1963 c 65 § 1; 1959 c 189 § 2.]

18.71.200 "PHYSICIAN'S TRAINED MOBILE INTENSIVE CARE PARAMEDIC"--DEFINED. As used in RCW 18.71.020, "physician's trained mobile intensive care paramedic" means a person who:

(1) has successfully completed an advanced first aid course equivalent to the advanced industrial first aid course prescribed by the division of industrial safety and health, department of labor and industries; and

(2) is trained by a licensed physician:

(a) to carry out all phases of cardio-pulmonary resuscitation;

(b) to administer drugs under written or oral authorization of a licensed physician; and

(c) to administer intravenous solutions under written or oral authorization of a licensed physician; and

(3) has been examined and certified as a physician's trained mobile intensive care paramedic by a county health officer or by the University of Washington's school of medicine or by their designated representatives. [1973 1st ex.s. c 52 § 1; 1971 ex.s. c 305 § 2.]

18.71.230 REVOCATION OF RIGHT OF CANADIAN PHYSICIAN TO PRACTICE--GROUNDS--PROCEDURE. A right to practice medicine and surgery by a Canadian physician in this state pursuant to RCW 18.71.030 shall be revocable by order of the director of the

department of motor vehicles upon a finding by the director of an act of unprofessional conduct as defined in RCW 18.72.030. Such physician shall have the same rights of notice, hearing and judicial review as provided licensed physicians generally pursuant to chapter 18.72 RCW. [1973 1st ex.s. c 110 § 2.]

#### Chapter 18.71A PHYSICIANS' ASSISTANTS

18.71A.060 LIMITATIONS ON HEALTH CARE SERVICES. No health care services may be performed under this chapter in any of the following areas:

(1) The measurement of the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof.

(2) The prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics.

(3) The prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye.

(4) Nothing in this section shall preclude the performance of routine visual screening.

(5) The practice of dentistry or dental hygiene as defined in chapters 18.32 and 18.29 RCW respectively. The exemptions set forth in RCW 18.32.030, paragraphs (1) and (8), shall not apply to a physician's assistant.

(6) The practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine.

(7) The practice of podiatry as defined in chapter 18.22 RCW. [1973 c 77 § 21; 1971 ex.s. c 30 § 6.]

#### Chapter 18.73 EMERGENCY MEDICAL CARE AND TRANSPORTATION SERVICES

18.73.010 LEGISLATIVE FINDING. The legislature finds that a state-wide program of emergency medical care is necessary to promote the health, safety, and welfare of the citizens of this state. The intent of the legislature is that the secretary of the department of social and health services develop and implement a program to promote immediate prehospital treatment for victims of motor vehicle accidents, suspected coronary illnesses, and other acute illness or trauma.

The legislature further recognizes that emergency medical care and transportation methods are constantly changing and conditions in the various regions of the state

vary markedly. The legislature, therefore, seeks to establish a flexible method of implementation and regulation to meet those conditions. [1973 1st ex.s. c 208 § 1.]

18.73.020 SUPERSESION OF LOCAL ORDINANCES, REGULATIONS, REQUIREMENTS AND FEES. The legislature further declares its intention to supersede all ordinances, regulations, and requirements promulgated by counties, cities and other political subdivisions of the state of Washington, insofar as they may provide for the regulation of emergency medical care, first aid, and ambulance services which do not exceed the provisions of this chapter; except that (1) license fees established in this chapter shall supersede all license fees of counties, cities and other political subdivisions of this state; and, (2) nothing in this chapter shall alter the provisions of RCW 18.71.020, 18.71.200, 18.71.210 and 18.71.220. [1973 1st ex.s. c 208 § 2.]

18.73.030 DEFINITIONS. Unless a different meaning is plainly required by the context, the following words and phrases as used in this chapter shall have the following meanings:

(1) "Secretary" means the secretary of the department of social and health services.

(2) "Department" means the department of social and health services.

(3) "Committee" means the emergency medical and ambulance review committee.

(4) "Ambulance" means an emergency vehicle designed and used to transport the ill and injured and to provide facilities and equipment to treat patients before and during transportation.

(5) "First aid vehicle" means a vehicle primarily designed and used to carry first aid equipment and individuals trained in first aid or emergency medical procedure.

(6) "Emergency medical technician" means a person who has successfully completed a prescribed course of instruction and who has achieved a demonstrable level of performance and competence to treat victims of severe injury or other emergent condition.

(7) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

(8) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

(9) "First aid vehicle operator" means a person who owns one or more first aid vehicles and operates them as a private business.

(10) "First aid director" means a person who is a director of a service which operates one or more first aid vehicles

provided by a volunteer organization or governmental agency.

(11) "Emergency medical care" or "emergency medical service" means such medical treatment and care which may be rendered to persons injured, sick, or incapacitated at the scene of such injury, sickness, or incapacitation or in the ambulance.

(12) "Medical equipment" means such facilities and equipment to be used in the treatment of persons injured, sick or incapacitated carried by ambulance or first aid vehicle.

(13) "Communications system" means a radio or landline network connected with a dispatch center which makes possible the alerting and coordination of personnel, equipment, and facilities. [1973 1st ex.s. c 208 § 3.]

18.73.040 EMERGENCY MEDICAL AND AMBULANCE REVIEW COMMITTEE--CREATED--MEMBERSHIP--TERMS--OFFICERS--MEETINGS--PER DIEM AND EXPENSES. There is created an emergency medical and ambulance review committee of nine members to be appointed by the governor with the advice and consent of the senate. Members of the committee shall be persons knowledgeable in specific and general aspects of emergency medical services. Members shall be appointed for a period of three years; except, that the first appointees shall serve for terms as follows: Five for three years, two for two years, and two for one year. Further, the terms of those members representing the same field shall not expire at the same time.

The committee shall elect a chairman and a vice chairman whose terms of office shall be for one year each. The chairman shall be ineligible for reelection after serving two consecutive terms.

The committee shall meet on call by the governor, the secretary or the chairman.

All appointive members of the committee, in the performance of their duties, may be entitled to receive per diem as provided in RCW 43.03.050 and travel expenses as provided in RCW 43.03.060. [1973 1st ex.s. c 208 § 4.]

18.73.050 EMERGENCY MEDICAL AND AMBULANCE REVIEW COMMITTEE--DUTIES--APPROVAL OF RULES AND REGULATIONS. The committee shall advise and assist the secretary on the identification of the requirements for prehospital emergency medical and ambulance services and practices and the formulation of implementation planning.

The secretary shall submit in writing to each member of the committee all the rules and regulations, other than procedural matters, proposed by him for adoption in accordance with the procedures of chapter 34.04 RCW. Unless, within thirty days of such notification, five of the members of the committee notify the secretary in writing of their disapproval of such proposed rules and regulations and their

reasons therefor, such rules and regulations shall be adopted by the secretary in accordance with the procedures of chapter 34.04 RCW. [1973 1st ex.s. c 208 § 5.]

18.73.060 PLANNING AND SERVICE AREAS.

(1) The secretary shall designate at least eight planning and service areas so that all parts of the state are within such an area. These designations are to be made on the basis of convenience and efficiency of delivery of needed emergency medical services.

(2) The secretary shall conduct a public hearing in a major city of each planning and service area at least sixty days prior to the formulation of a comprehensive plan for prehospital emergency medical services. Such hearing shall (a) afford an opportunity for participation by those interested in the determination of the need for, and the location of ambulances and first aid vehicles and (b) provide a public forum that affords a full opportunity for presenting views on any relevant aspect of prehospital emergency medical services. [1973 1st ex.s. c 208 § 6.]

18.73.070 COMPREHENSIVE PLAN--COMMUNITY SUPPORT. The secretary shall prepare and adopt a comprehensive plan for prehospital emergency medical services in the state for persons injured as a result of motor vehicle accidents, suspected coronary victims, or persons suffering other acute illnesses or trauma. This plan shall include, but not be limited to the following: (1) The training of individuals in cardiopulmonary resuscitation, basic and advanced first aid, emergency medical technician, paramedic, and other programs for the development of prehospital emergency medical services personnel in the major city of each planning and service area; (2) the future development of rules and regulations for certification and licensure of prehospital emergency medical services personnel; and, (3) the study of prehospital emergency medical services needs, such as facilities, vehicles, equipment, communications and personnel in the state.

The secretary shall encourage communities to support the care and services required to meet the provisions of this plan or to develop such care and service. If any community is unable to provide the facilities, vehicles, equipment and personnel required, the secretary shall inform the committee thereof and the committee shall take such further action as it deems advisable consistent with the provisions of this chapter. [1973 1st ex.s. c 208 § 7.]

18.73.080 MINIMUM REQUIREMENTS TO BE PRESCRIBED. (1) It shall be the duty of the secretary, pursuant to the policy set forth in this chapter, to prescribe minimum requirements for:

- (a) Ambulances;
- (b) First aid vehicles; and
- (c) Communication equipment.

These requirements shall be reviewed regularly.

(2) The secretary shall also prescribe, pursuant to the policy set forth in this chapter, minimum requirements for training of all first aid and ambulance personnel rendering emergency medical care or first aid.

(3) The secretary shall also cooperate with and assist the other agencies of state government and political subdivisions of the state of Washington who provide first aid and emergency medical training to ensure that this training is available in each planning and service area of the state pursuant to the policy set forth in this chapter.

(4) The secretary shall also prescribe minimum requirements for liability insurance to be carried by ambulance operators except that this requirement shall not apply to self-insured public bodies. [1973 1st ex.s. c 208 § 8.]

18.73.090 EMERGENCY MEDICAL COMMUNICATIONS. The secretary shall establish standards for emergency medical communications for use in connection with the delivery of emergency medical services. He shall, in conjunction with other agencies of state government and political subdivisions of the state of Washington, encourage establishment of a state-wide communication system utilizing presently available facilities and such additional facilities as they become available; except, that each ambulance and first aid vehicle licensed under provisions of this chapter shall be equipped with transmitting and receiving equipment. [1973 1st ex.s. c 208 § 9.]

Effective date: The effective date of this section is January 1, 1976; see RCW 18.73.910.

18.73.100 VARIANCE FROM STANDARDS. Upon the establishment of this chapter, the secretary may grant variance from standards only when compliance can be expected to create prohibitive costs or cause substantial reduction or loss of existing service. Variance may be granted for a period of not more than one year. The variance may be renewed upon approval of the committee. [1973 1st ex.s. c 208 § 10.]

Effective date: The effective date of this section is January 1, 1976; see RCW 18.73.910.

18.73.110 EMERGENCY MEDICAL TECHNICIAN CERTIFICATES--ISSUANCE--QUALIFICATION--RECIPROCITY--FEE--DURATION. The secretary shall specify the level of knowledge required to qualify as an emergency medical technician and shall issue a certificate of qualification to those applicants who pass a written and practical examination given under the secretary's direction, or who provide proof of having graduated, with satisfactory performance, from a course of instruction, of not less than eighty hours, approved by the secretary. Reciprocity may be arranged, in granting emergency medical technician certificates, with a national certifying organization whose standards are at least equal to those established by the secretary.

A fee shall be established; except, that no fee shall be required of active volunteer personnel for such certificate.

The certificate shall be valid for a period of three years and may be renewed at expiration upon proof that the holder has attended a refresher course recognized by the department, or upon passing an examination such as given to new applicants. [1973 1st ex.s. c 208 § 11.]

18.73.120 CERTIFICATE OF ADVANCED FIRST AID QUALIFICATION--ISSUANCE--DURATION--FEE--EXEMPTION. The secretary shall issue a certificate of advanced first aid qualification to those applicants who provide proof of advanced Red Cross training or its equivalent. The certificate shall be valid for a period of three years, and may be renewed at expiration upon proof that the holder has received a recognized Red Cross refresher course or its equivalent, or upon passing an examination such as that given new applicants.

A fee shall be established for such certificate; except, that law enforcement officers, fire fighting personnel, or other governmental personnel required to have advanced first aid qualification as a qualification for employment shall be exempt from this fee. [1973 1st ex.s. c 208 § 12.]

18.73.130 AMBULANCE OPERATOR, AMBULANCE DIRECTOR, FIRST AID VEHICLE OPERATOR OR FIRST AID DIRECTOR LICENSES--REQUIRED--EXCEPTIONS--DURATION--FEES. An ambulance operator, ambulance director, first aid vehicle operator or first aid director may not operate a service in the state of Washington without holding a license for such operation, issued by the secretary when such operation is consistent with the comprehensive plan established pursuant to RCW 18.73.070, indicating the general area to be served and the number of vehicles to be used, with the following exceptions:

- (1) The United States government;
- (2) Ambulance operators and ambulance directors providing service in other

states when bringing patients into this state;

(3) Owners of businesses in which ambulance or first aid vehicles are used exclusively on company property but occasionally in emergencies may bring patients to hospitals not on company property;

(4) Operators of vehicles pressed into service for transportation of patients in emergencies when licensed ambulances are not available or cannot meet overwhelming demand.

The license shall be valid for a period of three years and shall be renewed on request provided the holder has consistently complied with the regulations of the department and the department of motor vehicles and provided also that the needs of the area served have been met satisfactorily. The license shall not be transferable.

A license fee shall be required for ambulance operators and first aid operators. [1973 1st ex.s. c 208 § 13.]

Effective date: The effective date of this section is January 1, 1976; see RCW 18.73.910.

18.73.140 AMBULANCE LICENSES--ISSUANCE--DURATION--REVOCATION--FEE--INSPECTIONS. The secretary shall approve the issuance of an ambulance license for each vehicle so designated. The license shall be for a period of one year and may be reissued on expiration if the vehicle and its operation meet requirements in force at the time of expiration of the license period. The license may be revoked if the ambulance is found to be operating in violation of the regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of anyone not currently licensed as an ambulance operator or ambulance director. The ambulance license number shall be prominently displayed on each vehicle.

A fee shall be established for vehicles operated by an ambulance operator.

Licensed ambulances shall be inspected periodically by the secretary at the location of the ambulance station. Inspection shall include adequacy and maintenance of medical equipment and supplies and the mechanical condition of the vehicle including its mechanical and electrical equipment. [1973 1st ex.s. c 208 § 14.]

Effective date: The effective date of this section is January 1, 1976; see RCW 18.73.910.

18.73.150 AMBULANCE PERSONNEL REQUIREMENTS. Any ambulance operated as such shall operate with sufficient personnel for adequate patient care, at least one of

whom shall be an emergency medical technician under standards promulgated by the secretary. The emergency medical technician shall have responsibility for its operation and for the care of patients both before they are placed aboard the vehicle and during transit. If there are two or more emergency medical technicians operating the ambulance, a nondriving medical technician shall be in command of the vehicle. The emergency medical technician in command of the vehicle shall be in the patient compartment and in attendance to the patient.

The driver of the ambulance shall have at least a certificate of advance first aid qualification issued by the secretary pursuant to RCW 18.73.120. [1973 1st ex.s. c 208 § 15.]

Effective date: The effective date of this section is January 1, 1976; see RCW 18.73.910.

18.73.160 FIRST AID VEHICLE LICENSES--ISSUANCE--REVOCATION--FEE--INSPECTIONS.

The secretary shall approve the issuance of a first aid vehicle license for each vehicle so designated. The license shall be for a period of one year and may be reissued on expiration if the vehicle meets requirements in force at the time of expiration of the license period. The license may be revoked if the vehicle is found to be operating in violation of regulations promulgated by the department or without required equipment. The license shall be terminated automatically if the vehicle is sold or transferred to the control of anyone not currently licensed as a first aid vehicle operator or first aid director. The first aid vehicle license number shall be prominently displayed on each vehicle.

A fee shall be established for vehicles operated by a first aid vehicle operator.

Licensed first aid vehicles shall be inspected periodically by the secretary at the location of the first aid vehicle station. Inspection shall include adequacy and maintenance of medical equipment and supplies and the mechanical condition of the vehicle, including mechanical and electrical equipment. [1973 1st ex.s. c 208 § 16.]

Effective date: The effective date of this section is January 1, 1976; see RCW 18.73.910.

18.73.170 FIRST AID VEHICLES--PERSONNEL--USE. The first aid vehicle shall be operated by at least one person certificated pursuant to RCW 18.73.120 and under standards promulgated by the secretary.

The first aid vehicle may be used for transportation of patients only when it is impossible or impractical to obtain an ambulance or when a wait for arrival of an

ambulance would place the life of the patient in jeopardy; except, that the vehicle shall be under the command of a person certificated pursuant to RCW 18.73.120 other than the driver and shall be in attendance to the patient. [1973 1st ex.s. c 208 § 17.]

Effective date: The effective date of this section is January 1, 1976; see RCW 18.73.910.

18.73.180 OTHER TRANSPORTATION VEHICLES. Other vehicles not herein defined by this chapter shall not be used commercially or by public services for transportation of patients who must be carried on a stretcher and who required attention en route, except that such transportation may be used when directed by a physician, or when a disaster creates casualties in numbers that cannot be served by ambulances, or when any casual transportation of the infirm from his home or a health facility for routine medical treatment or care or for recreational and social purposes is desired. [1973 1st ex.s. c 208 § 18.]

Effective date: The effective date of this section is January 1, 1976; see RCW 18.73.910.

18.73.190 VIOLATIONS--PENALTIES. Any person who shall violate any of the provisions of this chapter and for which a penalty is not provided shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars, or may be imprisoned in the county jail not exceeding six months. [1973 1st ex.s. c 208 § 19.]

Effective date: The effective date of this section is January 1, 1976; see RCW 18.73.910.

18.73.200 ADMINISTRATIVE PROCEDURE ACT APPLICABLE. The administrative procedure act, chapter 34.04 RCW, shall wherever applicable govern the rights, remedies, and procedures respecting the administration of this chapter. [1973 1st ex.s. c 208 § 21.]

18.73.900 SEVERABILITY--1973 1ST EX.S. C 208. If any provision of this 1973 act, or the application thereof to any person or circumstance is held invalid, this invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. [1973 1st ex.s. c 208 § 20.]

18.73.910 EFFECTIVE DATES--1973 1ST EX.S. C 208. The provisions of sections 1 through 8, inclusive, 11, 12, 20, 21, 22, and 23 of this 1973 act shall take effect on July 1, 1973. The provisions of sections 9, 10, and 13 through 19, inclusive, shall take effect on January 1, 1976. [1973 1st ex.s. c 208 § 22.]

Reviser's note: Sections 1 through 8 are codified as RCW 18.73.010 through 18.73.080, respectively; sections 11 and 12 as RCW 18.73.110 and 18.73.120 respectively; section 20 as RCW 18.73.900; section 21 as RCW 18.73.200; section 22 as RCW 18.73.910; sections 9 and 10 as RCW 18.73.090 and 18.73.100, respectively; sections 13 through 19 as RCW 18.73.130 through 18.73.190, respectively.

Chapter 18.85  
REAL ESTATE BROKERS AND SALESMEN

18.85.010 DEFINITIONS. In this chapter words and phrases have the following meanings unless otherwise apparent from the context:

(1) "Real estate broker," or "broker," means a natural or artificial person, acting independently, who for commissions or other compensation, engages in the purchase, sale, exchange, rental, or negotiation therefor, of real estate, or interests including leases and/or options therein, and for business opportunities or interest therein, belonging to others, or sale of any interest in any formal or informal association in which the purchaser acquires use of real property unless the offering is registered with the state of Washington, or holds himself out to the public as being so engaged;

(2) "Real estate salesman" or "salesman" means any natural person who represents a real estate broker in any of his activities;

(3) An "associate real estate broker" is a person who has qualified as a "real estate broker" who works with a broker and whose license states that he is associated with a broker;

(4) The word "person" as used in this chapter shall be construed to mean and include a corporation or copartnership, except where otherwise restricted;

(5) "Business opportunity" shall mean and include business, business opportunity and good will of an existing business or any one or combination thereof;

(6) "Commission" means the real estate commission of the state of Washington;

(7) "Director" means the director of motor vehicles;

(8) "Real estate multiple listing association" means any association of real estate brokers;

(a) Whose members circulate listings of the members among themselves so that the properties described in the listings may

be sold by any member for an agreed portion of the commission to be paid; and

(b) Which require in a real estate listing agreement between the seller and the broker, that the members of the real estate multiple listing association shall have the same rights as if each had executed a separate agreement with the seller.

(9) "Clock hours of instruction" means actual hours spent in classroom instruction in any tax supported, public vocational-technical institution, community college, or any other institution of higher learning or a correspondence course from any of the aforementioned institutions certified by such institution as the equivalent of the required number of clock hours, and the real estate commission may certify courses of instruction other than in the aforementioned institutions. [1973 1st ex.s. c 57 § 1; 1972 ex.s. c 139 § 1; 1969 c 78 § 1; 1953 c 235 § 1; 1951 c 222 § 1; 1943 c 118 § 1; 1941 c 252 § 2; Rem. Supp. 1943 § 8340-25. Prior: 1925 ex.s. c 129 § 4.]

18.85.120 APPLICATIONS--CONDITIONS--FEES. Any person desiring to be a real estate broker, associate real estate broker, or real estate salesman with the exception of applicants meeting the requirements of RCW 18.85.161, must successfully pass an examination as provided in this chapter, and shall make application to the director for a license, and upon a form to be prescribed and furnished by the director, giving his full name and business address. With this application the applicant shall:

(1) Pay an examination fee of fifteen dollars if a salesman's license is applied for and of twenty-five dollars if a broker's license is applied for, such fees to accompany the application.

(2) If the applicant is a corporation, furnish a list of its officers and directors and their addresses, and if the applicant is a copartnership, a list of the members thereof and their addresses.

(3) If the applicant is a nonresident of this state, give an irrevocable consent that suits and actions may be commenced against him in any county of this state in which the plaintiff resides, and that service of any process or pleadings may be made by delivery thereof to the director. Such service shall be held in all courts as valid and binding upon the applicant. The irrevocable consent shall be in a form prescribed by the director, acknowledged before a notary public and, if the applicant is a corporation, shall be accompanied by a certified copy of the resolution of the board of directors authorizing the execution of the same. Any process or pleading so served upon the director shall be in duplicate copies, one of which shall be filed in the office of the director, and the other immediately forwarded by registered mail to the office address of

the applicant given in his application, and service shall be deemed to have been made upon the applicant on the third day following the deposit in the mail of such copy.

(4) Furnish such other proof as the director may require concerning the honesty, truthfulness, and good reputation, as well as the identity, including but not limited to fingerprints, of any applicants for a license, or of the officers of a corporation making the application. [1973 1st ex.s. c 42 § 1; 1953 c 235 § 6; 1951 c 222 § 10. Formerly: (i) 1947 c 203 § 1, part; 1945 c 111 § 3, part; 1943 c 118 § 2, part; 1941 c 252 § 11, part; Rem. Supp. 1947 § 8340-34, part; prior: 1925 ex.s. c 129 §§ 10, 11. (ii) 1947 c 203 § 3; 1945 c 111 § 6; 1941 c 252 § 16; Rem. Supp. 1947 § 8340-39.]

18.85.410 SALE OF USED MOBILE HOMES BY LICENSEES. (1) Any person licensed under the provisions of this chapter may sell a used mobile home as defined in RCW 84.36-.370 without obtaining a license required by chapter 46.70 RCW: PROVIDED, That the mobile home is no longer subject to chapter 46.12 RCW and the title has been turned in to the department of motor vehicles with a written statement from the county assessor of the county in which the mobile home is located, that said mobile home is no longer personal property and has been assessed as real property for a period of at least one year: AND PROVIDED FURTHER, That the mobile home is sold in one transaction with the land on which it rests.

(2) In order to carry out the provisions of this section, the director of the department of motor vehicles shall prescribe by rule or regulation methods and procedures to assure compliance with the requirements of Title 46 RCW pertaining to mobile homes, collection of taxes, and transaction documentation. [1973 1st ex.s. c 60 § 1.]

Chapter 18.88  
REGISTERED NURSES  
(FORMERLY: REGISTERED PROFESSIONAL  
NURSES)

18.88.010 STATEMENT OF POLICY. In order to safeguard life, health and to promote public welfare, any person practicing or offering to practice nursing as a registered nurse in this state shall hereafter be required to submit evidence that he or she is qualified so to practice, and shall be licensed as hereinafter provided. The registered nurse is directly accountable and responsible to the individual consumer for the quality of nursing care rendered. [1973 c 133 § 1; 1949 c 202 § 1; Rem. Supp. 1949 § 10173-1.]

Severability—1973 c 133. "If any provision of \*this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.. [1973 c 133 § 31.]

\*Reviser's note: "this 1973 amendatory act" [1973 c 133] consists of RCW 18.88-.300 and the 1973 c 133 amendments to RCW 18.88.010, 18.88.020, 18.88.030, 18.88-.050, 18.88.060, 18.88.070, 18.88.080, 18.88.090, 18.88.100, 18.88.110, 18.88-.120, 18.88.130, 18.88.140, 18.88.150, 18.88.160, 18.88.170, 18.88.180, 18.88-.190, 18.88.200, 18.88.220, 18.88.230, 18.88.240, 18.88.250, 18.88.260, 18.88-.265, 18.88.270, 18.88.280, 18.88.285, and 18.88.300, and to the repeal of RCW 18.88.040.

18.88.020 LICENSING REQUIRED. After the first day of July, 1949, it shall be unlawful for any person to practice or to offer to practice as a registered nurse in this state or to use any title, sign or device to indicate that such a person is practicing as a registered nurse unless such person has been duly licensed and registered under the provisions of this chapter. [1973 c 133 § 2; 1949 c 202 § 2; Rem. Supp. 1949 § 10173-2. Prior: 1909 c 41 § 1.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.030 DEFINITIONS—CONSTRUCTION—EXCEPTIONS. Whenever used in this chapter, terms defined in this section shall have the meanings herein specified unless the context clearly indicates otherwise.

The practice of nursing means the performance of acts requiring substantial specialized knowledge, judgment and skill based upon the principles of the biological, physiological, behavioral and sociological sciences in either:

(1) The observation, assessment, diagnosis, care or counsel, and health teaching of the ill, injured or infirm, or in the maintenance of health or prevention of illness of others.

(2) The performance of such additional acts requiring education and training and which are recognized jointly by the medical and nursing professions as proper to be performed by nurses licensed under this chapter and which shall be authorized by the board of nursing through its rules and regulations.

(3) The administration, supervision, delegation and evaluation of nursing practice: PROVIDED, HOWEVER, That nothing herein shall affect the authority of any hospital, hospital district, medical clinic or office, concerning its administration and supervision.

(4) The teaching of nursing.



(5) The executing of medical regimen as prescribed by a licensed physician, osteopathic physician, dentist, or chiroprapist.

Nothing in this chapter shall be construed as prohibiting any person from practicing any profession for which a license shall have been issued under the laws of this state or specifically authorized by any other law of the state of Washington.

This chapter shall not be construed as prohibiting the nursing care of the sick, without compensation, by any unlicensed person who does not hold herself or himself out to be a registered nurse, and further, this chapter shall not be construed as prohibiting the practice of practical nursing by any practical nurse, with or without compensation in either homes or hospitals.

The word "board" means the Washington state board of nursing.

The term "department" means the department of licenses.

The word "diagnosis", in the context of nursing practice, means the identification of, and discrimination between, the person's physical and psycho-social signs and symptoms which are essential to effective execution and management of the nursing care regimen.

The term "diploma" means written official verification of completion of an approved nursing education program.

The term "director" means the director of licenses.

The terms "nurse" or "nursing" wherever they occur in this chapter, unless otherwise specified, for the purposes of this chapter shall mean a registered nurse or registered nursing. [1973 c 133 § 3; 1961 c 288 § 1; 1949 c 202 § 4; Rem. Supp. 1949 § 10173-3. Prior: 1909 c 41 § 10.]

Severability--1973 c 133: See note following RCW 18.88.010.

18.88.040 NURSE PLANNING COUNCIL CREATED--DUTIES. [1949 c 202 § 3; Rem. Supp. 1949 § 10173-2a.] Repealed by 1973 c 133 § 30.

18.88.050 STATE BOARD OF NURSING--MEMBERS--TERMS. The state board of nursing, after July 1, 1973, shall consist of seven members, to be appointed by the governor, two of whom shall be appointed for a term of two years, two for a term of four years, and three for a term of five years. Thereafter all appointments shall be for terms of five years. The terms of board members in office at the time of the \*effective date of this 1973 amendatory act shall end June 30, 1973. No person shall serve as a member of the board for more than two consecutive terms.

The governor may remove any member from the board for neglect of any duty required by law, or for incompetency or unprofessional or dishonorable conduct. Vacancies

in the membership of the board shall be filled for the unexpired term by appointment by the governor as herein provided. [1973 c 133 § 4; 1949 c 202 § 5; Rem. Supp. 1949 § 10173-4. Prior: 1909 c 41 § 2.]

\*Reviser's note: the "effective date of this 1973 amendatory act", (1973 c 133) is June 7, 1973.

Severability--1973 c 133: See note following RCW 18.88.010.

18.88.060 QUALIFICATIONS OF BOARD MEMBERS. There shall be six nurse members and one public member on the board.

Each member of the board shall be a citizen of the United States and a resident of this state.

(1) Nurse members of the board shall be:

(a) Licensed as registered nurses under the provisions of this chapter.

(b) Have had at least five years experience in the active practice of nursing and shall have been engaged in practice within two years of appointment.

(2) The public member shall not be or have been a member of any other licensing board, nor a licensee of any health occupation board, an employee of any health facility, nor derive his primary livelihood from the provision of health services at any level of responsibility. [1973 c 133 § 5; 1961 c 288 § 3; 1949 c 202 § 6; Rem. Supp. 1949 § 10173-5. Prior: 1923 c 150 § 3; 1909 c 41 § 2.]

Severability--1973 c 133: See note following RCW 18.88.010.

18.88.070 MEETINGS OF BOARD. The board shall meet annually and at its annual meeting shall elect from among its members a chairman and a secretary. The board shall meet at least quarterly at times and places it designates. It shall hold such other meetings during the year as may be deemed necessary to transact its business. A majority of the board, including one officer, shall constitute a quorum at any meeting. All meetings of the board shall be open and public except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW. [1973 c 133 § 6; 1949 c 202 § 7; Rem. Supp. 1949 § 10173-6. Prior: 1909 c 41 § 3.]

Severability--1973 c 133: See note following RCW 18.88.010.

18.88.080 POWERS OF BOARD--COMPENSATION OF MEMBERS. The board may adopt such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this chapter. The board shall

approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensure under this chapter. It shall keep a record of all its proceedings and make an annual report to the governor. The board shall define by regulation what constitutes specialized and advanced levels of nursing practice as recognized by the medical and nursing professions. The board may adopt regulations in response to questions put to it by professional health associations, nursing practitioners and consumers in this state concerning the authority of various categories of nursing practitioners to perform particular acts.

The board shall approve such schools of nursing as meet the requirements of this chapter and the board, and the board shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The board shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years nonpracticing status. The board shall establish criteria for licensure by endorsement. The board shall examine all applications for registration under this chapter, and shall certify to the director for licensing duly qualified applicants.

The department shall furnish to the board such secretarial, clerical and other assistance as may be necessary to effectively administer the provisions of this chapter. Each member of the board shall, in addition to necessary traveling and incidental expenses while away from home, receive twenty-five dollars compensation for each and every day engaged in the discharge of his or her duties. [1973 c 133 § 7; 1961 c 288 § 4; 1949 c 202 § 8; Rem. Supp. 1949 § 10173-7. Prior: 1933 c 180 § 1; 1923 c 150 § 1; 1913 c 81 § 1; 1909 c 41 § 3.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.090 EXECUTIVE SECRETARY—ASSISTANTS—EMPLOYEES—COMPENSATION, EXPENSES. The director shall appoint, after consultation with the board, an executive secretary who shall act to carry out the provisions of this chapter. The director shall also employ such assistants licensed under the provisions of this chapter as shall be necessary to carry out the provisions of this chapter. The director shall fix the compensation and provide for necessary travel expenses for such appointee and all such employees. [1973 c 133 § 8; 1961 c 288 § 5; 1949 c 202 § 9; Rem. Supp. 1949 § 10173-8.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.100 QUALIFICATIONS OF EXECUTIVE SECRETARY. The executive secretary shall be a graduate of an approved nursing education program and of a college and/or university, with a masters degree, and currently licensed under the provisions of this chapter; shall have a minimum of at least eight years experience in nursing in any combination of administration and nursing education; and shall have been actively engaged in practice of nursing or nursing education within two years immediately prior to the time of appointment. [1973 c 133 § 9; 1961 c 288 § 6; 1949 c 202 § 10; Rem. Supp. 1949 § 10173-8a.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.110 APPROVAL OF NURSING SCHOOLS. An institution desiring to conduct a school of professional nursing shall apply to the board and submit evidence that:

(1) It is prepared to carry out the approved basic professional nursing curriculum, and

(2) It is prepared to meet other standards established by this law and by the board. Surveys of the schools and institutions and agencies to be used by the schools shall be made as determined by the board. If, in the opinion of the board, the requirements for an approved school of nursing are met, such school shall be approved. [1973 c 133 § 10; 1949 c 202 § 11; Rem. Supp. 1949 § 10173-9.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.120 PERIODIC SURVEY OF SCHOOLS. From time to time as deemed necessary by the board, it shall be its duty to survey all schools of nursing in the state. Written reports of such survey shall be reviewed by the board. If the board determines that any approved school of nursing is not maintaining the standards required by the statutes and by the board, notice thereof in writing, specifying the defect or defects shall be given to the school. A school which fails to correct these conditions to the satisfaction of the board within a reasonable time shall, upon due notice to the school, be removed from the list of approved schools of nursing to be maintained by the department. [1973 c 133 § 11; 1949 c 202 § 12; Rem. Supp. 1949 § 10173-10.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.130 QUALIFICATIONS OF APPLICANTS FOR LICENSE. An applicant for a license to practice as a registered nurse shall submit to the board (1) an attested written application on department form; (2) written official evidence of diploma

from an approved school of nursing; and (3) any other official records specified by the board. The applicant at the time of such submission shall not be in violation of RCW 18.88.230 as now or hereafter amended or any other provision of this chapter.

The board, by regulation, shall establish criteria for evaluating the education of all applicants. [1973 c 133 § 12; 1961 c 288 § 7; 1949 c 202 § 13; Rem. Supp. 1949 § 10173-11. Prior: 1933 c 180 § 2; 1923 c 150 § 2; 1909 c 41 § 4.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.140 EXAMINATIONS—PERMITS TO PRACTICE. The applicant shall be required to pass a written examination in such subjects as the board shall determine. Each written examination may be supplemented by an oral or practical examination. The board shall establish the standards for passing.

Upon approval by the board, the department shall issue an interim permit authorizing the applicant to practice nursing pending notification of the results of the first licensing examination following verification of diploma from an approved school of nursing. Upon the applicant passing the examination, the department shall issue to the applicant a license to practice as a registered nurse. If the applicant fails the examination, the interim permit expires upon notification and is not renewable. Those applicants who fail the first examination shall be allowed to submit themselves for one subsequent examination without payment of any additional fee if such examination is to be held within one year of the first failure. The board shall establish, by rule and regulation, the requirements necessary to qualify for reexamination of applicants who have failed. [1973 c 133 § 13; 1961 c 288 § 8; 1949 c 202 § 14; Rem. Supp. 1949 § 10173-12. Prior: 1933 c 180 § 2; 1923 c 150 § 2; 1909 c 41 § 4.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.150 RECIPROCITY. Upon board approval of the application, the department shall issue a license to practice nursing as a registered nurse without examination to an applicant who has been duly licensed as a registered nurse by examination under the laws of another state, territory or possession of the United States.

An applicant graduated from a school of nursing outside the United States and licensed by a country outside the United States shall meet all qualifications required by this chapter and by the board and shall pass examinations as determined by the board. [1973 c 133 § 14; 1961 c

288 § 9; 1949 c 202 § 15; Rem. Supp. 1949 § 10173-13. Prior: 1909 c 41 § 9.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.160 LICENSE FEE. Each applicant for a license to practice as a registered nurse shall pay a fee of twenty dollars to the state treasurer. [1973 c 133 § 15; 1961 c 288 § 10; 1949 c 202 § 16; Rem. Supp. 1949 § 10173-14.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.170 USE OF NOMENCLATURE. Any person who holds a license to practice as a registered nurse in this state shall have the right to use the title "registered nurse" and the abbreviation "R.N.". No other person shall assume such title or use such abbreviation or any other words, letters, signs or figures to indicate that the person using same is a registered nurse. [1973 c 133 § 16; 1949 c 202 § 17; Rem. Supp. 1949 § 10173-15.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.180 EXISTING PRACTITIONERS. Any person holding a valid license to practice nursing issued by authority of the state when this chapter becomes effective shall continue to be licensed as a registered nurse under the provisions of this chapter. [1973 c 133 § 17; 1949 c 202 § 18; Rem. Supp. 1949 § 10173-16. Prior: 1909 c 41 § 5.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.190 RENEWAL OF LICENSES—FEE. Every license issued under the provisions of this chapter shall be renewed, except as hereinafter provided. At least thirty days prior to expiration, the director shall mail a notice for renewal of license to every person licensed for the current licensing period. The applicant shall return the notice to the department with a renewal fee of five dollars before the expiration date. Upon receipt of the notice and appropriate fee the department shall issue to the applicant a license which shall render the holder thereof a legal practitioner of nursing for the period stated on the license. [1973 c 133 § 18; 1971 ex.s. c 266 § 18; 1961 c 288 § 11; 1949 c 202 § 19; Rem. Supp. 1949 § 10173-17. Prior: 1933 c 180 § 1; 1909 c 41 § 3.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.200 PENALTY FOR FAILURE TO RE-NEW. Any licensee who allows his or her license to lapse by failing to renew the license, shall upon application for renewal pay a penalty of five dollars. If the applicant fails to renew the license before the end of the current licensing period, the license shall be issued for the next licensing period by the department upon written application and fee of twenty dollars. [1973 c 133 § 19; 1961 c 288 § 12; 1949 c 202 § 20; Rem. Supp. 1949 § 10173-18. Prior: 1933 c 180 § 1.]

Severability--1973 c 133: See note following RCW 18.88.010.

18.88.220 TEMPORARY RETIREMENT--EVIDENCE OF KNOWLEDGE AND SKILL AFTER NON-PRACTICING STATUS FOR THREE OR MORE YEARS. A person licensed under the provisions of this chapter desiring to retire temporarily from the practice of nursing in this state shall send a written notice to the director.

Upon receipt of such notice the name of such person shall be placed upon the nonpracticing list. While remaining on this list the person shall not be subject to the payment of any renewal fees and shall not practice nursing in the state as provided in this chapter. When such person desires to resume practice, application for renewal of license shall be made to the board and renewal fee payable to the state treasurer. Persons on nonpracticing status for three years or more must provide evidence of knowledge and skill of current practice as required by the board or as hereinafter in this chapter provided. [1973 c 133 § 20; 1949 c 202 § 22; Rem. Supp. 1949 § 10173-20. Prior: 1933 c 180 § 1.]

Severability--1973 c 133: See note following RCW 18.88.010.

18.88.230 DENIAL, REVOCATION OR SUSPENSION OF LICENSE--REISSUANCE. Upon recommendation of the board, the department shall deny, or after a hearing by the board, shall revoke or suspend the license upon finding that the person: (1) Procured or attempted to procure the license by fraud or deceit; or (2) has been convicted of a crime involving moral turpitude; or (3) is habitually intemperate in the use of or is addicted to any habit forming or other dangerous drugs; or (4) has engaged in distribution of drugs for any other than legitimate purposes; or (5) exhibits behaviors which may be due to poor physical or mental health which create an undue risk that the person, as a nursing practitioner, would cause harm to other persons; or (6) has previously had a registered nursing license revoked or suspended in this or any other state, territory, possession of the United States, or country, unless reinstated; or

(7) has been guilty of gross negligence in the performance of acts of nursing practice; or (8) has engaged in any act inconsistent with generally accepted professional standards of good nursing practice; or (9) has knowingly engaged in any act which, before it was committed, had been determined to be beyond the scope of that person's nursing practice by regulation under this chapter; or (10) wilfully violated any of the provisions of this chapter or regulations adopted thereunder. The department shall upon recommendation from the board reissue a license that has been revoked or suspended under the provisions of this section. Application for the reissuance of such license shall not be considered prior to one year after revocation and shall be made in such manner as the board may specify. [1973 c 133 § 21; 1949 c 202 § 23; Rem. Supp. 1949 § 10173-21. Prior: 1909 c 41 § 6.]

Severability--1973 c 133: See note following RCW 18.88.010.

18.88.240 PROCEDURE. Any licensee shall be entitled to a hearing by the board before his or her license is revoked or suspended. In all proceedings having for their purpose a revocation or suspension of a license to practice as a registered nurse, the holder of such license shall be given twenty days' notice in writing by the director, which notice shall specify the offense or offenses against this chapter with which such accused person is charged, and shall also give the day and place where the hearing is to be held, which shall be the city of Olympia, Washington, unless a different place shall be fixed by the board. The director or the chairman of the board shall have the power to issue subpoenas to compel the attendance of witnesses or the production of books or documents. The accused person shall have the opportunity to make his or her defense and may have issued such subpoenas as he or she may desire. Subpoenas may be served in the same manner as in civil cases in the superior court. Witnesses shall testify under oath administered by the chairman of the board. Testimony shall be taken in writing and may be taken by deposition under such rules as the board may prescribe. The board shall hear and determine the charges and shall make findings and conclusions upon the evidence produced; it shall file the same with the department, together with a transcript of all the evidence, a duplicate copy of which shall be served upon the accused. The revocation or suspension of a license to practice shall be in writing, signed by the director or chairman of the board, stating the grounds upon which such order is based. Neither the board nor any court to which an appeal may be taken shall be bound by strict rules of procedure or by the rules of evidence in the conduct of

its proceedings, but the determination shall be based upon sufficient legal evidence to sustain it. [1973 c 133 § 22; 1949 c 202 § 24; Rem. Supp. 1949 § 10173-22. Prior: 1909 c 41 § 6.]

Severability--1973 c 133: See note following RCW 18.88.010.

18.88.250 APPEAL--ADMINISTRATIVE PROCEDURE ACT APPLICABLE. Any person feeling aggrieved by the refusal of the department to issue any license provided for in this chapter, or to renew the same, or by the revocation or suspension of the license issued under the provisions of this chapter, or any law being administered under this chapter, shall have the right of appeal in the manner provided by the Washington Administrative Procedure Act, chapter 34.04 RCW. [1973 c 133 § 23; 1949 c 202 § 25; Rem. Supp. 1949 § 10173-23.]

Severability--1973 c 133: See note following RCW 18.88.010.

18.88.260 REPORTS OF VIOLATIONS--INVESTIGATION. Reported violations of this chapter shall be investigated by the department or the board, as appropriate. In any case in which the department or board finds that a violation has occurred, it shall immediately report the same to the prosecuting attorney for the county in which the violation took place for prosecution or to the board for appropriate action. [1973 c 133 § 24; 1949 c 202 § 26; Rem. Supp. 1949 § 10173-24.]

Severability--1973 c 133: See note following RCW 18.88.010.

18.88.265 INJUNCTIONS TO PREVENT UNAUTHORIZED PRACTICE. The board of nursing may at its option by injunctive proceedings instituted by the attorney general, prevent the practice of nursing by any person not validly licensed. [1973 c 133 § 25; 1961 c 288 § 15.]

Severability--1973 c 133: See note following RCW 18.88.010.

18.88.270 VIOLATIONS--PENALTY. It shall be a gross misdemeanor for any person to:

(1) Sell or fraudulently obtain or furnish any nursing diploma, license, record or registration, or aid or abet therein;

(2) Practice nursing as defined by this chapter under cover of any diploma, license, record or registration illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation or mistake of fact in a material regard;

(3) Practice nursing as defined by this chapter, unless duly licensed to do so under the provisions of this chapter;

(4) Use in connection with his or her name any designation tending to imply that he or she is a registered, professional nurse unless duly licensed to practice under the provisions of this chapter;

(5) Practice as a registered nurse during the time his or her license issued under the provisions of this chapter shall be suspended or revoked; and

(6) Otherwise violate any of the provisions of this chapter. [1973 c 133 § 26; 1949 c 202 § 27; Rem. Supp. 1949 § 10173-25.]

Severability--1973 c 133: See note following RCW 18.88.010.

18.88.280 EXCEPTED ACTIVITIES--LIMITATION OF PRACTICE. This chapter shall not be construed as (1) prohibiting the incidental care of the sick by domestic servants or persons primarily employed as housekeepers, so long as they do not practice professional nursing within the meaning of this chapter, (2) or preventing any person from the domestic administration of family remedies or the furnishing of nursing assistance in case of emergency; (3) nor shall it be construed as prohibiting such practice of nursing by students enrolled in approved schools as may be incidental to their course of study nor shall it prohibit such students working as nursing aides; (4) nor shall it be construed as prohibiting auxiliary services provided by persons carrying out duties necessary for the support of nursing service including those duties which involve minor nursing services for persons performed in hospitals, nursing homes or elsewhere under the direction of licensed physicians or the supervision of licensed, registered nurses; (5) nor shall it be construed as prohibiting or preventing the practice of nursing in this state by any legally qualified nurse of another state or territory whose engagement requires him or her to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed six months in length, if such person does not represent or hold himself or herself out as a nurse licensed to practice in this state; (6) nor shall it be construed as prohibiting nursing or care of the sick, with or without compensation, when done in connection with the practice of the religious tenets of any church by adherents thereof so long as they do not engage in the practice of nursing as defined in this chapter; (7) nor shall it be construed as prohibiting the practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division or agency thereof, while in the discharge of his or her official duties; (8) permitting the measurement of

the powers or range of human vision, or the determination of the accommodation and refractive state of the human eye or the scope of its functions in general, or the fitting or adaptation of lenses or frames for the aid thereof; (9) permitting the prescribing or directing the use of, or using, any optical device in connection with ocular exercises, visual training, vision training or orthoptics; (10) permitting the prescribing of contact lenses for, or the fitting or adaptation of contact lenses to, the human eye; (11) prohibiting the performance of routine visual screening; (12) permitting the practice of dentistry or dental hygiene as defined in chapter 18.32 and 18.29 RCW respectively; (13) permitting the practice of chiropractic as defined in chapter 18.25 RCW including the adjustment or manipulation of the articulations of the spine; (14) permitting the practice of chiropody as defined in chapter 18.22 RCW; (15) permitting the performance of major surgery, except such minor surgery as the board may have specifically authorized by rule or regulation duly adopted in accordance with the provisions of chapter 34.04 RCW; (16) permitting the prescribing of controlled substances as defined in schedules I through IV of the Uniform Controlled Substances Act, chapter 69.50 RCW. [1973 c 133 § 27; 1961 c 288 § 13; 1949 c 202 § 28; Rem. Supp. 1949 § 10173-26.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.285 ACTS WHICH MAY BE PERFORMED ONLY BY LICENSED REGISTERED NURSE—EXCEPTION. A registered nurse under her or his license may perform for compensation nursing care (as that term is usually understood) of the ill, injured or infirm, and in the course thereof, she or he is authorized to do the following things which shall not be done by any person not so licensed, except as provided in RCW 18.78.182:

(1) At or under the general direction of a licensed physician, dentist, osteopath or chiropodist (acting within the scope of his or her license) to administer medications, treatments, tests and inoculations, whether or not the severing or penetrating of tissues is involved and whether or not a degree of independent judgment and skill is required.

(2) To delegate to other persons engaged in nursing, the functions outlined in the preceding paragraph.

(3) To perform specialized and advanced levels of nursing as defined by the board.

(4) To instruct students of nursing in technical subjects pertaining to nursing.

(5) To hold herself or himself out to the public or designate herself or himself as a registered nurse or nurse. [1973 c 133 § 28; 1967 c 79 § 9; 1961 c 288 § 14.]

Severability—1973 c 133: See note following RCW 18.88.010.

18.88.300 RULES AND REGULATIONS. The department, subject to chapter 34.04 RCW, the Washington Administrative Procedure Act may adopt such reasonable rules and regulations as may be necessary to carry out the duties herein imposed upon it in the administration of this chapter. [1973 c 133 § 29.]

Severability—1973 c 133: See note following RCW 18.88.010.

#### Chapter 18.106 PLUMBERS

18.106.010 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 meaning:

(1) "Advisory board" means the state advisory board of plumbers;

(2) "Apprentice plumber" means any person engaged in learning the trade of plumbing and who, under the supervision of a journeyman plumber, performs the actual work necessary to assemble, construct, install, repair, or modify plumbing;

(3) "Department" means the department of labor and industries;

(4) "Director" means the director of department of labor and industries;

(5) "Journeyman plumber" means any person who has been issued a certificate of competency by the department of labor and industries as provided in this chapter;

(6) "Plumbing" means that craft involved in installing, altering, repairing and renovating potable water systems and liquid waste systems within a building: PROVIDED, That installation in a water system of water softening or water treatment equipment shall not be within the meaning of plumbing as used in this chapter;

(7) "Local enforcement agency" shall mean any local governmental agency involved in the enforcement of plumbing codes and the issuance of journeyman plumbers' licenses. [1973 1st ex.s. c 175 § 1.]

18.106.020 CERTIFICATE OF COMPETENCY—APPRENTICE PERMIT—REQUIRED. (1) No person shall engage in the business or trade of plumbing as a journeyman without having a current certificate of competency issued by the department in accordance with the provisions of this chapter.

(2) No person shall engage in the business or trade of plumbing as an apprentice without having a current apprentice permit issued by the department in accordance with the provisions of this chapter. [1973 1st ex.s. c 175 § 2.]

18.106.030 APPLICATION FOR CERTIFICATE OF COMPETENCY--EVIDENCE OF COMPETENCY REQUIRED. Any person desiring to be issued a certificate of competency as provided in this chapter shall deliver evidence in a form prescribed by the department affirming that said person has had sufficient experience in as well as demonstrated general competency in the trade of plumbing so as to qualify him to make an application for a certificate of competency as a journeyman plumber: PROVIDED, That completion of a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the coordinating council on occupational education shall constitute sufficient evidence of experience and competency to enable such person to make application for a certificate of competency.

In addition to supplying the evidence as prescribed in this section, each applicant for a certificate of competency shall submit an application for such certificate on such form and in such manner as shall be prescribed by the director of the department. [1973 1st ex.s. c 175 § 3.]

18.106.040 EXAMINATIONS--ELIGIBILITY REQUIREMENTS--DETERMINATION. Upon receipt of the application and evidence set forth in RCW 18.106.030, the director shall review the same and make a determination as to whether the applicant is eligible to take an examination for the certificate of competency. To be eligible to take the examination the applicant must have worked as an apprentice plumber for three years or have completed a course of study in the plumbing trade in the armed services of the United States or at a school accredited by the coordinating council on occupational education. No other requirement for eligibility may be imposed. The director shall establish reasonable rules and regulations for the examinations to be given applicants for certificates of competency. In establishing said rules, regulations, and criteria, the director shall consult with the state advisory board of plumbers as established in RCW 18.106.110. Upon determination that the applicant is eligible to take the examination, the director shall so notify him, indicating the time and place for taking the same. [1973 1st ex.s. c 175 § 4.]

18.106.050 EXAMINATIONS--SCOPE--FEE--RESULTS--RETAKEING. The department, in coordination with the advisory board, shall prepare a written examination to be administered to applicants for certificates of competency. The examination shall be so constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that is identified with the status of journeyman plumber; and

(2) Whether the applicant is sufficiently familiar with the applicable plumbing codes and the administrative rules and regulations of the department pertaining to plumbing and plumbers.

The department shall administer the examination to persons eligible to take the same under the provisions of RCW 18.106.040. All applicants shall, before taking such examination, pay to the department a fifteen dollar fee: PROVIDED, That any applicant taking said examination shall pay only such additional fee as is necessary to cover the costs of administering such additional examination.

The department shall certify the results of said examination, and shall notify the applicant whether he has passed or failed. Any applicant who has failed the examination may petition the department to retake the examination, upon such terms and after such period of time as the director, in cooperation with the advisory board, shall deem necessary and proper. [1973 1st ex.s. c 175 § 5.]

18.106.060 EXAMINATIONS--LOCAL AGENCIES--UNIFORMITY--FEES. Any local enforcement agency certified by the state shall hold written examinations for licensing journeyman plumbers and shall retain fifty percent of the fees collected for the administration of such examinations. All such examinations given shall be developed by the state agency and shall be uniform throughout the state. The initial issuance of licenses and renewals shall be made by any certified local enforcement agency or the state, and fifty percent of such fees shall be retained by the certified local issuing agency. [1973 1st ex.s. c 175 § 6.]

18.106.070 CERTIFICATES OF COMPETENCY--ISSUANCE--DURATION--RENEWAL--FEE--RIGHTS OF HOLDER. The department shall issue a certificate of competency to all applicants who have passed the examination provided in RCW 18.106.050 and 18.106.060, and who have otherwise complied with the provisions of this chapter and the rules and regulations promulgated thereto. The certificate shall bear the date of issuance, and shall expire on the first of July immediately following the date of issuance. The certificate shall be renewable annually, upon application, on or before the first of July. An annual renewal fee of fifteen dollars shall be assessed for each certificate.

The certificates of competency or permits provided for in this chapter shall grant the holder the right to engage in the work of plumbing as a journeyman plumber in accordance with its provisions throughout the state and within any of its political subdivisions on any job or any employment without additional proof of competency or any other license or permit or fee to engage in such work: PROVIDED,



HOWEVER, That this shall not preclude employees from adhering to a union security clause in any employment where such a requirement exists. [1973 1st ex.s. c 175 § 7.]

18.106.080 PERSONS ENGAGED IN PLUMBING BUSINESS OR TRADE ON EFFECTIVE DATE. No examination shall be required of any applicant for a certificate of competency who, on July 16, 1973, was engaged in a bona fide business or trade of plumbing, or on said date held a valid journeyman plumber's license issued by a political subdivision of the state of Washington and whose license is valid at the time of making his application for said certificate. Applicants qualifying under this section shall be issued a certificate by the department upon making an application as provided in RCW 18.106.030 and paying the fee required under RCW 18.106.050: PROVIDED, That no applicant under this section shall be required to furnish such evidence as required by RCW 18.106.030. [1973 1st ex.s. c 175 § 8.]

18.106.090 TEMPORARY PERMITS. The department is authorized to grant and issue temporary permits in lieu of certificates of competency whenever a plumber coming into the state of Washington from another state requests the department for a temporary permit to engage in the business and trade of plumbing as a journeyman during the period of time between filing of an application for a certificate as provided in RCW 18.106.030 and taking the examination provided for in RCW 18.106.050 and 18.106.060: PROVIDED, That no temporary permit shall be issued to:

(1) Any person who has failed to pass the examination for a certificate of competency;

(2) Any applicant under this section who has not furnished the department with such evidence required under RCW 18.106.030;

(3) To any apprentice plumber. [1973 1st ex.s. c 175 § 9.]

18.106.100 REVOCATION OF CERTIFICATE OF COMPETENCY—GROUNDS—PROCEDURE. (1) The department may revoke any certificate of competency upon the following grounds:

(a) The certificate was obtained through error or fraud;

(b) The holder thereof is judged to be incompetent to carry on the business and trade of plumbing as a journeyman plumber;

(c) The holder thereof has violated any of the provisions of this chapter or any rule or regulation promulgated thereto.

(2) Before any certificate of competency shall be revoked, the holder thereof shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to said holder's last known address. Said

notice shall enumerate the allegations against such holder, and shall give him the opportunity to request a hearing before the advisory board. At such hearing, the department and the holder shall have opportunity to produce witnesses and give testimony. The hearing shall be conducted in accordance with the provisions of chapter 34.04 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision. [1973 1st ex.s. c 175 § 10.]

18.106.110 ADVISORY BOARD OF PLUMBERS.

(1) There is created a state advisory board of plumbers, to be composed of three members appointed by the governor. One member shall be a journeyman plumber, one member shall be a person conducting a plumbing business, and one member from the general public who is familiar with the business and trade of plumbing.

(2) The initial terms of the members of the advisory board shall be one, two, and three years respectively as set forth in subsection (1) of this section. Upon the expiration of said terms, the governor shall appoint a new member to serve for a period of three years. In the case of any vacancy on the board for any reason, the governor shall appoint a new member to serve out the term of the person whose position has become vacant.

(3) The advisory board shall carry out all the functions and duties enumerated in this chapter, as well as generally advise the department on all matters relative to this chapter.

(4) Each member of the advisory board shall receive compensation and expenses in accordance with the provisions of RCW 43.03.050 and 43.03.060 for each day in which such member is actually engaged in attendance upon the meetings of the advisory board. [1973 1st ex.s. c 175 § 11.]

18.106.120 APPRENTICES—REGISTRATION—PERMIT TO WORK.

(1) Every apprentice shall register with the department.

(2) The department shall issue to such apprentice, upon such form and under such terms as the director and the advisory board shall by agreement deem proper, an apprentice permit to work in the business and trade of plumbing as an apprentice: PROVIDED, That such work shall be done under the supervision of a journeyman plumber. [1973 1st ex.s. c 175 § 12.]

18.106.130 PLUMBING CERTIFICATE FUND.

All moneys received from certificates, permits, or other sources, shall be paid to the state treasurer as ex officio custodian thereof and by him placed in a special fund designated as the "plumbing certificate fund". He shall pay out upon

vouchers duly and regularly issued therefor and approved by the director. The treasurer shall keep an accurate record of payments into said fund, and of all disbursement therefrom. Said fund shall be charged with its pro rata share of the cost of administering said fund. [1973 1st ex.s. c 175 § 13.]

18.106.140 POWERS AND DUTIES OF DIRECTOR. The director may promulgate rules, make specific decisions, orders, and rulings, including therein demands and findings, and take other necessary action for the implementation and enforcement of his duties under this chapter: PROVIDED, That in the administration of this chapter the director shall not enter any controversy arising over work assignments with respect to the trades involved in the construction industry. [1973 1st ex.s. c 175 § 14.]

18.106.150 EXEMPTIONS FROM CHAPTER REQUIREMENTS. Nothing in this chapter shall be construed to require that a person obtain a license or a certified plumber in order to do plumbing work at his residence or farm or place of business or on other property owned by him. Any person performing plumbing work on a farm may do so without having a current certificate of competency or apprentice permit: PROVIDED, HOWEVER, That nothing in this chapter shall be intended to derogate from or dispense with the requirements of any valid plumbing code enacted by a political subdivision of the state, except that no code shall require the holder of a certificate of competency to demonstrate any additional proof of competency or obtain any other license or pay any fee in order to engage in the trade of plumbing: AND PROVIDED FURTHER, That this chapter shall not apply to common carriers subject to Part I of the Interstate Commerce Act, nor to their officers and employees: AND PROVIDED FURTHER, That nothing in this chapter shall be construed to apply to any farm, business, industrial plant, or corporation doing plumbing work on premises it owns or operates: AND PROVIDED FURTHER, That nothing in this chapter shall be construed to restrict the right of any householder to assist or receive assistance from a friend, neighbor, relative or other person when none of the individuals doing such plumbing hold themselves out as engaged in the trade or business of plumbing. [1973 1st ex.s. c 175 § 15.]

18.106.160 PENALTY. Violation of this chapter or of the department rules and regulations provided for in this chapter by a person, firm, or corporation, shall be punishable by a fine of not more than fifty dollars. Each day of such violation constitutes a separate offense. [1973 1st ex.s. c 175 § 16.]

TITLE 19  
BUSINESS REGULATIONS—MISCELLANEOUS

Sections added, amended, or repealed:

- Chapter 19.09 Charitable Solicitations.
- 19.09.010 Purpose.
  - 19.09.020 Definitions.
  - 19.09.030 Exemptions.
  - 19.09.040 Organization ceasing to be exempt—Registration.
  - 19.09.050 Professional fund raisers not exempt.
  - 19.09.060 Registration—Required.
  - 19.09.070 Application for registration—Filing—Contents—Requirements.
  - 19.09.080 Registration statement—Signing—Duration—Renewals.
  - 19.09.090 Subsidiary organizations.
  - 19.09.100 Examination by director—Limitations on costs of solicitations—Other requirements.
  - 19.09.110 Registration or rejection—Order—Procedure.
  - 19.09.120 Notice of intention to solicit—Short form report.
  - 19.09.130 Short form report—Form—Requirements.
  - 19.09.140 Registration to be kept current—Amendments.
  - 19.09.150 Register.
  - 19.09.160 Registration not endorsement.
  - 19.09.170 Registration and information public records.
  - 19.09.180 Identification card.
  - 19.09.190 Professional fund raisers or solicitors—Registration—Duration—Surety bond.
  - 19.09.200 Books, records and contracts.
  - 19.09.210 Financial statements—Special reports.
  - 19.09.220 Suspension of registration—Failure to file financial statement or report—Examination.
  - 19.09.230 Using the name of another person.
  - 19.09.240 Using similar name, symbol or statement.
  - 19.09.250 Advertising violations—Procedure.
  - 19.09.260 Investigations—Powers and duties of director.
  - 19.09.270 Violations—Cease and desist orders—Injunctions.
  - 19.09.280 Revocation of registration—Grounds—Cease and desist order as alternative.
  - 19.09.290 Suits by or against charitable organization—Notice.
  - 19.09.300 Judicial review.
  - 19.09.310 Rules and regulations.
  - 19.09.320 Additional powers and duties of director.
  - 19.09.330 Local codes, ordinances, and regulations.
  - 19.09.340 Violations deemed unfair practice under chapter 19.86 RCW—Procedure.
  - 19.09.350 Fees.

- 19.09.360 Compliance required for registration.
- 19.09.370 Radio, television stations, newspapers exempt—Exception.
- 19.09.900 Effective date—1973 1st ex.s. c 13.
- 19.09.910 Severability—1973 1st ex.s. c 13.
- 19.102.010 Definitions.
- 19.102.020 Chain distributor schemes prohibited—Unfair practice.

Chapter 19.105 Camping Clubs.

- 19.105.200 Violations constitute unfair or deceptive practice.

Chapter 19.16 Collection Agencies.

- 19.16.120 Denial, suspension, revocation or refusal to renew licenses—Grounds.
- 19.16.160 License and branch office certificate—Form—Contents—Display.
- 19.16.230 Licensee—Business office—Records to be kept.
- 19.16.245 Financial statement.
- 19.16.350 Board—Powers—Duties.
- 19.16.351 Additional powers and duties of board.
- 19.16.360 Licenses—Denial, suspension, revocation or refusal to renew—Hearing.
- 19.16.370 License—Denial, suspension, revocation, or refusal to renew—Grounds.
- 19.16.400 Investigations or proceedings—Powers of director or designees—Contempt.
- 19.16.430 Violations—Operating collection agency without a license—Penalty—Return of fees or compensation.
- 19.16.440 Violations of RCW 19.16.110 and 19.16.250 are unfair and deceptive trade practices under chapter 19.86 RCW.

Chapter 19.24 Copyright Protection.

- 19.24.100 Doing business defined—Amenability to process—Service on nonresidents.

Chapter 19.60 Pawn Brokers and Second-hand Dealers.

- 19.60.060 Rates of interest and other fees—Sale of pledged property.

Chapter 19.68 Rebating by Practitioners of Healing Professions.

- 19.68.010 Rebating prohibited—Penalty.

Chapter 19.72 Suretyship.

- 19.72.030 Individual sureties—Number—Qualification.

Chapter 19.100 Franchise Investment Protection.

- 19.100.010 Definitions.
- 19.100.180 Relation between franchisor and franchisee—Rights and prohibitions.

Chapter 19.102 Chain Distributor Schemes.

Chapter 19.09  
CHARITABLE SOLICITATIONS

19.09.010 PURPOSE. The purpose of this chapter is to protect the general public and public charity in the state of Washington; to require full public disclosure of facts relating to persons and organizations who solicit funds from the public for public charitable purposes, the purposes for which such funds are solicited, and their actual uses; and to prevent deceptive and dishonest statements and conduct in the solicitation of funds for or in the name of charity. [1973 1st ex.s. c 13 § 1.]

19.09.020 DEFINITIONS. When used in this chapter, unless the context otherwise requires:

(1) "Charitable organization" means: (a) Any benevolent, philanthropic, patriotic, eleemosynary, education, social, recreation, fraternal organization, or any other person having or purporting to have a charitable nature; and (b) which solicits or solicits and collects contributions for any charitable purpose. "Charitable" shall have its common law meaning unless the context in which it is used clearly requires a narrower or a broader meaning.

(2) "Contribution" means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of "contributions" or "solicitations" in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights, and not merely that portion of the purchase price to be applied to a charitable purpose.

(3) "Compensation" means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

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

(5) "Direct gift" shall mean and include an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.

(6) "Parent organization" means that part of a charitable organization which

coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more chapters, branches, or affiliates of such organization in the state of Washington.

(7) "Person" means an individual, organization, group, association, partnership, corporation, or any combination thereof.

(8) "Professional fund raiser" means any person who, for compensation, plans, conducts, or manages any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable purpose, or who engages in the business of or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations: PROVIDED, That the following persons shall not be deemed professional fund raisers or professional solicitors: (a) Bona fide officer or employee of a charitable organization which maintains a permanent establishment in the state of Washington; who is employed and engaged as such officer or employee principally in connection with activities other than soliciting contributions or managing the solicitation of contributions and whose salary or other compensation is not computed on funds raised or to be raised; (b) a clergyman of a religious corporation exempt under the provisions of RCW 19.09.030.

(9) A "professional solicitor" means a person other than a professional fund raiser who is employed for compensation by any person or charitable organization to solicit contributions for charitable purposes from persons in this state.

(10) "Sale and benefit affair" shall mean and include, but not be limited to, athletic or sports event, bazaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater, or variety show which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith.

(11) "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made which implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

The solicitation shall be deemed completed when made, whether or not the

person making it receives any contribution or makes any sale. [1973 1st ex.s. c 13 § 2.]

19.09.030 EXEMPTIONS. Except as otherwise specifically provided in other sections of this chapter, this chapter shall not apply to the following:

(1) Any organizations which are organized and operated principally for charitable or religious or educational purposes, other than the raising of funds, when the solicitation of contributions is confined to the membership of the organization and when the solicitation is managed and conducted solely by officers and members of such organizations who are unpaid for such services.

The term "membership" shall not include those persons who are granted membership upon making a contribution as the result of a solicitation.

(2) Persons requesting any contributions for the relief of named individuals:

(a) When the solicitation is managed and conducted solely by persons who are unpaid for such services and;

(b) When the contributions collected do not exceed the two thousand dollars in any six month period; and

(c) When all of the contributions collected, without any deductions whatsoever except for the actual cost of a banquet, dance, or similar social gathering, are turned over to the named beneficiary or beneficiaries.

(3) Any charitable organization which does not solicit and collect contributions in this state in excess of two thousand dollars in any six month period if all such fund raising functions are carried on by persons who are unpaid for their services. [1973 1st ex.s. c 13 § 3.]

19.09.040 ORGANIZATION CEASING TO BE EXEMPT--REGISTRATION. Any charitable organization which ceases to be exempt under the provisions of RCW 19.09.030 shall register, within thirty days after the date the charitable organization ceases to be exempt, with the director as required under RCW 19.09.060. [1973 1st ex.s. c 13 § 4.]

19.09.050 PROFESSIONAL FUND RAISERS NOT EXEMPT. A professional fund raiser is not exempted from any provision of this chapter solely by reason of his acting for an organization exempted under the provisions of RCW 19.09.030. [1973 1st ex.s. c 13 § 5.]

19.09.060 REGISTRATION--REQUIRED. Except as otherwise provided in this chapter, no person may solicit contributions on behalf of any charitable organization from persons in this state by any means

whatsoever prior to the time the charitable organization is registered in accordance with this chapter. [1973 1st ex.s. c 13 § 6.]

19.09.070 APPLICATION FOR REGISTRATION--FILING--CONTENTS--REQUIREMENTS. An application for registration of a charitable organization, as provided by RCW 19.09.060, shall be filed as prescribed by rules and regulations which the director may adopt and shall contain the following documents and information:

(1) The name of the charitable organization and the name under which it intends to solicit contributions;

(2) The addresses of all offices, if any, maintained by the charitable organization in the state of Washington and the names and addresses of its chapters, branches, and affiliates in this state;

(3) The names and addresses of its directors, trustees, and other officers and key personnel. The term "key personnel" means: (a) Any officers, employees, or other personnel who are directly in charge of any of the fund-raising activities of the charitable organization; and (b) the officers or individuals maintaining custody of the organization's financial records and the officers or individuals who will have custody of the contributions;

(4) The location of the organization's financial records in the state of Washington;

(5) Methods by which solicitation will be made, including a statement as to whether such solicitation is to be conducted by voluntary unpaid solicitors, by paid solicitors, or both, and a narrative description of the promotional plan together with copies of all advertising material which has been prepared for public distribution by any means of communication and any location of any telephone solicitation facilities;

(6) The names and addresses of any professional fund raisers and professional solicitors who are acting or who have agreed to act on behalf of the charitable organization together with a statement setting forth the terms of the arrangements for salaries, bonuses, commissions, or other remuneration to be paid the professional fund raisers and professional solicitors;

(7) The general purpose for which the charitable organization is organized;

(8) Where and when the organization was legally established, the form of its organization, and its federal tax exempt status;

(9) The purposes for which the contributions to be solicited will be used, the total amount of funds proposed to be raised thereby, and the use or disposition to be made of any receipts therefrom;

(10) The period of time during which the solicitation will be made and if less than state-wide, the area or areas in

which such solicitation will generally take place;

(11) A financial statement of any funds collected for charitable purposes by the applicant for the last preceding fiscal year. Said statement giving the amount of money so raised together with the cost of solicitations and final distribution of the balance. The financial statement shall be submitted on a uniform reporting form provided by the director;

(12) An irrevocable appointment of the director to receive service of any lawful process in any noncriminal proceeding arising under this chapter against the applicant or his personal representative;

(13) Whether the organization is authorized by any other governmental authority to solicit contributions and whether it is or has ever been enjoined by any court from soliciting contributions;

(14) Such other information as may be reasonably required, by the director, in the public interest or for the protection of contributors.

If there is any change, while any application is pending, in fact, policy, or method that would alter the information given in the application, the applicant shall notify the director in writing thereof within five days, excluding Saturdays, Sundays and legal holidays after such change. [1973 1st ex.s. c 13 § 7.]

19.09.080 REGISTRATION STATEMENT--SIGNING--DURATION--RENEWALS. The registration statement, and any other documents prescribed by the director, shall be signed under oath by the president, or other authorized officer, and the chief fiscal officer of the charitable organization. Such registration shall be effective for the period requested by the charitable organization in its registration statement but such period shall not exceed one year. The director may adopt regulations providing for the annual renewal of registrations by charitable organizations having continuing or annually recurring fund raising campaigns. Renewals shall be accompanied by such information as may be required to bring the registration statement up to date. [1973 1st ex.s. c 13 § 8.]

19.09.090 SUBSIDIARY ORGANIZATIONS. Where any chapter, branch, affiliate, or area division of a charitable organization is supervised and controlled by a superior or parent organization which is incorporated, qualified to do business, or doing business within this state such chapter, branch, affiliate, or area division shall not be required to register under RCW 19.09.060 if the superior or parent organization files a registration statement, on behalf of its subsidiary, in addition to or as a part of its own registration statement. Where a registration statement has been filed by a superior or parent

organization, on behalf of such subsidiary organization, it shall file any reports required of the subsidiary organization, under this chapter, in addition to or as part of its own report, but the accounting information so required shall be set forth separately and not in consolidated form with respect to every such chapter, branch, affiliate, or division which solicits, collects, or expends more than four thousand dollars in any fiscal year. [1973 1st ex.s. c 13 § 9.]

19.09.100 EXAMINATION BY DIRECTOR--LIMITATIONS ON COSTS OF SOLICITATIONS--OTHER REQUIREMENTS. Upon receipt of an application in the proper form for registration, the director shall immediately initiate an examination to determine that:

(1) The cost of solicitation for direct gifts shall not exceed twenty percent of the total gross amount to be raised or for sale and benefit affairs shall not exceed fifty-five percent of the total gross amount to be raised; and of this fifty-five percent, not more than twenty percent shall be paid for all wages, fees, commissions, salaries, and emoluments paid or to be paid to all salesmen, solicitors, collectors, and professional fund raisers. If it appears that the cost of soliciting will exceed the percentages listed above, and except for that, the registration would otherwise be granted, the director may enter an order registering the charitable organization, upon a showing that special reasons make a cost higher than twenty percent or said fifty-five percent, or said twenty percent, respectively, reasonable in the particular case;

(2) The charitable organization has complied with all local governmental regulations which apply to soliciting for or on behalf of charitable organizations;

(3) The advertising material and the general promotional plan are not false, misleading, or deceptive and its rules and regulations, which the director may adopt, comply with the standards prescribed by the director and which afford full and fair disclosure;

(4) The charitable organization has not, or if a corporation, its officers, directors, and principals have not, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years and has not been subject to any permanent injunction or administrative order or judgment, under the provisions of RCW 19.86.080 or 19.86.090, involving a violation or violations of the provisions of RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations. [1973 1st ex.s. c 13 § 10.]

19.09.110 REGISTRATION OR REJECTION--ORDER--PROCEDURE. (1) Upon receipt of the application for registration, in proper form, the director shall issue a notice of filing to the applicant. Within thirty days from the date of the notice of filing, the director shall enter an order registering the charitable organization or rejecting the registration. If no order of rejection is entered within thirty days from the date of notice of filing, the charitable organization shall be deemed registered unless the applicant has consented, in writing, to a delay.

(2) If the director affirmatively determines, upon inquiry and examination that the requirements of RCW 19.09.100 have been met he shall enter an order registering the charitable organization.

(3) If the director determines, upon inquiry and examination, that any of the requirements of RCW 19.09.100 have not been met, the director shall notify the applicant that the application for registration must be corrected in the deficiencies specified. If the requested corrections are not complied with, the director shall enter an order rejecting the registration, such order shall include the findings of fact upon which the order is based. The order rejecting the registration shall not become effective for twenty days during which time the applicant may petition for reconsideration and shall be entitled to a hearing. [1973 1st ex.s. c 13 § 11.]

19.09.120 NOTICE OF INTENTION TO SOLICIT--SHORT FORM REPORT. (1) Any charitable organization mentioned under RCW 19.09.030 (3):

(a) Before conducting any solicitation give written notice to the director stating its intention to solicit funds, the basis of its exemption, the purpose of such solicitation, the approximate percentage of collections, after deductions for expenses, to be actually devoted to that purpose, and when and in what area or areas such solicitation will be conducted. Written notice shall be given to the director by the organization, or by someone in its behalf, at least three days in advance of such solicitation, and if it is sent by registered or certified mail such notice shall be deemed given when deposited in the United States mail. The notice requirement of this section shall constitute a registration statement which shall be construed as registration under the provisions of this chapter.

(b) In the event that any organization, under this section, solicits and collects funds in excess of five hundred dollars during any year, such organization shall file a short form report conforming to the provisions of RCW 19.09.130. The director may require the furnishing of any further details as may be necessary for complete reporting and disclosure within the purposes of this section.

(2) No fees shall be collected in connection with any notice, registration, or report filed under this section. [1973 1st ex.s. c 13 § 12.]

19.09.130 SHORT FORM REPORT—FORM—REQUIREMENTS. (1) When the filing of a short form report is required, the form of the report shall be substantially as follows:

CHARITABLE SOLICITATIONS  
SHORT FORM REPORT

Name of Organization.....  
Period Covered by This Report.....  
Gross Amount of Funds Collected for Each Purpose (list each purpose and amount separately).....  
Gross Amount of Additional Funds Pledged for Each Purpose.....  
Amount Applied to Each Purpose for Which Collected.....  
Additional Amount (if any) to be Applied for Each Purpose.....  
Amount Expended and to be Expended for Expenses of Solicitation.....  
.....  
(Signature and business address of party signing)

(2) The short form report shall be signed by the officer or employee who regularly keeps the books or records of the organization. The signature shall be a certification of the correctness of the report. The report shall be filed with the director by the organization required to file the same within ninety days after the close of its fiscal year. [1973 1st ex.s. c 13 § 13.]

19.09.140 REGISTRATION TO BE KEPT CURRENT—AMENDMENTS. A registration filed with the director by a charitable organization, under the provisions of this chapter, shall be kept current during its effective term by the charitable organization, professional fund raiser, or professional solicitor. Such current status shall be maintained by the filing of amendments with the director, in the form prescribed by him, within ten days after any material change in the information previously furnished to the director.

The following changes shall be construed as material for the purposes of this section:

- (1) Any change in the name of the organization.
- (2) Any addition or substitution in the names of its salaried or otherwise compensated directors, trustees, other officers, key personnel, or professional fund raisers; or any change in the reported addresses or duties of the officers or individuals who keep the records or are in custody of the contributions.

(3) Any change, amounting to five percent or more, in the remuneration to be paid to any professional fund raisers or professional solicitors.

(4) Any change in the general purposes of the organization, intended use of the contributions, or period of time for solicitation, or general areas in which such solicitation was to take place or telephone solicitation facilities.

(5) Any change in other facts which are declared material by rule or regulation of the director. [1973 1st ex.s. c 13 § 14.]

19.09.150 REGISTER. The director shall establish and maintain a register or registers of charitable organizations and persons who have registered under this chapter. [1973 1st ex.s. c 13 § 15.]

19.09.160 REGISTRATION NOT ENDORSEMENT. Registration under this chapter shall not be deemed to constitute endorsement, by the state of Washington, of any charitable organization so registered and no person or charitable organization shall intentionally claim or infer, directly or indirectly any such endorsement by reason of its registration. [1973 1st ex.s. c 13 § 16.]

19.09.170 REGISTRATION AND INFORMATION PUBLIC RECORDS. The registration and all information, documents, and reports filed with the director under this chapter are matters of public record and shall be, subject to reasonable regulation, open to public inspection. [1973 1st ex.s. c 13 § 17.]

19.09.180 IDENTIFICATION CARD. Every person soliciting contributions for or on behalf of a charitable organization which is required to file or have filed in its behalf a registration statement, under this chapter, shall have readily available for prospective contributors an identification card which shall include the following information in legible form:

- (1) The name of the charitable organization for which the contributions are solicited.
  - (2) A statement that the charitable organization has filed a registration statement with the director and the date such registration was filed.
  - (3) Such other information, from the registration statement, as may be required by reasonable rule or regulation of the director for the protection of the public.
- The director may prescribe the form of such identification card. The card shall be exhibited to any person from whom a contribution is requested or, on demand, to any police or law enforcement officer. [1973 1st ex.s. c 13 § 18.]



19.09.190 PROFESSIONAL FUND RAISERS OR SOLICITORS--REGISTRATION--DURATION--SURETY BOND. Every person employed or retained as a professional fund raiser or professional solicitor by or for a charitable organization shall file with the director a valid registration or renewal of such registration. Applications for such registration shall be in writing, under oath, and in the form prescribed by the director. The form shall require information as to the identity and previous related activities of the registrant as may be necessary or appropriate for the public interest or for the protection of contributors. In addition, a professional fund raiser shall file, at the time of making application, with and have approved by the director a surety bond executed by the applicant as principal in the amount of five thousand dollars with one or more sureties whose liability in the aggregate as such sureties will at least equal the said sum. The bond shall run to the director for the use of the state and to any person who may have a cause of action against the obligor of said bond for any malfeasance or misfeasance in the conduct of such solicitation. Registration, when effected, shall be for a period of one year, or any part thereof, expiring on the last day of December and may be renewed for additional periods unless rejected for legally sufficient cause or for failure to file the bond prescribed in this section. The additional periods shall be for not more than one calendar year or such shorter period as the director may prescribe by regulation. [1973 1st ex.s. c 13 § 19.]

19.09.200 BOOKS, RECORDS AND CONTRACTS. Charitable organizations and professional fund raisers, required to be registered under this chapter, shall maintain accurate, current, and readily available books and records at their usual business locations, as designated in the registration statement filed with the director, until at least three years shall have elapsed following the effective period to which they relate.

All contracts between professional fund raisers and charitable organizations shall be in writing and true and correct copies of such contracts or records thereof shall be kept on file in the various offices of the charitable organization and/or professional fund raiser for a three-year period as provided in this section. Such records and contracts shall be available for inspection and examination by the director. A copy of such contract or record shall be mailed to or filed with the director by the charitable organization or professional fund raiser, within ten days, following receipt of a written demand therefor from the director. [1973 1st ex.s. c 13 § 20.]

19.09.210 FINANCIAL STATEMENTS--SPECIAL REPORTS. (a) Within ninety days following the close of its fiscal year every charitable organization which is required to file a registration statement under RCW 19.09.060 and which has received contributions during the previous fiscal year shall file with the director a financial statement, verified by an independent public accountant, containing, but not limited to, the following information:

(1) The gross amount of the contributions pledged and the gross amount collected.

(2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required either by general rule or by specific written request of the director.

(3) The aggregate amount paid and to be paid for the expenses of such solicitation.

(4) The amounts paid to and to be paid to professional fund raisers and solicitors.

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

(b) The director may prescribe such forms as may be necessary or convenient for the furnishing of such information. In addition, the director may require that within thirty days after the close of any special period of solicitation the charitable organization conducting such solicitation shall file a special report containing the information specified in this section for such special period of solicitation. [1973 1st ex.s. c 13 § 21.]

19.09.220 SUSPENSION OF REGISTRATION--FAILURE TO FILE FINANCIAL STATEMENT OR REPORT--EXAMINATION. (1) If it appears to the director, at any time, that any organization has failed to comply with any requirement of RCW 19.09.210 or failed to file any required report, the director following notice, and after an opportunity for a hearing (at a time fixed by the director) within fifteen days after such notice, shall issue an order suspending the registration. When such requirement has been fulfilled or the information has been filed in accordance with such order, the director shall so declare and thereupon the order shall cease to be effective.

(2) The director is hereby empowered to make an examination in any case to determine whether an order should issue under subsection (1) of this section. In making such examination the director, or his designee, shall have access to, and may demand the production of any books and papers of, and may administer oaths and affirmations to, and may examine the charitable organization, any agents, or any other person, in respect to any matter

relevant to the examination. If the charitable organization or any agents shall fail to cooperate or shall obstruct or refuse to permit the making of an examination such conduct shall be proper grounds for the issuance of an order suspending the registration. [1973 1st ex.s. c 13 § 22.]

19.09.230 USING THE NAME OF ANOTHER PERSON. No person who is required to register under this chapter shall knowingly use the name of any other person for the purpose of soliciting contributions from persons in this state without the written consent of such other person: PROVIDED, That such consent may be deemed to have been given by anyone who is a director, trustee, other officer, employee, agent, professional fund raiser, or professional solicitor of such person registering under this chapter.

A person may be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, advertisement, brochure, or correspondence of the charitable organization or person or if such name is listed or represented to any one who has contributed to, sponsored, or endorsed the charitable organization or person, or its or his activities. [1973 1st ex.s. c 13 § 23.]

19.09.240 USING SIMILAR NAME, SYMBOL OR STATEMENT. No charitable organization, professional fund raiser, or other person soliciting contributions for or on behalf of a charitable organization shall use a name, symbol, or statement so closely related or similar to that used by another charitable organization or governmental agency that the use thereof would tend to confuse or mislead the public. [1973 1st ex.s. c 13 § 24.]

19.09.250 ADVERTISING VIOLATIONS--PROCEDURE. No person shall publish any advertisement, in this state, with respect to a charity, which is subject to the registration requirements of this chapter, following the director's determination that such advertisement contains statements that are false, misleading, or deceptive and so notifies the person in writing. Such notification may be given summarily without notice or hearing. At any time after the issuance of a notification under this section the person desiring to use the advertisement may, in writing, request the order be rescinded. Upon receipt of a written request the matter shall be set for a hearing to commence within fourteen days following receipt of the request unless the person making the request consents to a later date. Following such hearing, which shall be conducted in accordance with the provisions of the Administrative Procedure Act,

chapter 34.04 RCW, the director shall determine whether to affirm and continue or to rescind such order pursuant to the powers granted under such act. [1973 1st ex.s. c 13 § 25.]

19.09.260 INVESTIGATIONS--POWERS AND DUTIES OF DIRECTOR. (1) The director may:

(a) Make necessary public or private investigations within or without the state to determine whether any person has violated or is about to violate this chapter or any rule, regulation, or order hereunder, or to aid in the enforcement of this chapter, or in the prescribing of rules and forms hereunder;

(b) Require or permit any person to file a statement in writing, under oath or otherwise as the director determines, as to all facts and circumstances concerning the matter to be investigated.

(2) For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by rule may administer oaths or affirmations and upon the director's own motion or upon request of any party shall subpoena witnesses, compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things together with the identity and location of persons having knowledge, relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence.

(3) Upon failure to obey a subpoena or to answer questions propounded by the investigating officer, and upon reasonable notice to all persons affected thereby, the director may apply to the superior court for an order compelling compliance.

(4) Except as otherwise provided in this chapter, all proceedings under this chapter shall be in accordance with the Administrative Procedure Act, chapter 34.04 RCW. [1973 1st ex.s. c 13 § 26.]

19.09.270 VIOLATIONS--CEASE AND DESIST ORDERS--INJUNCTIONS. (1) If the director determines following notice and hearing that a person has:

(a) Violated any provision of this chapter;

(b) Directly or through an agent or employee engaged in any false, deceptive, or misleading advertising, promotional, or sales methods in soliciting for a charitable organization;

(c) Made any substantial change in the method of solicitation or promotional plan subsequent to the order of registration without obtaining prior written approval from the director;

(d) Made any solicitation for or on the behalf of any charitable organization required to be registered under this

chapter which has not been so registered with the director;

(e) Violated any lawful order, rule, or regulation of the director;

(f) He may issue an order requiring the person to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the director will carry out the purposes of this chapter.

(2) If the director makes a finding of fact, in writing, that the public interest will be irreparably harmed by delay in issuing an order, he may issue a temporary cease and desist order. Prior to issuing the temporary cease and desist order, the director whenever possible shall give notice, by telephone or otherwise, of the proposal to issue a temporary cease and desist order to the person to whom it should be directed. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held to determine whether or not the order becomes permanent.

(3) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this chapter, or a rule or order hereunder, the director, with or without prior administrative proceedings, may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter or any rule, regulation, or order hereunder. Upon proper showing injunctive relief or temporary restraining orders shall be granted and a receiver or conservator may be appointed. The director is not required to post a bond in any court proceedings. [1973 1st ex.s. c 13 § 27.]

19.09.280 REVOCATION OF REGISTRATION--  
GROUND--CEASE AND DESIST ORDER AS ALTER-  
NATIVE. (1) A registration may be re-  
voked, following notice and hearing, upon  
a written finding of fact that the chari-  
table organization, professional fund  
raiser or professional solicitor has:

(a) Failed to comply with the terms of  
a cease and desist order;

(b) Been convicted in any court, subse-  
quent to the filing of the application for  
registration, for a crime involving fraud,  
deception, false pretense, misrepresenta-  
tion, false advertising, or dishonest  
dealing in charity solicitation;

(c) Failed to faithfully perform any  
stipulation or agreement made with the  
director as an inducement to grant any  
registration or to reinstate any registra-  
tion or to approve any promotional plan or  
method of solicitation;

(d) Made intentional misrepresentations  
or concealed material facts in an applica-  
tion for registration.

Findings of fact, if set forth in statu-  
tory language, shall be accompanied by a  
concise and explicit statement of the  
underlying facts supporting the findings.

(2) If the director finds, following  
notice and hearing, that the charitable  
organization, professional fund raiser or  
professional solicitor has been guilty of  
a violation for which revocation could be  
ordered, he may issue a cease and desist  
order instead. [1973 1st ex.s. c 13 §  
28.]

19.09.290 SUITS BY OR AGAINST CHARITA-  
BLE ORGANIZATION--NOTICE. In any suit by  
or against a charitable organization such  
charitable organization shall promptly  
furnish the director notice of the suit  
and copies of all pleadings. This section  
shall not apply where the director is a  
party to the suit. [1973 1st ex.s. c 13 §  
29.]

19.09.300 JUDICIAL REVIEW. Proceed-  
ings for judicial review shall be in  
accordance with the provisions of the  
Administrative Procedure Act, chapter 34-  
.04 RCW. [1973 1st ex.s. c 13 § 30.]

19.09.310 RULES AND REGULATIONS. The  
director shall prescribe reasonable rules  
and regulations in order to implement this  
chapter and such rules and regulations  
shall be adopted, amended, or repealed in  
compliance with the Administrative Proce-  
dure Act, chapter 34.04 RCW. [1973 1st  
ex.s. c 13 § 31.]

19.09.320 ADDITIONAL POWERS AND DUTIES  
OF DIRECTOR. In addition to the powers  
granted the director under other sections  
of this chapter, the director shall have  
the powers prescribed under this section.  
The director may:

(1) Intervene in a suit involving a  
charitable organization registered under  
this chapter;

(2) Bring legal action in the superior  
court to recover any money collected in  
violation of this chapter. In the event  
the director recovers any amount under  
this section, the court shall as part of  
its judgment direct the manner in which  
the amount shall be applied. In so doing  
the court shall order the director to pay  
such amount to a reputable charitable  
organization, which in the court's opinion  
has charitable purposes similar to or  
identical with the proclaimed purposes of  
the organization or person which had  
solicited and collected the amount. The  
court may in its discretion award reason-  
able attorney's fees to the state out of  
any funds so recovered.

(3) Accept information contained in  
registrations filed in other states;

(4) Contract with similar agencies in  
this state, any other state, or with the  
federal government to perform investiga-  
tive functions;

(5) Accept grants-in-aid from any  
source;

(6) Cooperate with similar agencies in this state, any other state, and with the federal government to establish, insofar as practical, uniform filing procedures and forms, uniform public offering statements, advertising standards, rules, and common administrative practices. [1973 1st ex.s. c 13 § 32.]

19.09.330 LOCAL CODES, ORDINANCES, AND REGULATIONS. This chapter does not annul, alter, affect, or exempt any person from complying with the applicable provisions of all municipal and county codes, ordinances, and regulations except to the extent that those municipal and county codes, ordinances, and regulations are inconsistent with any provision of this chapter and then only to the extent of the inconsistency. [1973 1st ex.s. c 13 § 33.]

19.09.340 VIOLATIONS DEEMED UNFAIR PRACTICE UNDER CHAPTER 19.86 RCW--PROCEDURE. (1) The commission by any person of an act or practice prohibited by this chapter is hereby declared to be an unfair act or practice or unfair method of competition in the conduct of trade or commerce for the purpose of application of the Consumer Protection Act, chapter 19.86 RCW.

(2) The director may refer such evidence, as may be available to him, concerning violations of this chapter, or of any rule or regulation adopted thereof, to the attorney general or the prosecuting attorney of the county wherein the alleged violation arose. In addition to any other action they might commence, the attorney general or the county prosecutor may bring an action in the name of the state, with or without such reference, against any person to restrain and prevent the doing of any act or practice prohibited by this chapter: PROVIDED, That this chapter shall be considered in conjunction with chapters 9.04 and 19.86 RCW, as now or hereafter amended, and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter. [1973 1st ex.s. c 13 § 34.]

19.09.350 FEEES. To defray the cost of administering this chapter the director shall collect the following fees: For filing a registration of a charitable organization, fifteen dollars; for renewal of such registration, five dollars; for filing each separate financial statement of the solicitation of funds by a charitable organization, ten dollars; for filing the registration of a professional fund

raiser, fifty dollars; for filing the registration of a professional solicitor, five dollars: PROVIDED, That no specific fee provided for under this section shall be collected from any person or organization more than once in any calendar year.

All such fees, when received by the director, shall be transmitted to the state treasurer. [1973 1st ex.s. c 13 § 35.]

19.09.360 COMPLIANCE REQUIRED FOR REGISTRATION. The director shall refuse to accept or file the registration of a charitable organization or of any other person who has not complied with the provisions of this chapter. [1973 1st ex.s. c 13 § 36.]

19.09.370 RADIO, TELEVISION STATIONS, NEWSPAPERS EXEMPT--EXCEPTION. Nothing in this chapter shall require registration or application for registration by radio and television stations or legal newspapers, or their employees acting within the scope of their employment nor shall any such station, newspaper or employee thereof be considered a professional fund raiser, charitable organization, professional solicitor or trustee: PROVIDED, HOWEVER, The manager or publisher of any such station or newspaper which solicits and actually collects charitable cash contributions exceeding a total value of five hundred dollars for any single charitable purpose during any twelve month period, although exempt from the registration provisions of this chapter, shall file a short form report, in the form and manner provided under RCW 19.09.130, as an account of the distribution of such contributions, and thereafter such additional information as the director may require. [1973 1st ex.s. c 66 § 1.]

19.09.900 EFFECTIVE DATE--1973 1ST EX.S. C 13. Except as provided in this section, this chapter shall not take effect until January 1, 1974. The director may, prior to such date, adopt regulations for the implementation of this chapter, but such regulations shall not take effect until January 1, 1974, or thereafter. [1973 1st ex.s. c 13 § 37.]

19.09.910 SEVERABILITY--1973 1ST EX.S. C 13. The provisions of this chapter are severable, and if any part or provision hereof shall be void, the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this chapter. [1973 1st ex.s. c 13 § 38.]

Chapter 19.16  
COLLECTION AGENCIES

19.16.120 DENIAL, SUSPENSION, REVOCATION OR REFUSAL TO RENEW LICENSES--  
GROUND. In addition to other provisions of this chapter, any license issued pursuant to this chapter or any application therefor may be denied, not renewed, suspended, or revoked:

(1) If an individual applicant or licensee is less than eighteen years of age or is not a resident of this state.

(2) If an applicant or licensee is not authorized to do business in this state.

(3) If the application or renewal forms required by this chapter are incomplete, fees required under RCW 19.16.140 and 19.16.150 have not been paid, and the surety bond or cash deposit or other negotiable security acceptable to the director required by RCW 19.16.190 has not been filed or renewed or is canceled.

(4) If any individual applicant, owner, officer, director, or managing employee of a nonindividual applicant or licensee:

(a) Shall have knowingly made a false statement of a material fact in any application for a collection agency license or renewal thereof, or in any data attached thereto and two years have not elapsed since the date of such statement;

(b) Shall have had a license to engage in the business of a collection agency denied, not renewed, suspended, or revoked by this state, any other state, or foreign country, for any reason other than the nonpayment of licensing fees or failure to meet bonding requirements: PROVIDED, That the terms of this subsection shall not apply if:

(i) Two years have elapsed since the time of any such denial, nonrenewal, or revocation; or

(ii) The terms of any such suspension have been fulfilled;

(c) Has been convicted in any court of any felony involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and is incarcerated for that offense or five years have not elapsed since the date of such conviction;

(d) Has had any judgment entered against him in any civil action involving forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, or conspiracy to defraud and five years have not elapsed since the date of the entry of the final judgment in said action: PROVIDED, That in no event shall a license be issued unless the judgment debt has been discharged;

(e) Has had his license to practice law suspended or revoked and two years have not elapsed since the date of such suspension or revocation, unless he has been relicensed to practice law in this state;

(f) Has had any judgment entered against him or it under the provisions of RCW 19.86.080 or 19.86.090 involving a

violation or violations of RCW 19.86.020 and two years have not elapsed since the entry of the final judgment: PROVIDED, That in no event shall a license be issued unless the terms of such judgment, if any, have been fully complied with: PROVIDED FURTHER, That said judgment shall not be grounds for denial, suspension, nonrenewal, or revocation of a license unless the judgment arises out of and is based on acts of the applicant, owner, officer, director, managing employee, or licensee while acting for or as a collection agency;

(g) Has petitioned for bankruptcy, and two years have not elapsed since the filing of said petition;

(h) Shall be insolvent in the sense that his or its liabilities exceed his or its assets or in the sense that he or it cannot meet his or its obligations as they mature;

(i) Has knowingly failed to comply with, or violated any provisions of this chapter or any rule or regulation issued pursuant to this chapter, and two years have not elapsed since the occurrence of said noncompliance or violation.

Any person who is engaged in the collection agency business as of January 1, 1972 shall, upon filing the application, paying the fees, and filing the surety bond or cash deposit or other negotiable security in lieu of bond required by this chapter, be issued a license hereunder. [1973 1st ex.s. c 20 § 1; 1971 ex.s. c 253 § 3.]

19.16.160 LICENSE AND BRANCH OFFICE  
CERTIFICATE--FORM--CONTENTS--DISPLAY.

Each license and branch office certificate, when issued, shall be in the form and size prescribed by the director and shall state in addition to any other matter required by the director:

(1) The name of the licensee;

(2) The name under which the licensee will do business;

(3) The address at which the collection agency business is to be conducted; and

(4) The number and expiration date of the license or branch office certificate.

A licensee shall display his or its license in a conspicuous place in his or its principal place of business and, if he or it conducts a branch office, the branch office certificate shall be conspicuously displayed in the branch office.

Concurrently with or prior to engaging in any activity as a collection agency, as defined in this chapter, any person shall furnish to his or its client or customer the number indicated on the collection agency license issued to him pursuant to this section. [1973 1st ex.s. c 20 § 2; 1971 ex.s. c 253 § 7.]

19.16.230 LICENSEE--BUSINESS OFFICE--  
RECORDS TO BE KEPT.

(1) Every licensee required to keep and maintain records pursuant to this section shall establish

and maintain a regular active business office in the state of Washington for the purpose of conducting his or its collection agency business. Said office must be open to the public during reasonable stated business hours, and must be managed by a resident of the state of Washington.

(2) Every licensee shall keep a record of all sums collected by him or it and all disbursements made by him or it. All such records shall be kept at the business office referred to in subsection (1) of this section.

(3) Licensees shall maintain and preserve accounting records of collections and payments to customers for a period of six years from the date of the last entry thereon. [1973 1st ex.s. c 20 § 3; 1971 ex.s. c 253 § 14.]

19.16.245 FINANCIAL STATEMENT. No licensee shall receive any money from any debtor as a result of the collection of any claim until he or it shall have submitted a financial statement showing the assets and liabilities of the licensee truly reflecting that the licensee's net worth is not less than the sum of seven thousand five hundred dollars, in cash or its equivalent, of which not less than five thousand dollars shall be deposited in a bank, available for the use of the licensee's business. Any money so collected shall be subject to the provisions of RCW 19.16.430 (2). The financial statement shall be sworn to by the licensee, if the licensee is an individual, or by a partner, officer, or manager in its behalf if the licensee is a partnership, corporation, or unincorporated association. The information contained in the financial statement shall be confidential and not a public record, but is admissible in evidence at any hearing held, or in any action instituted in a court of competent jurisdiction, pursuant to the provisions of this chapter: PROVIDED, That this section shall not apply to those persons holding a valid license issued pursuant to this chapter on July 16, 1973. [1973 1st ex.s. c 20 § 9.]

19.16.350 BOARD—POWERS—DUTIES. [1971 ex.s. c 253 § 26.] Repealed by 1973 1st ex.s. c 20 § 10.

19.16.351 ADDITIONAL POWERS AND DUTIES OF BOARD. The board, in addition to any other powers and duties granted under this chapter:

(1) May adopt, amend, and rescind such rules and regulations for its own organization and procedure and such other rules and regulations as it may deem necessary in order to perform its duties hereunder.

(2) When an applicant or licensee has requested a hearing as provided in RCW 19.16.360 the board shall meet and after

notice and hearing may deny any application for a license hereunder, and may fail to renew, suspend, or revoke any license issued hereunder, if the applicant or licensee has failed to comply with or violated any provision of this chapter or any rule or regulation issued pursuant to this chapter. It shall be the duty of the board within thirty days after the last day of hearing to notify the appellant of its decision.

(3) May inquire into the needs of the collection agency business, the needs of the director, and the matter of the policy of the director in administering this chapter, and make such recommendations with respect thereto as, after consideration, may be deemed important and necessary for the welfare of the state, the welfare of the public, and the welfare and progress of the collection agency business.

(4) Upon request of the director, confer and advise in matters relating to the administering of this chapter.

(5) May consider and make appropriate recommendations to the director in all matters referred to the board.

(6) Upon his request, confer with and advise the director in the preparation of any rules and regulations to be adopted, amended, or repealed.

(7) May assist the director in the collection of such information and data as the director may deem necessary to the proper administration of this chapter. [1973 1st ex.s. c 20 § 8.]

19.16.360 LICENSES—DENIAL, SUSPENSION, REVOCATION OR REFUSAL TO RENEW—HEARING. (1) Whenever the director shall have reasonable cause to believe that grounds exist for denial, suspension, nonrenewal, or revocation of a license issued or to be issued under this chapter, he shall notify the applicant or licensee in writing by certified or registered mail, with return receipt requested, stating the grounds upon which it is proposed that the license be denied, suspended, revoked, or not renewed.

(2) Within thirty days from the receipt of notice of the alleged grounds for denial, suspension, revocation, or lack of renewal, the applicant or licensee may serve upon the director a written request for hearing before the board. Service of a request for a hearing shall be by certified mail and shall be addressed to the director at his office in Thurston county. Upon receiving a request for a hearing, the director shall fix a date for which the matter may be heard by the board, which date shall be not less than thirty days from the receipt of the request for such hearing. If no request for hearing is made within the time specified, the license shall be deemed denied, suspended, revoked, or not renewed.

(3) Whenever a licensee who has made timely and sufficient application for the renewal of a license, receives notice from the director that it is proposed that his or its license is not to be renewed, and said licensee requests a hearing under subsection (2) of this section, the licensee's current license shall not expire until the last day for seeking review of the board's decision expires or if judicial review of the board's decision is sought until final judgment has been entered by the superior court, or in the event of an appeal or appeals, until final judgment has been entered by the last appellate court in which review has been sought. [1973 1st ex.s. c 20 § 4; 1971 ex.s. c 253 § 27.]

19.16.370 LICENSE--DENIAL, SUSPENSION, REVOCATION, OR REFUSAL TO RENEW--GROUNDS. [1971 ex.s. c 253 § 28.] Repealed by 1973 1st ex.s. c 20 § 10.

19.16.400 INVESTIGATIONS OR PROCEEDINGS--POWERS OF DIRECTOR OR DESIGNEES--CONTEMPT. (1) The director may initiate and conduct investigations as may be reasonably necessary to establish the existence of any alleged violations of or noncompliance with the provisions of this chapter or any rules and regulations issued hereunder. For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

(2) If any individual fails to obey a subpoena or obeys a subpoena but refuses to give evidence, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the court, to show cause why he should not be compelled to obey the subpoena and give evidence material to the matter under investigation. The failure to obey an order of the court may be punishable as contempt. [1973 1st ex.s. c 20 § 5; 1971 ex.s. c 253 § 31.]

19.16.430 VIOLATIONS--OPERATING COLLECTION AGENCY WITHOUT A LICENSE--PENALTY--RETURN OF FEES OR COMPENSATION. (1) Any person who knowingly operates as a collection agency without a license or knowingly aids and abets such violation is punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding one year or both.

(2) Any person who operates as a collection agency in the state of Washington without a valid license issued pursuant to

this chapter shall not charge or receive any fee or compensation on any moneys received or collected while operating without a license or on any moneys received or collected while operating with a license but received or collected as a result of his or its acts as a collection agency while not licensed hereunder. All such moneys collected or received shall be forthwith returned to the owners of the accounts on which the moneys were paid. [1973 1st ex.s. c 20 § 6; 1971 ex.s. c 253 § 34.]

19.16.440 VIOLATIONS OF RCW 19.16.110 AND 19.16.250 ARE UNFAIR AND DECEPTIVE TRADE PRACTICES UNDER CHAPTER 19.86 RCW. The operation of a collection agency without a license as prohibited by RCW 19.16.110 and the commission by a licensee or an employee of a licensee of an act or practice prohibited by RCW 19.16.250 are declared to be unfair acts or practices or unfair methods of competition in the conduct of trade or commerce for the purpose of the application of the Consumer Protection Act found in chapter 19.86 RCW. [1973 1st ex.s. c 20 § 7; 1971 ex.s. c 253 § 35.]

Chapter 19.24  
COPYRIGHT PROTECTION

19.24.100 DOING BUSINESS DEFINED--AMENABILITY TO PROCESS--SERVICE ON NONRESIDENTS. All persons, groups, corporations, associations, foreign or domestic, violating this chapter, shall be deemed to have been doing business within this state and amenable to the process of the state courts, when any such persons, combinations, or groups shall have issued licenses, either from within or from without the state, for the privilege of using commercially and publicly any copyrighted work or works pooled in a common group or entity, or when any of the functions of said entity, organization, pool, or combine, is or has been performed in this state; and the business of spying upon and the warning of users of the copyrighted works of such combinations, in addition to the presence within the state of such persons, and the activities of such persons or their agents at any time or occasion for the detection of infringements within this state, shall be conclusive evidence that such combinations and persons, even though nonresidents, have accepted the privileges of doing business within this state, and such persons, if they abide by the provisions of this chapter, shall be granted the privilege of conducting business within this state in a legal manner, and may invoke the benefits of the state government and its political subdivisions in their behalf, and they may use all of the privileges available to the citizens of this state in general, and the



use at any time of any general privilege available to any citizen of this state, by any of such agents, their attorneys, or representative, or investigator, or by any aider and abettor, or any nonresident person, group, entity, or combination as aforesaid, shall be deemed to be an acceptance of the provisions of this chapter; and all licensees of any violator of this chapter shall be deemed as aiders and abettors of said persons and subject to the provisions of this chapter unless they forthwith indicate their obedience herewith; and the acceptance of the general privileges of the state of Washington by any nonresident copyright holder or owner, or combination, defendant, or person, or organization of any kind, or entity, through an investigator, attorney, agent, representative, or through any aider and abettor as herein defined, and the acceptance by such persons of the rights, police protection, or of any general privilege conferred by the law of this state to any of its citizens, including the use of the roads and highways, or the privileges of any of its political subdivisions, as evidenced by their presence within the state at any time, shall be deemed equivalent to and construed to be an appointment by such nonresident or nonresidents, as the case may be, of the secretary of state of the state of Washington to be his or their true and lawful attorney upon whom may be served all summons and processes against him or them and growing out of a violation of this chapter, in which said nonresident may be involved, and said acceptance of the privileges of this state, as aforesaid, shall be a signification of his or their agreement that any summons or process against him or them which is so served shall be of the same legal force and validity as if served on him or them personally within the state of Washington. Service of such summons or process shall be made by leaving a copy thereof with a fee of five dollars with the secretary of the state of Washington, or in his office, and such service shall be sufficient and valid personal service upon any such nonresident defendant, copyright holder or owner, persons, or defendants, combination, entity, or organization, as aforesaid: PROVIDED, That notice of such service and a copy of the summons of process shall be forthwith sent by registered mail requiring personal delivery, by the prosecutor bringing any action under this chapter, to any defendant at his last known address, and the defendant's return receipt and the prosecutor's affidavit of compliance herewith are appended to the process and entered as a part of the return thereof: PROVIDED, FURTHER, The court in which any action is brought may order such continuances as may be necessary to afford any nonresident defendant or groups, or entity, a reasonable opportunity to defend the action: PROVIDED, FURTHER, The secretary of state shall keep

a record of all such summons and process which shall show the day and time of service; and valid personal service shall thus be had on nonresident persons or individuals, entities, firms, or corporations violating this chapter. [1973 c 108 § 1; 1937 c 218 § 8; RRS § 3802-7. Formerly RCW 19.24.100 through 19.24.130.]

#### Chapter 19.28

#### ELECTRICIANS AND ELECTRICAL INSTALLATIONS

##### Cross Reference:

Electricians, licensing, etc.: Chapter 18.37 RCW.

#### Chapter 19.29

#### ELECTRICAL CONSTRUCTION

##### Cross Reference:

Electricians, licensing, etc.: Chapter 18.37 RCW.

#### Chapter 19.60

#### PAWN BROKERS AND SECOND-HAND DEALERS

19.60.060 RATES OF INTEREST AND OTHER FEES—SALE OF PLEDGED PROPERTY. All pawn brokers are authorized to charge and receive interest and other fees at the following rates for money loaned on the security of personal property actually received in pledge:

(1) The interest shall not exceed:

- (a) For an amount loaned up to \$19.99 - interest at \$1.00 per month;
- (b) For an amount loaned from \$20.00 to \$39.99 - interest at the rate of \$1.50 per month;
- (c) For an amount loaned from \$40.00 to \$75.99 - interest at the rate of \$2.00 per month;
- (d) For an amount loaned from \$76.00 to \$100.99 - interest at the rate of \$2.50 per month;
- (e) For an amount loaned from \$101.00 to \$125.99 - interest at the rate of \$3.00 per month;
- (f) For an amount loaned from \$126.00 or more - interest at the rate of three percent a month;

(2) The fee for the preparation of documents, pledges, or reports required under the laws of the United States of America, the state of Washington, or the counties, cities, towns, or other political subdivisions thereof, shall not exceed:

- (a) For the amount loaned up to \$4.99 - the sum of \$.50;
- (b) For the amount loaned from \$5.00 to \$9.99 - the sum of \$2.00;
- (c) For the amount loaned from \$10.00 to \$19.99 - the sum of \$3.00;
- (d) For the amount loaned from \$20.00 to \$39.99 - the sum of \$4.00;
- (e) For the amount loaned from \$40.00 to \$74.99 - the sum of \$5.00;

(f) For the amount loaned from \$75.00 to \$99.99 - the sum of \$7.50;

(g) For the amount loaned from \$100.00 or more - the sum of \$9.00;

(3) The fee for the care, maintenance, insurance relating to, preparation for storage of, and storage of personal property actually received in pledge, shall not exceed:

(a) For precious jewels, jewelry, or other personal property having a value \$100.00 to \$299.99, an amount equal to one-tenth of one percent of the value thereof as agreed upon in writing between the pledgor and the pledgee;

(b) For precious jewels, jewelry, or other personal property having a value exceeding \$300.00, an amount equal to one-twelfth of one percent of the value thereof as agreed upon in writing between the pledgor and the pledgee;

(4) Fees under subsections (2) and (3) may be charged one time only during the term of a pledge, and every person who shall ask or receive a higher rate of interest or discount or other fees on any such loan, or on any actual or pretended sale, or redemption of personal property, or who shall sell any property held for redemption within ninety days after the period for redemption shall have expired, shall be guilty of a misdemeanor.

A copy of this section, set in twelve point type or larger, shall be posted prominently in each premises subject to this chapter. [1973 1st ex.s. c 91 § 1; 1909 c 249 § 234; RRS § 2486.]

Chapter 19.68  
REBATING BY PRACTITIONERS OF HEALING  
PROFESSIONS

19.68.010 REBATING PROHIBITED—PENALTY. It shall be unlawful for any person, firm, corporation or association, whether organized as a cooperative, or for profit or nonprofit, to pay, or offer to pay or allow, directly or indirectly, to any person licensed by the state of Washington to engage in the practice of medicine and surgery, drugless treatment in any form, dentistry, or pharmacy and it shall be unlawful for such person to request, receive or allow, directly or indirectly, a rebate, refund, commission, unearned discount or profit by means of a credit or other valuable consideration in connection with the referral of patients to any person, firm, corporation or association, or in connection with the furnishings of medical, surgical or dental care, diagnosis, treatment or service, on the sale, rental, furnishing or supplying of clinical laboratory supplies or services of any kind, drugs, medication, or medical supplies, or any other goods, services or supplies prescribed for medical diagnosis,

care or treatment: PROVIDED, That ownership of a financial interest in any firm, corporation or association which furnishes any kind of clinical laboratory or other services prescribed for medical, surgical, or dental diagnosis shall not be prohibited under this section where the referring practitioner affirmatively discloses to the patient in writing, the fact that such practitioner has a financial interest in such firm, corporation, or association.

Any person violating the provisions of this section is guilty of a misdemeanor. [1973 1st ex.s. c 26 § 1; 1965 ex.s. c 58 § 1. Prior: 1949 c 204 § 1; Rem. Supp. 1949 § 10185-14.]

Chapter 19.72  
SURETYSHIP

19.72.030 INDIVIDUAL SURETIES—NUMBER—QUALIFICATION. Each of such sureties shall have separate property worth the amount specified in the bond or recognizance, over and above all debts and liabilities, and exclusive of property exempt from execution, unless the other spouse joins in the execution of the bond, in which case they must have community property of such required value; but in case such bond or recognizance is given in any action or proceeding commenced or pending in any court the judge, or justice of the peace, as the case may be, on justification, may allow more than two sureties to justify, severally, in amounts less than the amount specified, if the whole justification is equivalent to that of two sufficient sureties. [1973 1st ex.s. c 154 § 22; 1927 c 162 § 2; RRS § 958-2.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 19.86  
UNFAIR BUSINESS PRACTICES—CONSUMER  
PROTECTION

Cross References:

Camping clubs, violation of act constitutes unfair practice under chapter 19.86 RCW: RCW 19.105.200.

Chain distributor schemes, unfair practice under chapter 19.86 RCW: RCW 19.102.020.

Charitable solicitations, regulation, violation deemed unfair practice under chapter 19.86 RCW: RCW 19.09.340.

Hearing aid dispensing, advertising, etc.—Application: RCW 18.35.180.

Land development law, violations deemed unfair practice under chapter 19.86 RCW: RCW 58.19.270.

Law against discrimination, violation constitutes unfair practice under chapter 19.86 RCW: RCW 49.60.030.

19.86.020 UNFAIR COMPETITION, PRACTICES, DECLARED UNLAWFUL.

Cross Reference:

Hearing aid dispensing, advertising, etc.—Application: RCW 18.35.180.

Chapter 19.100  
FRANCHISE INVESTMENT PROTECTION

19.100.010 DEFINITIONS. When used in this chapter, unless the context otherwise requires:

(1) "Advertisement" means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communication media published in connection with an offer or sale of a franchise.

(2) "Community interest" means a continuing financial interest between the franchisor and franchisee in the operation of the franchise business.

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

(4) "Franchise" means an oral or written contract or agreement, either expressed or implied, in which a person grants to another person, a license to use a trade name, service mark, trade mark, logotype or related characteristic in which there is a community interest in the business of offering, selling, distributing goods or services at wholesale or retail, leasing, or otherwise and in which the franchisee is required to pay, directly or indirectly, a franchise fee: PROVIDED, That none of the following shall be construed as a franchise within the meaning of this chapter:

(a) The payment of a reasonable service charge to the issuer of a credit card by an establishment accepting or honoring such credit card or any transaction relating to a bank credit card plan;

(b) Actions or transactions otherwise permitted, prohibited or regulated under laws administered by the insurance commissioner of this state;

(c) Any motor vehicle dealer franchise subject to the provisions of chapter 46.70 RCW.

(5) "Bank credit card plan" means a credit card plan in which the issuer of credit cards as defined by RCW 9.26A.010

(1) is a national bank, state bank, trust company or any other banking institution subject to the supervision of the supervisor of banking of this state or any parent or subsidiary of such bank.

(6) "Franchisee" means a person to whom a franchise is offered or granted.

(7) "Franchisor" means a person who grants a franchise to another person.

(8) "Area franchise" means any contract or agreement between a franchisor or subfranchisor whereby the subfranchisor is granted the right to sell or negotiate the

sale of franchises in the name or on behalf of the franchisor.

(9) "Subfranchisor" means a person to whom an area franchise is granted.

(10) "Franchise broker or selling agent" means a person who directly or indirectly engages in the sale of franchises.

(11) "Franchise fee" means any fee or charge that a franchisee or subfranchisor is required to pay or agrees to pay for the right to enter into a business or to continue a business under a franchise agreement, including, but not limited to, the payment either in lump sum or by installments of an initial capital investment fee, any fee or charges based upon a percentage of gross or net sales whether or not referred to as royalty fees, any payment for the mandatory purchase of goods or services or any payment for goods or services available only from the franchisor, or any training fees or training school fees or charges; however, the following shall not be considered payment of a franchise fee: (a) the purchase or agreement to purchase goods at a bona fide wholesale price; (b) the purchase or agreement to purchase goods by consignment; if, and only if the proceeds remitted by the franchisee from any such sale shall reflect only the bona fide wholesale price of such goods; (c) a bona fide loan to the franchisee from the franchisor; (d) the purchase or agreement to purchase goods at a bona fide retail price subject to a bona fide commission or compensation plan that in substance reflects only a bona fide wholesale transaction; (e) the purchase or lease or agreement to purchase or lease supplies or fixtures necessary to enter into the business or to continue the business under the franchise agreement at their fair market or rental value; (f) the purchase or lease or agreement to purchase or lease real property necessary to enter into the business or to continue the business under the franchise agreement at the fair market or rental value; (g) amounts paid for trading stamps redeemable in cash only; (h) amounts paid for trading stamps to be used as incentives only and not to be used in, with, or for the sale of any goods.

(12) "Person" means a natural person, corporation, partnership, trust, or other entity and in the case of an entity, it shall include any other entity which has a majority interest in such an entity or effectively controls such other entity as well as the individual officers, directors, and other persons in act of control of the activities of each such entity.

(13) "Publish" means publicly to issue or circulate by newspaper, mail, radio, or television or otherwise to disseminate to the public.

(14) "Sale or sell" includes every contract of sale, contract to sell, or disposition of a franchise.

(15) "Offer or offer to sell" includes every attempt or offer to dispose of or

solicitation of an offer to buy a franchise or an interest in a franchise. [1973 1st ex.s. c 33 § 3; 1972 ex.s. c 116 § 1; 1971 ex.s. c 252 § 1.]

19.100.180 RELATION BETWEEN FRANCHISOR AND FRANCHISEE—RIGHTS AND PROHIBITIONS.

Without limiting the other provisions of this chapter, the following specific rights and prohibitions shall govern the relation between the franchisor or subfranchisor and the franchisees:

(1) The parties shall deal with each other in good faith.

(2) For the purposes of this chapter and without limiting its general application, it shall be an unfair or deceptive act or practice or an unfair method of competition and therefore unlawful and a violation of this chapter for any person to:

(a) Restrict or inhibit the right of the franchisees to join an association of franchisees.

(b) Require a franchisee to purchase or lease goods or services of the franchisor or from approved sources of supply unless and to the extent that the franchisor satisfies the burden of proving that such restrictive purchasing agreements are reasonably necessary for a lawful purpose justified on business grounds, and do not substantially affect competition: PROVIDED, That this provision shall not apply to the initial inventory of the franchise. In determining whether a requirement to purchase or lease goods or services constitutes an unfair or deceptive act or practice or an unfair method of competition the courts shall be guided by the decisions of the courts of the United States interpreting and applying the anti-trust laws of the United States.

(c) Discriminate between franchisees in the charges offered or made for royalties, goods, services, equipment, rentals, advertising services, or in any other business dealing, unless and to the extent that the franchisor satisfies the burden of proving that any classification of or discrimination between franchisees is reasonable, is based on franchises granted at materially different times and such discrimination is reasonably related to such difference in time or on other proper and justifiable distinctions considering the purposes of this chapter, and is not arbitrary.

(d) Sell, rent, or offer to sell to a franchisee any product or service for more than a fair and reasonable price.

(e) Obtain money, goods, services, anything of value, or any other benefit from any other person with whom the franchisee does business on account of such business unless such benefit is disclosed to the franchisee.

(f) If the franchise provides that the franchisee has an exclusive territory, which exclusive territory shall be specified in the franchise agreement, for the

franchisor or subfranchisor to compete with the franchisee in an exclusive territory or to grant competitive franchises in the exclusive territory area previously granted to another franchisee.

(g) Require franchisee to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this chapter.

(h) Impose on a franchisee by contract, rule, or regulation, whether written or oral, any standard of conduct unless the person so doing can sustain the burden of proving such to be reasonable and necessary.

(i) Refuse to renew a franchise without fairly compensating the franchisee for the fair market value, at the time of expiration of the franchise, of the franchisee's inventory, supplies, equipment, and furnishings purchased from the franchisor, and good will, exclusive of personalized materials which have no value to the franchisor, and inventory, supplies, equipment and furnishings not reasonably required in the conduct of the franchise business: PROVIDED, That compensation need not be made to a franchisee for good will if (i) the franchisee has been given one year's notice of nonrenewal and (ii) the franchisor agrees in writing not to enforce any covenant which restrains the franchisee from competing with the franchisor: PROVIDED FURTHER, That a franchisor may offset against amounts owed to a franchisee under this subsection any amounts owed by such franchisee to the franchisor.

(j) To terminate a franchise prior to the expiration of its term except for good cause. Good cause shall include, without limitation, the failure of the franchisee to comply with lawful material provisions of the franchise or other agreement between the franchisor and the franchisee and to cure such default after being given written notice thereof and a reasonable opportunity, which in no event need be more than thirty days, to cure such default, or if such default cannot reasonably be cured within thirty days, the failure of the franchisee to initiate within thirty days substantial and continuing action to cure such default: PROVIDED, That a franchisor may terminate a franchise without giving prior notice or opportunity to cure a default if the franchisee (i) is adjudicated a bankrupt or insolvent; (ii) makes an assignment for the benefit of creditors or similar disposition of the assets of the franchise business; (iii) voluntarily abandons the franchise business; or (iv) is convicted of or pleads guilty or no contest to a charge of violating any law relating to the franchise business. Upon termination for good cause, the franchisor shall purchase from the franchisee at a fair market value at the time of termination, the franchisee's inventory and supplies, exclusive of (i) personalized materials which have no value to the franchisor;

(ii) inventory and supplies not reasonably required in the conduct of the franchise business; and (iii), if the franchisee is to retain control of the premises of the franchise business, any inventory and supplies not purchased from the franchisor or on his express requirement: PROVIDED, That a franchisor may offset against amounts owed to a franchisee under this subsection any amounts owed by such franchisee to the franchisor. [1973 1st ex.s. c 33 § 4; 1972 ex.s. c 116 § 10; 1971 ex.s. c 252 § 18.]

Chapter 19.102  
CHAIN DISTRIBUTOR SCHEMES

19.102.010 DEFINITIONS. (1) "Chain distributor scheme" is a sales device whereby a person, under a condition that he make an investment, is granted a license or right to recruit for consideration one or more additional persons who are also granted such license or right upon condition of making an investment, and may further perpetuate the chain of persons who are granted such license or right upon such condition. A limitation as to the number of persons who may participate, or the presence of additional conditions affecting eligibility for the above license or right to recruit or the receipt of profits therefrom, does not change the identity of the scheme as a chain distributor scheme.

(2) "Person" means a natural person, corporation, partnership, trust, or other entity and in the case of an entity, it shall include any other entity which has a majority interest in such an entity or effectively controls such other entity as well as the individual officers, directors, and other persons in act of control of the activities of each such entity.

(3) "Investment" is any acquisition, for a consideration other than personal services, of personal property, tangible or intangible, for profit or business purposes, and includes, without limitation, franchises, business opportunities, services and inventory for resale. It does not include sales demonstration equipment and materials, furnished at cost for use in making sales and not for resale. [1973 1st ex.s. c 33 § 1.]

19.102.020 CHAIN DISTRIBUTOR SCHEMES PROHIBITED--UNFAIR PRACTICE. No person shall promote, offer or grant participation in a chain distributor scheme. Any violation of this chapter shall be construed for purposes of the application of the Consumer Protection Act, chapter 19.86 RCW, to constitute an unfair or deceptive act or practice or unfair method of

competition in the conduct of trade or commerce. [1973 1st ex.s. c 33 § 2.]

Chapter 19.105  
CAMPING CLUBS

19.105.200 VIOLATIONS CONSTITUTE UNFAIR OR DECEPTIVE PRACTICE. Any violation of the provisions of this chapter shall be construed, for the purposes of application of the Consumer Protection Act, chapter 19.86 RCW, to constitute an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce. [1973 1st ex.s. c 79 § 1.]

TITLE 20  
COMMISSION MERCHANTS--AGRICULTURAL PRODUCTS

Sections added, amended, or repealed:

Chapter 20.01 Agricultural Products--Commission Merchants, Dealers, Brokers, Buyers, Agents.

20.01.130 Disposition of fees.  
20.01.570 Cash or other security in lieu of surety bond.

Chapter 20.01  
AGRICULTURAL PRODUCTS--COMMISSION MERCHANTS, DEALERS, BROKERS, BUYERS, AGENTS

20.01.130 DISPOSITION OF FEES. All fees received by the department under the provisions of this chapter shall be paid to the director and shall be used solely for the purpose of carrying out the provisions of this chapter and rules and regulations adopted hereunder. [1973 c 142 § 1; 1971 ex.s. c 182 § 7; 1959 c 139 § 13.]

20.01.210 COMMISSION MERCHANTS, DEALERS--BONDS.

Cross Reference:  
Cash or other security in lieu of surety bond: RCW 20.01.570.

20.01.570 CASH OR OTHER SECURITY IN LIEU OF SURETY BOND. In lieu of the surety bond required under the provisions of this chapter, an applicant or licensee may file with the director a deposit consisting of cash or other security acceptable to the director. The director may adopt rules and regulations necessary for the administration of such security. [1973 c 142 § 2.]

TITLE 21  
SECURITIES AND INVESTMENTS

Sections added, amended, or repealed:

Chapter 21.20 Securities Act of  
Washington.

Registration by Qualification

21.20.210 Registration by qualification—  
Statements—Requirements—Au-  
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Chapter 21.20  
SECURITIES ACT OF WASHINGTON  
REGISTRATION BY QUALIFICATION

21.20.210 REGISTRATION BY QUALIFICA-  
TION—STATEMENTS—REQUIREMENTS—AUDITS.

(AMENDMENT EFFECTIVE JANUARY 1, 1975.)

Any security may be registered by qualifi-  
cation. A registration statement under  
this section shall contain the following  
information and be accompanied by the  
following documents, in addition to pay-  
ment of the registration fee prescribed in  
RCW 21.20.340, and, if required under RCW  
21.20.330, a consent to service of process  
meeting the requirements of that section:

(1) With respect to the issuer and any  
significant subsidiary: Its name, ad-  
dress, and form of organization; the state  
or foreign jurisdiction and date of its  
organization; the general character and  
location of its business; and a descrip-  
tion of its physical properties and  
equipment.

(2) With respect to every director and  
officer of the issuer, or person occupying  
a similar status or performing similar  
functions: His name, address, and princi-  
pal occupation for the past five years;  
the amount of securities of the issuer  
held by him as of a specified date within  
ninety days of the filing of the registra-  
tion statement; the remuneration paid to  
all such persons in the aggregate during  
the past twelve months, and estimated to  
be paid during the next twelve months,  
directly or indirectly, by the issuer  
(together with all predecessors, parents  
and subsidiaries).

(3) With respect to any person not  
named in RCW 21.20.210 (2), owning of  
record, or beneficially if known, ten  
percent or more of the outstanding shares  
of any class of equity security of the  
issuer: The information specified in RCW  
21.20.210 (2) other than his occupation.

(4) With respect to every promoter, not  
named in RCW 21.20.210 (2), if the issuer  
was organized within the past three years:  
The information specified in RCW 21.20.210  
(2), any amount paid to him by the issuer  
within that period or intended to be paid  
to him, and the consideration for any such  
payment.

(5) The capitalization and long-term  
debt (on both a current and a pro forma  
basis) of the issuer and any significant  
subsidiary, including a description of  
each security outstanding or being regis-  
tered or otherwise offered, and a state-  
ment of the amount and kind of  
consideration (whether in the form of  
cash, physical assets, services, patents,  
goodwill, or anything else) for which the  
issuer or any subsidiary has issued any of  
its securities within the past two years  
or is obligated to issue any of its  
securities.

(6) The kind and amount of securities  
to be offered; the amount to be offered in  
this state; the proposed offering price  
and any variation therefrom at which any  
portion of the offering is to be made to  
any persons except as underwriting and  
selling discounts and commissions; the

estimated aggregate underwriting and selling discounts or commissions and finders' fees (including separately cash, securities, or anything else of value to accrue to the underwriters in connection with the offering); the estimated amounts of other selling expenses, and legal, engineering, and accounting expenses to be incurred by the issuer in connection with the offering; the name and address of every underwriter and every recipient of a finders' fee; a copy of any underwriting or selling group agreement pursuant to which the distribution is to be made, or the proposed form of any such agreement whose terms have not yet been determined; and a description of the plan of distribution of any securities which are to be offered otherwise than through an underwriter.

(7) The estimated cash proceeds to be received by the issuer from the offering; the purposes for which the proceeds are to be used by the issuer; the amount to be used for each purpose; the order or priority in which the proceeds will be used for the purposes stated; the amounts of any funds to be raised from other sources to achieve the purposes stated, and the sources of any such funds; and, if any part of the proceeds is to be used to acquire any property (including goodwill) otherwise than in the ordinary course of business, the names and addresses of the vendors and the purchase price.

(8) A description of any stock options or other security options outstanding, or to be created in connection with the offering, together with the amount of any such options held or to be held by every person required to be named in RCW 21.20-.210 (2), (3), (4), (5) or (7) and by any person who holds or will hold ten percent or more in the aggregate of any such options.

(9) The states in which a registration statement or similar document in connection with the offering has been or is expected to be filed.

(10) Any adverse order, judgment, or decree previously entered in connection with the offering by any court or the securities and exchange commission; a description of any pending litigation or proceeding to which the issuer is a party and which materially affects its business or assets (including any such litigation or proceeding known to be contemplated by governmental authorities).

(11) A copy of any prospectus or circular intended as of the effective date to be used in connection with the offering.

(12) A specimen or copy of the security being registered; a copy of the issuer's articles of incorporation and bylaws, as currently in effect; and a copy of any indenture or other instrument covering the security to be registered.

(13) A signed or conformed copy of an opinion of counsel, if available, as to

the legality of the security being registered.

(14) (a) If the issuer is a commercial, industrial or extractive company in the promotional, exploratory or development stage, the following statements:

(i) Separate statements of (A) assets, (B) liabilities, and (C) capital shares, as of a date within one hundred twenty days prior to the filing of the registration statement.

(ii) A statement of cash receipts and disbursements for each of at least three full fiscal years prior to the date of the statements furnished pursuant to paragraph (i) above, and for the period, if any, between the close of the last full fiscal year and the date of such statements, or for the period of the issuer's existence if less than the period specified above.

(iii) In such statements, dollar amounts shall be extended only for cash transactions and transactions involving amounts receivable or payable in cash.

(b) If paragraph (a) does not apply to the issuer, there shall be furnished:

(i) Financial statements consisting of a balance sheet of the issuer as of a date within four months prior to the filing of the registration statement, and as of the date of the end of the last fiscal year if more than four months prior to such filing.

(ii) Statements of income, shareholders' equity, and changes in financial position for each of the three fiscal years preceding the date of the latest balance sheet and for any period between the close of the last fiscal year and the date of the latest balance sheet, or for the period of the issuer's and any predecessor's existence if less than three years.

(iii) If any part of the proceeds of the offering is to be applied to the purchase of any business whose annual sales or revenues are in excess of fifteen percent of the registrant's sales or revenues or involves acquisition of assets in excess of fifteen percent of the registrant's assets, except as specifically exempted by the director, financial statements shall be filed which would be required if that business were the registrant.

(c) If the estimated proceeds to be received from the offering, together with the proceeds from securities registered under this section during the year preceding the date of the filing of this registration statement, exceed one hundred thousand dollars, the statements described in subsection (14) (a) (i) or (14) (b) (i) of this section as of the date of the close of the last fiscal year and the related financial statements specified in subsections (14) (a) (ii) and (14) (b) (ii) of this section for the last fiscal year shall be audited. For registration statements filed after December 31, 1975, and if such proceeds exceed five hundred thousand dollars, the financial statements specified in subsections (14) (a) (ii) and



(14) (b) (ii) of this section for the last two fiscal years shall be audited.

(d) Such financial statements and such other financial information as may be prescribed by the director shall be prepared as to form and content in accordance with the rules and regulations prescribed by the director and shall be audited, as provided in paragraph (c) above, by an independent certified public accountant who is authorized to practice under the laws of the state of Washington and who is not an employee, officer, or member of the board of directors of the issuer or a holder of the securities of the issuer. The report of such independent certified public accountant shall be based upon an audit made in accordance with generally accepted auditing standards with no limitations on its scope. The director may also verify such statements by examining the issuer's books and records.

(15) The written consent of any accountant, engineer, appraiser, attorney, or any person whose profession gives authority to a statement made by him, who is named as having prepared or audited any part of the registration statement or is named as having prepared or audited a report or valuation for use in connection with the registration statement. [1973 1st ex.s. c 171 § 1; 1959 c 282 § 21.]

Effective date—Construction—Severability—1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

#### INVESTIGATIONS AND SUBPOENAS

21.20.370 INVESTIGATIONS—STATEMENT OF FACTS RELATING TO INVESTIGATION MAY BE PERMITTED—PUBLICATION OF INFORMATION. (AMENDMENT EFFECTIVE JANUARY 1, 1975.. The director in his discretion (1) may annually, or more frequently, make such public or private investigations within or without this state as he deems necessary to determine whether any registration should be granted, denied or revoked or whether any person has violated or is about to violate any provision of this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder, (2) may require or permit any person to file a statement in writing, under oath or otherwise as the director may determine, as to all the facts and circumstances concerning the matter to be investigated, and (3) shall publish information concerning any violation of this chapter or any rule or order hereunder. [1973 1st ex.s. c 171 § 2; 1959 c 282 § 37.]

Effective date—Construction—Severability—1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

#### Cross Reference:

Investigations, additional authority, scope: RCW 21.20.700.

#### ADVISORY COMMITTEE

21.20.550 STATE ADVISORY COMMITTEE—COMPOSITION, APPOINTMENT, QUALIFICATIONS. (AMENDMENT EFFECTIVE JANUARY 1, 1975.. There is hereby created a state advisory committee which shall consist of seven members to be appointed by the governor on the basis of their experience and qualifications. The membership shall be selected, insofar as possible, on the basis of giving both geographic representation and representation to all phases of the securities business including the legal and accounting professions. [1973 1st ex.s. c 171 § 3; 1959 c 282 § 55.]

Effective date—Construction—Severability—1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

21.20.560 STATE ADVISORY COMMITTEE—CHAIRMAN, SECRETARY—MEETINGS. (AMENDMENT EFFECTIVE JANUARY 1, 1975.. (1) The committee shall select a chairman and a secretary from their group.

(2) Regular meetings may be held quarterly, or semiannually, and special meetings may be called by the chairman upon at least seven days' written notice to each committee member sent by regular mail. [1973 1st ex.s. c 171 § 4; 1959 c 282 § 56.]

Effective date—Construction—Severability—1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

#### ADDITIONAL PROVISIONS [Effective January 1, 1975]

21.20.700 INVESTIGATIONS AND EXAMINATIONS—ADDITIONAL AUTHORITY—SCOPE. In addition to the authority conferred in RCW 21.20.370 the director at any time during a public offering whether registered or not, or one year thereafter or at any time that any debt or equity securities which have been sold to the public pursuant to registration under chapter 21.20 RCW are still outstanding obligation of the issuer: (1) May investigate and examine the issuer for the purpose of ascertaining whether there have been violations of chapter 21.20 RCW, regulations thereunder, or conditions expressed in the permit for the public offering; (2) may require or permit any person to file a statement in writing, under oath or otherwise as the director may determine, as to all the facts and circumstances concerning the matter to be investigated; and (3) may publish information concerning any violation of this chapter or any rule or order hereunder. Said examination and investigation, whether conducted within or without this state, shall include the right to reasonably examine the issuer's books,

accounts, records, files, papers, feasibility reports, other pertinent information and obtain written permission from the issuer to consult with the independent accountant who audited the financial statements of the issuer. The reasonable costs of such examination shall be paid by the issuer to the director: PROVIDED, HOWEVER, The issuer shall not be liable for the costs of second or subsequent examinations during a calendar year. [1973 1st ex.s. c 171 § 5.]

Effective date--Construction--Severability--1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

Cross Reference:

Investigations: RCW 21.20.370.

21.20.705 DEBENTURE COMPANIES--DEFINITION. When used in this chapter, unless the context otherwise requires, "debenture company" means an issuer of any securities which is required to be registered under the provisions of this chapter and which is not exempted from such registration requirements by RCW 21.20.310; which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, leasing, or trading in real or chattel mortgages, deeds of trust, or land or personal property contracts, or security agreements and financing statements under the uniform commercial code, or land contracts; and which has issued or proposes to issue notes, debentures and other obligations for money used or to be used as capital of the issuer. [1973 1st ex.s. c 171 § 6.]

Effective date--Construction--Severability--1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

21.20.710 DEBENTURE COMPANIES--PAID-IN CAPITAL REQUIREMENTS--WAIVER. No debenture company shall offer for sale any security other than capital stock which would result in the violation of the following paid-in capital requirements:

(1) For outstanding securities other than capital stock totaling \$1 to \$500,000 there must be at least \$50,000 paid-in capital; said paid-in capital must be in the form of cash or comparable liquid assets as defined by rules and regulations; and

(2) For outstanding securities other than capital stock totaling \$500,001 to \$750,000 there must be at least \$75,000 paid-in capital; said paid-in capital must be in the form of cash or comparable liquid assets as defined by rules and regulations; and

(3) For outstanding securities other than capital stock totaling \$750,001 to \$1,000,000 there must be at least \$100,000 paid-in capital; said paid-in capital must be in the form of cash or comparable

liquid assets as defined by rules and regulations.

In addition to the requirements set forth in subsections (1), (2), and (3) of this section, to the extent that a debenture company has outstanding securities other than capital stock totaling in excess of \$1,000,000, the debenture company's paid-in capital, equity reserves, and undivided profits shall be at least five percent of the outstanding securities in excess of \$1,000,000, but not over \$10,000,000, and two and one-half percent additional paid-in capital, equity reserves, and undivided profits for all securities in excess of \$10,000,000: PROVIDED, That the director may for good cause in the interest of the existing investors, waive this requirement: PROVIDED FURTHER, That if the director waives the minimum requirements set forth in this section, any debenture company taking advantage of this waiver shall set aside into its equity reserves and undivided profits, at least five percent of the net earnings of each year, until such time as they can meet the requirements without waiver from the director. [1973 1st ex.s. c 171 § 7.]

Effective date--Construction--Severability--1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

21.20.715 DEBENTURE COMPANIES--MATURITY DATE REQUIREMENTS. Any debenture company offering debt securities to the public shall provide that at least fifty percent of the amount of those securities sold after July 1, 1973, shall have maturity dates of two years or more. [1973 1st ex.s. c 171 § 8.]

Effective date--Construction--Severability--1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

21.20.720 DEBENTURE COMPANIES--PROHIBITED ACTIVITIES BY DIRECTORS OR OFFICERS. (1) A director or officer of a debenture company shall not:

(a) Have any interest, direct or indirect, in the gains or profits of the debenture company, except to receive dividends upon the amounts contributed by him, the same as any other depositor or shareholder and under the same regulations and conditions: PROVIDED, That nothing in this subsection shall be construed to prohibit salaries as may be approved by the debenture company's board of directors;

(b) Become a member of the board of directors or a controlling shareholder of another debenture company or a bank, trust company, or national banking association, of which board enough other directors or officers of the debenture company are members so as to constitute with him a majority of the board of directors.

(2) Neither a director nor an officer shall:

(a) For himself or as agent or partner of another, directly or indirectly use any of the funds held by the debenture company, except to make such current and necessary payments as are authorized by the board of directors;

(b) Receive directly or indirectly and retain for his own use any commission on or benefit from any loan made by the debenture company, or any pay or emolument for services rendered to any borrower from the debenture company in connection with such loan;

(c) Become an indorser, surety, or guarantor, or in any manner an obligor, for any loan made from the debenture company and except when approval has been given by the director of the department of motor vehicles or his administrator of securities upon recommendation by the company's board of directors.

(d) For himself or as agent or partner of another, directly or indirectly borrow any of the funds held by the debenture company, or become the owner of real property upon which the debenture company holds a mortgage. A loan to or a purchase by a corporation in which he is a stockholder to the amount of fifteen percent of the total outstanding stock, or in which he and other directors or officers of the debenture company hold stock to the amount of twenty-five percent of the total outstanding stock, shall be deemed a loan to or a purchase by such director or officer within the meaning of this section, except when the loan to or purchase by such corporation occurred without his knowledge or against his protest. [1973 1st ex.s. c 171 § 9.]

Effective date—Construction—Severability—1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

21.20.725 DEBENTURE COMPANIES—CERTIFICATES OF DEBENTURE—REQUIREMENTS. (1) Debenture companies shall not issue certificates of debentures in passbook form, or in such other form which suggests to the holder thereof that such moneys may be withdrawn on demand.

(2) Each certificate of debenture or an application for a certificate shall specify on the face of the certificate or application therefor, in twelve point bold face type or larger, that such debenture is not insured by the United States government, the state of Washington, or any agency thereof. [1973 1st ex.s. c 171 § 10.]

Effective date—Construction—Severability—1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

21.20.740 REPORTS—REQUIREMENTS. (1) Every issuer which has registered securities under Washington state securities law shall file with the director reports described in subsection (2) of this section. Such reports shall be filed with the director not more than one hundred twenty days (unless extension of time is granted by the director) after the end of the issuer's fiscal year.

(2) The reports required by subsection (1) of this section shall contain such information, statements and documents regarding the financial and business conditions of the issuer and the number and description of securities of the issuer held by its officers, directors and controlling shareholders and shall be in such form and filed at such annual times as the director may require by rule or order. For the purposes of RCW 21.20.720, 21.20.740 and 21.20.745, a "controlling shareholder" shall mean a person who is directly or indirectly the beneficial holder of more than ten percent of the outstanding voting securities of an issuer.

(3) (a) The reports described in subsection (2) of this section shall include financial statements corresponding to those required under the provisions of RCW 21.20.210 and to the issuer's fiscal year setting forth in comparative form the corresponding information for the preceding year and such financial statements shall be furnished to all shareholders within one hundred twenty days (unless extension of time is granted by the director) after the end of such year, but at least twenty days prior to the date of the annual meeting of shareholders.

(b) Such financial statements shall be prepared as to form and content in accordance with rules and regulations prescribed by the director and shall be audited (except that financial statements filed prior to July 1, 1976 need be audited only as to the most recent fiscal year) by an independent certified public accountant who is not an employee, officer or member of the board of directors of the issuer or a holder of securities of the issuer. The report of such independent certified public accountant shall be based upon an audit made in accordance with generally accepted auditing standards with no limitations on its scope.

(4) The director may by rule or order exempt any issuer or class of issuers from this section for a period of up to one year if he finds that the filing of any such report by a specific issuer or class of issuers is not necessary for the protection of investors and the public interest.

(5) For the purposes of RCW 21.20.740 and 21.20.745, "issuer" does not include issuers of:

(a) Securities registered by the issuer pursuant to section 12 of the securities and exchange act of 1934 as now or

hereafter amended or exempted from registration under that act on a basis other than the number of shareholders and total assets.

(b) Securities which are held of record by less than two hundred persons or whose total assets are less than \$500,000 at the close of the issuer's fiscal year.

(6) Any issuer who has been required to file under RCW 21.20.740 and who subsequently becomes excluded from the definition of "issuer" by virtue of RCW 21.20.740 (5) must file a certification setting forth the basis on which they claim to no longer be an issuer within the meaning of \*this act.

(7) The reports filed under this section shall be filed and maintained by the director for public inspection. Any person is entitled to receive copies thereof from the director upon payment of the reasonable costs of duplication.

(8) Filing of reports pursuant to this section shall not constitute an approval thereof by the director or a finding by the director that the report is true, complete and not misleading. It shall be unlawful to make, or cause to be made, to any prospective purchaser, seller, customer or client, any representation inconsistent with this subsection. [1973 1st ex.s. c 171 § 11.]

\*Reviser's note: "this act" apparently refers to 1973 1st ex.s. c 171 which consists of amendments to RCW 21.20.210, 21.20.370, 21.20.550, 21.20.560, and to RCW 21.20.700-21.20.805.

Effective date--Construction--Severability--1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

21.20.745 REPORTS--VIOLATIONS OF REPORTING REQUIREMENTS--PENALTIES--CONTRIBUTION. (1) It is unlawful for any person, including the officers and directors of any issuer, to fail to file a report required by RCW 21.20.740 or to file any such report which contains an untrue statement of a material fact or an omission to state a material fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading unless such person did not know, and in the exercise of reasonable care could not have known, of the failure, untruth or omission. In addition to any other penalties or remedies provided by chapter 21.20 RCW, each officer and director of an issuer which violates this subsection shall be personally liable for damages as provided in subsection (2) of this section if such officer or director:

(a) Had actual notice of the issuer's duty to file reports;

(b) Knew, or in the exercise of reasonable care could have known of the violation; and

(c) Could have prevented the violation.

(2) Any issuer and other person who violate subsection (1) of this section shall be liable jointly and severally for the damages occasioned by such violation, together with reasonable attorney fees and costs to any person who, during the continuation of the violation and without actual notice of the violation, purchases or sells any securities of the issuer within six months following the date the violation commenced.

(3) No suit or action may be commenced under subsection (2) of this section more than one year after the purchase or sale.

(4) Any person held liable under this section shall be entitled to contribution from those jointly and severally liable with him. [1973 1st ex.s. c 171 § 12.]

Effective date--Construction--Severability--1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

21.20.750 REPORTS--SUSPENSION OF SALE OF SECURITIES UNTIL REPORTING REQUIREMENTS COMPLIED WITH. In case of a violation of RCW 21.20.740 and 21.20.745, the director may suspend sale or trading by or through a broker-dealer of the securities of the issuer until the failure to file a report or statement or the inaccuracy or omissions in any report or statement are remedied as determined by the director. [1973 1st ex.s. c 171 § 13.]

Effective date--Construction--Severability--1973 1st ex.s. c 171: See RCW 21.20.800 and 21.20.805.

21.20.800 SEVERABILITY--1973 1ST EX.S. C 171. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1973 1st ex.s. c 171 § 15.]

Reviser's note: "this 1973 amendatory act", see note following RCW 21.20.805.

21.20.805 EFFECTIVE DATE--CONSTRUCTION--1973 1ST EX.S. C 171. This 1973 amendatory act shall take effect on January 1, 1975: PROVIDED HOWEVER, That debenture companies registered pursuant to chapter 21.20 RCW as of January 1, 1974, and for which there are no stop orders outstanding shall have until January 1, 1975, to comply with the requirements of section 7 of this 1973 amendatory act. [1973 1st ex.s. c 171 § 14.]

Reviser's note: "This 1973 amendatory act" [1973 1st ex.s. c 171] consists of amendments to RCW 21.20.210, 21.20.370, 21.20.550, 21.20.560 and to RCW 21.20.700-21.20.805. Section 7 is codified as RCW 21.20.710.

TITLE 23A  
WASHINGTON BUSINESS CORPORATION ACT

shares. [1973 c 28 § 1; 1969 ex.s. c 58 § 5.]

Sections added, amended, or repealed:

Chapter 23A.08 Substantive Provisions.

- 23A.08.305 Missing shareholders—Representation of at meetings—Voting.  
23A.08.310 Stock transfer by married person.  
23A.08.480 Annual report—Contents—Filing—Compliance—Violation—Penalty.

Chapter 23A.32 Foreign Corporations.

- 23A.32.060 Filing of application for certificate of authority.

Chapter 23A.08  
SUBSTANTIVE PROVISIONS

23A.08.305 MISSING SHAREHOLDERS—REPRESENTATION OF AT MEETINGS—VOTING. Upon a showing to the superior court of the county in which the registered office of a corporation is situated that:

(1) The addresses of the shareholders of record are lost, destroyed, incomplete or inadequate, and

(2) Notice of a meeting of shareholders for a purpose requiring the affirmative vote of the holders of two-thirds of any class of shares has been given in the manner required by law as nearly as may be done and has been published in a legal newspaper in Thurston county and in the county in which the registered office of the corporation is situated not less than ten nor more than fifty days before the date of the meeting, the court shall appoint a disinterested person to represent the missing shareholders of record at the meeting and to report his findings to the court which findings may include comments upon the showing made to the court as hereinabove provided. The court shall then approve any action taken at the meeting by the shareholders present in person or by proxy if the court is satisfied that it is in the best interests of the missing shareholders, and such approval shall have the same force and effect as an affirmative vote at the meeting by the missing shareholders. Said disinterested person shall receive reasonable compensation for his services from the corporation, to be fixed by the court.

(3) Published notice given under subsection (2) of this section shall state that:

(a) shareholders who have not received notice by mail will be treated as missing shareholders; and

(b) if the missing shareholders fail to appear at the shareholders' meeting, the court will appoint a person to vote their

23A.08.310 STOCK TRANSFER BY MARRIED PERSON. Certificates of stock and the shares represented thereby standing in the name of a married person may be transferred by such person, such person's agent or attorney, without the signature of such person's spouse. All dividends payable upon any shares of a corporation standing in the name of a married person, shall be paid to such married person, such person's agent or attorney, in the same manner as if such person were unmarried, and it shall not be necessary for the other spouse to join in a receipt therefor; and any proxy or power given by a married person, touching any shares of any corporation standing in such person's name, shall be valid and binding without the signature of the other spouse. [1973 1st ex.s. c 154 § 23; 1965 c 53 § 34.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

23A.08.480 ANNUAL REPORT—CONTENTS—FILING—COMPLIANCE—VIOLATION—PENALTY.

(1) Every corporation hereafter organized under this title and any foreign corporation authorized to do business in the state of Washington, shall (a) within thirty days after it shall have filed its articles of incorporation with the county auditor of the county in which the corporation has its registered office, or (b) within thirty days of the issuance of its certificate of authority, file an annual report with the officials and containing the information described in subsections (2) (a) through (2) (d) of this section.

(2) In addition, every corporation heretofore or hereafter organized under the laws of the territory or state of Washington and any foreign corporation authorized to do business in Washington shall at the time it is required to pay its annual license fee and at such additional times as it may elect, file with the secretary of state and with the county auditor of the county in which said corporation has its registered office an annual report, sworn to by its president and attested by its secretary, containing, as of the date of execution of the report:

(a) The name of the corporation and the state or country under the laws of which it is incorporated.

(b) The address of the registered office of the corporation in this state including street and number and the name of its registered agent in this state at such address, and, in the case of a foreign corporation, the address of its principal office in the state or country under the laws of which it is incorporated.

(c) A brief statement of the character of the affairs which the corporation is actually conducting, or, in the case of a

foreign corporation, which the corporation is actually conducting in this state.

(d) The names and respective addresses of the directors and officers of the corporation.

(3) The secretary of state shall file such annual report in his office for the fee of two dollars. If any corporation shall fail to comply with the foregoing provisions of this section and more than one year shall have elapsed from the date of the filing of the last report, service of process against such corporation may be made by serving duplicate copies upon the secretary of state. Upon such service being made, the secretary of state shall forthwith mail one of such duplicate copies of such process to such corporation at its registered office or its last known address, as shown by the records of his office.

(4) For every violation of this section there shall become due and owing to the state of Washington the sum of five dollars which sum shall be collected by the secretary of state. [1973 c 71 § 1; 1971 ex.s. c 133 § 1; 1971 ex.s. c 38 § 6; 1969 ex.s. c 83 § 2; 1967 c 190 § 3; 1965 c 53 § 51.]

Chapter 23A.32  
FOREIGN CORPORATIONS

23A.32.060 FILING OF APPLICATION FOR CERTIFICATE OF AUTHORITY. Duplicate originals of the application of the corporation for a certificate of authority shall be delivered to the secretary of state, together with a copy of the certificate of good standing, duly authenticated by the proper officer of the state or country under the laws of which it is incorporated.

If the secretary of state finds that such application conforms to law, he shall, when all fees have been paid as in this title prescribed:

(1) Endorse on each of such documents the word "Filed", and the month, day and year of the filing thereof.

(2) File in his office one of such duplicate originals of the application.

(3) Issue a certificate of authority to transact business in this state to which he shall affix the other duplicate original application.

The certificate of authority, together with the duplicate original of the application affixed thereto by the secretary of state, shall be returned to the corporation or its representative. [1973 c 89 § 1; 1971 c 22 § 2; 1965 c 53 § 114.]

TITLE 24  
CORPORATIONS AND ASSOCIATIONS (NONPROFIT)

Sections added, amended, or repealed:

Chapter 24.03 Washington Nonprofit Corporation Act.

24.03.400 Filing of annual report of domestic and foreign corporations.

Chapter 24.06 Miscellaneous and Mutual Corporations Act.

24.06.045 Corporate name.  
24.06.290 Proceedings for involuntary dissolution—Rights, duties and remedies.

24.06.445 Filing of annual report of domestic and foreign corporations.

24.06.450 Fees for filing documents and issuing certificates.

24.06.455 Miscellaneous charges.

Chapter 24.44 Uniform Management of Institutional Funds Act.

24.44.010 Definitions.  
24.44.020 Appropriation of appreciation.  
24.44.030 Investment authority.  
24.44.040 Delegation of investment management.  
24.44.050 Standard of conduct.  
24.44.060 Release of restrictions on use or investments.  
24.44.070 Uniformity of application and construction.  
24.44.080 Short title.  
24.44.090 Section headings.  
24.44.900 Severability—1973 c 17.

Chapter 24.03  
WASHINGTON NONPROFIT CORPORATION ACT

24.03.400 FILING OF ANNUAL REPORT OF DOMESTIC AND FOREIGN CORPORATIONS. Such annual report of a domestic or foreign corporation shall be delivered to the secretary of state between the first day of January and the first day of March of each year, except that the first annual report of a domestic or foreign corporation shall be filed between the first day of January and the first day of March of the year next succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state. Proof to the satisfaction of the secretary of state that prior to the first day of March such report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. If the secretary of state finds that such report substantially conforms to the requirements of this

chapter, he shall file the same. [1973 c 90 § 1; 1967 c 235 § 81.]

## Chapter 24.06

## MISCELLANEOUS AND MUTUAL CORPORATIONS ACT

24.06.045 CORPORATE NAME. The corporate name:

(1) Shall not contain any word or phrase which indicates or implies that it is organized for any purpose other than one or more of the purposes contained in its articles of incorporation.

(2) Shall not be the same as, or deceptively similar to, the name of any corporation existing under any act of this state, or any foreign corporation authorized to transact business or conduct affairs in this state under any act of this state or a corporate name reserved or registered as permitted by the laws of this state.

(3) Shall be transliterated into letters of the English alphabet if it is not in English.

(4) The name of any corporation formed under this section after June 7, 1973 shall not end with "incorporated", "company", or "corporation" or any abbreviation thereof, but may use "club", "league", "association", "services", "committee", "fund", "society", or any name of like import. [1973 c 113 § 1; 1969 ex.s. c 120 § 9.]

24.06.290 PROCEEDINGS FOR INVOLUNTARY DISSOLUTION—RIGHTS, DUTIES AND REMEDIES. Failure of the corporation to file its annual report within the time required shall not derogate from the rights of its creditors, or prevent the corporation from being sued and from defending lawsuits, nor shall it release the corporation from any of the duties or liabilities of a corporation under law.

When a corporation has failed to file its annual report within the time required, the secretary of state shall notify the corporation by first class mail that it shall cease to exist if it does not perform the required act within thirty days after the mailing of notice. If the corporation fails to perform within thirty days, it shall automatically cease to exist.

A corporation which has ceased to exist by operation of this section may be reinstated within a period of three years following its dissolution by operation of the law if it shall file its annual report and in addition pay a reinstatement fee of five dollars plus any other fees that may be due or owing the secretary of state. When a corporation has ceased to exist by operation of this section, remedies available to or against it shall survive in the manner provided by RCW 24.06.335 and thereafter the directors of the corporation shall hold title to the property of

the corporation as trustees for the benefit of its creditors and shareholders. [1973 c 70 § 1; 1969 ex.s. c 120 § 58.]

24.06.445 FILING OF ANNUAL REPORT OF DOMESTIC AND FOREIGN CORPORATIONS. An annual report of each domestic or foreign corporation shall be delivered to the secretary of state between the first day of January and the first day of March of each year: PROVIDED, That the first annual report of a domestic or foreign corporation shall be filed between the first day of January and the first day of March of the year next succeeding the calendar year in which its certificate of incorporation or its certificate of authority, as the case may be, was issued by the secretary of state. Deposit in the United States mails, in a sealed envelope, properly addressed to the secretary of state, with postage prepaid thereon, prior to the first day of March, shall be deemed compliance with this requirement.

If the secretary of state finds that a report substantially conforms to the requirements of this chapter, he shall file the same. [1973 c 146 § 1; 1969 ex.s. c 120 § 89.]

24.06.450 FEES FOR FILING DOCUMENTS AND ISSUING CERTIFICATES. The secretary of state shall charge and collect for:

(1) Filing articles of incorporation and issuing a certificate of incorporation, twenty dollars.

(2) Filing articles of amendment and issuing a certificate of amendment, ten dollars.

(3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, ten dollars.

(4) Filing a statement of change of address of registered office or change of registered agent, or both, one dollar.

(5) Filing articles of dissolution, five dollars.

(6) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, twenty dollars.

(7) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, five dollars.

(8) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.

(9) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state, ten dollars.

(10) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars.



(11) Filing a certificate by a foreign corporation of the appointment of a registered agent, one dollar.

(12) Filing a certificate by a foreign corporation of the revocation of the appointment of a registered agent, one dollar.

(13) Filing any other statement or report, including an annual report, of a domestic or foreign corporation, one dollar. [1973 c 70 § 2; 1969 ex.s. c 120 § 90.]

24.06.455 MISCELLANEOUS CHARGES. The secretary of state shall charge and collect:

(1) Fifty cents per page and two dollars for the certificate and affixing the seal thereto for furnishing a certified copy of any document, instrument, or paper relating to a corporation.

(2) Five dollars at the time of any service of process on him as resident agent of any corporation, which may be recovered as taxable costs by the party to the suit or action if such party prevails. [1973 c 70 § 3; 1969 ex.s. c 120 § 91.]

#### Chapter 24.44

#### UNIFORM MANAGEMENT OF INSTITUTIONAL FUNDS ACT

24.44.010 DEFINITIONS. As used in this chapter:

(1) "Institution" means an incorporated or unincorporated organization organized and operated exclusively for educational, religious, charitable, or other eleemosynary purposes or a governmental organization to the extent that it holds funds exclusively for any of these purposes;

(2) "Institutional fund" means a fund held by an institution for its exclusive use, benefit or purposes, but does not include (a) a fund held for an institution by a trustee which is not an institution, or (b) a fund in which a beneficiary which is not an institution has an interest other than possible rights which could arise upon violation or failure of the purposes of the fund;

(3) "Endowment fund" means an institutional fund, or any part thereof, which is not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument;

(4) "Governing board" means the body responsible for the management of an institution or of an institutional fund;

(5) "Historic dollar value" means the fair value in dollars of an endowment fund at the time it first became an endowment fund, plus the fair value in dollars of each subsequent donation to the fund at the time it is made, plus the fair value in dollars of each accumulation made pursuant to a direction in the applicable

gift instrument at the time the accumulation is added to the fund. The determination of historic dollar value made in good faith by the institution is conclusive;

(6) "Gift instrument" means a will, deed, grant, conveyance, agreement, memorandum, writing, or other governing document (including the terms of any institutional solicitations from which an institutional fund resulted) under which property is transferred to or held by an institution as an institutional fund. [1973 c 17 § 1.]

24.44.020 APPROPRIATION OF APPRECIATION. The governing board may appropriate for expenditure for the uses and purposes for which an endowment fund is established so much of the net appreciation, realized and unrealized, in the fair value of the assets of an endowment fund over the historic dollar value of the fund as is prudent under the standard established by RCW 24.44.050. This section does not limit the authority of the governing board to expend funds as permitted under other law, the terms of the applicable gift instrument, or the character of an institution. [1973 c 17 § 2.]

24.44.030 INVESTMENT AUTHORITY. In addition to an investment otherwise authorized by law or by the applicable gift instrument, and without restriction to investments a fiduciary is authorized to make, the governing board (subject to any specific limitations set forth in the applicable gift instrument or in applicable law other than law relating to investments a fiduciary is authorized to make) may:

(1) Invest and reinvest an institutional fund in any real or personal property deemed advisable by the governing board, whether or not it produces a current return, including mortgages, stocks and bonds, debentures, and other securities of profit or nonprofit corporations, shares in or obligations of associations, partnerships, or individuals, and obligations of any government or subdivision or instrumentality thereof;

(2) Retain property contributed by a donor to an institutional fund for as long as the governing board deems advisable;

(3) Include all or any part of an institutional fund in any pooled or common fund maintained by the institution; and

(4) Invest all or any part of an institutional fund in any other pooled or common fund available for investment, including shares or interests in regulated investment companies, mutual funds, common trust funds, investment partnerships, real estate investment trusts, or similar organizations in which funds are commingled and investment determinations are made by persons other than the governing board. [1973 c 17 § 3.]

24.44.040 DELEGATION OF INVESTMENT MANAGEMENT. Except as otherwise provided by the applicable gift instrument or by applicable law relating to governmental institutions or funds, the governing board may:

(1) Delegate to its committees, to officers or employees of the institution or the fund, or to agents (including investment counsel) the authority to act in place of the board in investment and reinvestment of institutional funds;

(2) Contract with independent investment advisors, investment counsel or managers, banks, or trust companies, so to act; and

(3) Authorize the payment of compensation for investment advisory or management services. [1973 c 17 § 4.]

24.44.050 STANDARD OF CONDUCT. In the administration of the powers to appropriate appreciation, to make and retain investments, and to delegate investment management of institutional funds, members of a governing board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision, and in so doing they shall consider long and short term needs of the institution in carrying out its educational, religious, charitable, or other eleemosynary purposes, its present and anticipated financial requirements, expected total return on its investments, price level trends, and general economic conditions. [1973 c 17 § 5.]

24.44.060 RELEASE OF RESTRICTIONS ON USE OR INVESTMENTS. (1) A restriction on the use or investment of an institutional fund imposed by the applicable gift instrument may be released, entirely or in part, by the governing board with the written consent of the donor.

(2) If consent of the donor cannot be obtained by reason of the death, disability or unavailability, or impossibility of identification of the donor, upon application of the governing board, a restriction on the use or investment of an institutional fund imposed by the applicable gift instrument may be released, entirely or in part, by order of the superior court after reasonable notice to the attorney general and an opportunity for him to be heard, and upon a finding that the restriction on the use or investment of the fund is obsolete, inappropriate or impracticable. A release under this subsection may not change an endowment fund to a fund which is not an endowment fund.

(3) A release under this section may not allow a fund to be used for purposes other than the educational, religious, charitable, or other eleemosynary purposes of the institution affected.

(4) The provisions of this section do not limit the application of the doctrine of cy pres. [1973 c 17 § 6.]

24.44.070 UNIFORMITY OF APPLICATION AND CONSTRUCTION. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among those states which enact it. [1973 c 17 § 8.]

24.44.080 SHORT TITLE. This chapter may be cited as the "Uniform Management of Institutional Funds Act". [1973 c 17 § 9.]

24.44.090 SECTION HEADINGS. Section headings as used in this chapter do not constitute any part of the law. [1973 c 17 § 10.]

24.44.900 SEVERABILITY—1973 C 17. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable. [1973 c 17 § 7.]

## TITLE 25 PARTNERSHIPS

Sections added, amended, or repealed:

### Chapter 25.04 General Partnerships.

25.04.070 Rules for determining the existence of a partnership.

25.04.250 Nature of a partner's right in specific partnership property.

### Chapter 25.04 GENERAL PARTNERSHIPS

25.04.070 RULES FOR DETERMINING THE EXISTENCE OF A PARTNERSHIP. In determining whether a partnership exists, these rules shall apply:

(1) Except as provided by RCW 25.04.160 persons who are not partners as to each other, are not partners as to third persons.

(2) Joint tenancy, tenancy in common, tenancy by the entireties, joint property, common property, or part ownership does not of itself establish a partnership, whether such co-owners do or do not share any profits made by the use of the property.

(3) The sharing of gross returns does not of itself establish a partnership, whether or not the persons sharing them have a joint or common right or interest in any property from which the returns are derived.

(4) The receipt by a person of a share of the profits of a business is prima facie evidence that he is a partner in the business, but no such inference shall be drawn if such profits were received in payments:

(a) As a debt by installments or otherwise,

(b) As wages of an employee or rent to a landlord,

(c) As an annuity to a surviving spouse or representative of a deceased partner,

(d) As interest on a loan, though the amount of payment vary with the profits of the business,

(e) As the consideration for the sale of a good will of a business or other property by installments or otherwise. [1973 1st ex.s. c 154 § 24; 1955 c 15 § 25.04.070. Prior: 1945 c 137 § 7; Rem. Supp. 1945 § 9975-46.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

25.04.250 NATURE OF A PARTNER'S RIGHT IN SPECIFIC PARTNERSHIP PROPERTY. (1) A partner is co-owner with his partners of specific partnership property holding as a tenant in partnership.

(2) The incidents of this tenancy are such that:

(a) A partner, subject to the provisions of this chapter and to any agreement between the partners, has an equal right with his partners to possess specific partnership property for partnership purposes; but he has no right to possess such property for any other purpose without the consent of his partners.

(b) A partner's right in specific partnership property is not assignable except in connection with the assignment of rights of all the partners in the same property.

(c) A partner's right in specific partnership property is not subject to attachment or execution, except on a claim against the partnership. When partnership property is attached for a partnership debt, the partners, or any of them, or the representatives of a deceased partner, cannot claim any right under the homestead or exemption laws.

(d) On the death of a partner, his right in specific partnership property vests in the surviving partner or partners, except where the deceased was the last surviving partner, when his right in such property vests in his legal representative. Such surviving partner or partners, or the legal representative of the last surviving partner, has no right to possess the partnership property for any but a partnership purpose.

(e) A partner's right in specific partnership property is not subject to dower, curtesy, or allowances to a surviving spouse, heirs, or next of kin. [1973 1st ex.s. c 154 § 25; 1955 c 15 § 25.04.250.

Prior: 1945 c 137 § 25; Rem. Supp. 1945 § 9975-64.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

## TITLE 26 DOMESTIC RELATIONS

Sections added, amended, or repealed:

### Chapter 26.04 Marriage.

- 26.04.010 Who may contract—Certain marriages void, exception.  
26.04.030 Prohibited marriages—Criminality, insanity, disease.  
26.04.040 Solemnization prohibited, when.  
26.04.210 Affidavits required for issuance of license.

### Chapter 26.08 Divorce, Annulment and Separate Maintenance.

26.08.010 through 26.08.230.

### Chapter 26.09 Dissolution of Marriage—Legal Separation—Declarations Concerning Validity of Marriage.

- 26.09.010 Civil practice to govern—Designation of proceedings—Decrees.  
26.09.020 Petition in proceeding for dissolution of marriage, legal separation, or for a declaration concerning validity of marriage—Contents—Parties.  
26.09.030 Petition for dissolution of marriage—Court proceedings, findings—Transfer to family court—Legal separation in lieu of dissolution.  
26.09.040 Petition to have marriage declared invalid or judicial determination of validity—Procedure—Findings—Grounds—Legitimacy of children.  
26.09.050 Provisions for child support, custody and visitation—Maintenance—Disposition of property and liabilities.  
26.09.060 Temporary maintenance or child support—Temporary restraining order.  
26.09.070 Separation contracts.  
26.09.080 Disposition of property and liabilities—Factors.  
26.09.090 Maintenance orders for either spouse—Factors.  
26.09.100 Child support—Apportionment of expense.  
26.09.110 Minor or dependent child—Court appointed attorney to represent—Payment of costs, fees and disbursements.  
26.09.120 Support or maintenance payments—To whom paid—Arrearages.

- 26.09.130 Support or maintenance payments—Order to make assignment of periodic earnings or trust income—Duty of payor to withhold and transmit.
- 26.09.140 Payment of costs, attorney's fees, etc.
- 26.09.150 Decree of dissolution of marriage, legal separation, or declaration of invalidity—Finality—Appeal—Conversion of decree of legal separation to decree of dissolution—Name of wife.
- 26.09.160 Failure to comply with decree or temporary injunction—Obligation to make support or maintenance payments or permit visitation not suspended—Motion.
- 26.09.170 Modification of decree for maintenance or support, property disposition—Termination of maintenance obligation and child support—Grounds.
- 26.09.180 Child custody proceeding—Commencement—Notice—Intervention.
- 26.09.190 Child custody—Relevant factors in awarding custody.
- 26.09.200 Child custody—Temporary custody order—Vacation of order.
- 26.09.210 Child custody—Interview with child by court—Advice of professional personnel.
- 26.09.220 Child custody—Investigation and report.
- 26.09.230 Child custody—Priority status of proceedings—Hearing—Record—Expenses of witnesses.
- 26.09.240 Child custody—Visitation rights.
- 26.09.250 Child custody—Powers and duties of custodian—Supervision by appropriate agency when necessary.
- 26.09.260 Child custody decree—Modification.
- 26.09.270 Child custody—Temporary custody order or modification of custody decree—Affidavits required.
- 26.09.280 Child custody or support actions or proceedings—Venue.
- 26.09.290 Final decree of divorce nunc pro tunc.
- Chapter 26.16 Husband and Wife—Rights and Liabilities—Property.
- 26.16.170 Contracts or liabilities of wife.
- Chapter 26.20 Family Desertion.
- 26.20.030 Desertion or nonsupport—Penalty.
- 26.20.050 Alternative remedies to enforce support—Procedure on failure to comply with order.
- 26.20.080 Proof of wilfulness—Application of penalty provisions.
- Chapter 26.24 Filiation Proceedings.
- 26.24.090 Judgment ordering support—Bond.
- 26.24.190 Custody of child.
- Chapter 26.28 Infants.
- 26.28.020 Married persons—When deemed of full age.
- 26.28.060 Child labor—Penalty.
- 26.28.110 Custody of illegitimate child—Primary rights of parents—Custody conditioned on child's welfare.
- Chapter 26.32 Adoption.
- 26.32.030 Consent to adoption—When required.
- 26.32.040 Consent, when not required.
- 26.32.050 Finding of court.
- 26.32.080 Notice—Form—Service.
- 26.32.085 Notice requirements to nonconsenting parent of illegitimate child.
- 26.32.300 Illegitimate child—Petition to set aside adoption—Liability for costs of support.
- 26.32.310 Illegitimate child—Action to set aside adoption conditioned upon bond to satisfy support costs.
- Chapter 26.37 Protection of Orphan, Homeless, or Neglected Children.
- 26.37.010 Societies may receive, control and dispose of children—When.
- 26.37.015 Surrender of illegitimate child—Petition, court approval, required—Hearing—Notice provisions.
- 26.37.020 Warrant to take charge of child—Proceedings.
- Chapter 26.04  
MARRIAGE
- 26.04.010 WHO MAY CONTRACT—CERTAIN MARRIAGES VOID, EXCEPTION. Marriage is a civil contract which may be entered into by persons 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 one of the parties resides on a showing of necessity. [1973 1st ex.s. c 154 § 26; 1970 ex.s. c 17 § 2; 1963 c 230 § 1; Code 1881 § 2380; 1866 p 81 § 1; 1854 p 404 §§ 1, 5; RRS § 8437.]
- Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

26.04.030 PROHIBITED MARRIAGES—CRIMINALITY, INSANITY, DISEASE. No marriage shall take place between two persons in which one or both, is a common drunkard, habitual criminal, imbecile, feeble-minded person, idiot or insane person, or person who has theretofore been afflicted with hereditary insanity, or who is afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, shall hereafter intermarry or marry any other person within this state unless it is established that procreation is not possible by the couple intending to marry. [1973 1st ex.s. c 154 § 27; 1959 c 149 § 1; 1909 ex.s. c 16 § 1; 1909 c 174 § 1; RRS § 8439.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

26.04.040 SOLEMNIZATION PROHIBITED, WHEN. No clergyman or other officer authorized by law to solemnize marriages within this state shall hereafter knowingly perform a marriage ceremony uniting persons in matrimony either of whom is an imbecile, feeble-minded person, common drunkard, idiot, insane person, or person who has theretofore been afflicted with hereditary insanity, habitual criminal, or person afflicted with pulmonary tuberculosis in its advanced stages, or any contagious venereal disease, unless it is established that procreation is not possible by the couple intending to marry. [1973 1st ex.s. c 154 § 28; 1959 c 149 § 2; 1909 ex.s. c 16 § 2; 1909 c 174 § 2; RRS § 8440.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

26.04.210 AFFIDAVITS REQUIRED FOR ISSUANCE OF LICENSE. The county auditor, before a marriage license is issued, upon the payment of a license fee as fixed in RCW 36.18.010 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 affidavits of both applicants they are for such marriage license shall show that they are 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 applicants are the age of eighteen years or over: PROVIDED, FURTHER, That if the consent in writing 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. [1973 1st ex.s. c 154 § 29; 1970 ex.s. c 17 § 5; 1963 c 230 § 4; 1959 c 149 § 3; 1909 ex.s. c 16 § 3; 1909 c 174 § 3; Code 1881 §§ 2391, 2392; 1867 p 104 § 1; 1866 p 83 §§ 13, 14; RRS § 8451.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 26.08  
DIVORCE, ANNULMENT AND SEPARATE  
MAINTENANCE

26.08.010 TITLE OF CHAPTER. [1949 c 215 § 1; Rem. Supp. 1949 § 997-2 (foot-note).] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.020 GROUND FOR DIVORCE. [1965 ex.s. c 15 § 1; 1949 c 215 § 2; Rem. Supp. 1949 § 997-2. Prior: 1921 c 109 § 1, part; 1917 c 106 § 1; 1891 c 26 § 1; 1886 p 120 § 1; Code 1881 § 2000; 1860 p 318 § 1; 1854 p 504 § 1; RRS § 982.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.030 RESIDENCE REQUIRED. [1970 ex.s. c 28 § 1; 1949 c 215 § 3; Rem. Supp. 1949 § 997-3. Prior: Code 1881 § 2002; 1866 p 89 § 1; 1860 p 319 § 3; 1854 p 406 § 3; RRS § 984.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.040 LIMITATION UPON DATE OF TRIAL OR ENTRY OF DECREE. [1949 c 215 § 4; Rem. Supp. 1949 § 997-4.] Repealed by 1973 1st ex. s. c 157 § 30.

26.08.050 ANNULMENT OF VOID MARRIAGE. [1949 c 215 § 5; Rem. Supp. 1949 § 997-5. Prior: 1891 c 26 § 2; Code 1881 § 2001; 1860 p 319 § 2; 1854 p 406 § 2; RRS § 983.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.060 LEGITIMACY OF CHILDREN OF ANNULLED MARRIAGE. [1949 c 215 § 6; Rem. Supp. 1949 § 997-6.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.070 EFFECT OF VIOLATION OF CRIMINAL LAWS UPON DIVORCE ACTION. [1949 c 215 § 7; Rem. Supp. 1949 § 997-7. Prior: 1921 c 109 § 1, part; RRS § 982-1.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.080 DUTY OF PROSECUTING ATTORNEY. [1972 ex.s. c 21 § 1; 1949 c 215 § 8; Rem. Supp. 1949 § 997-8. Prior: 1921 c 109 § 3; 1891 c 26 § 8; 1885 p 62 § 10; Code 1881 § 2010; 1879 p 94 § 10; 1860 p 320 § 10; 1854 p 407 § 10; RRS § 995.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.090 PRELIMINARY ORDERS—SUPPORT MONEY—COURT COSTS. [1971 c 81 § 70; 1949 c 215 § 9; Rem. Supp. 1949 § 997-9. Prior: 1947 c 161 § 1, part; 1933 c 112 § 1, part; 1921 c 109 § 2, part; 1891 c 26 § 4, part; Code 1881 § 2006, part; 1860 p 319 § 7, part; 1854 p 406 § 7, part; Rem. Supp. 1947 § 988, part.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.100 PROOF REQUIRED. [1949 c 215 § 10; Rem. Supp. 1949 § 997-10. Prior: Code 1881 § 2003; 1860 p 319 § 4; 1854 p 406 § 4; RRS § 985.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.110 DECREE OF DIVORCE OR ANNULMENT—FINALITY—RESTRAINING ORDERS. [1949 c 215 § 11; Rem. Supp. 1949 § 997-11. Prior: (i) 1947 c 161 § 1, part; 1933 c 112 § 1, part; 1921 c 109 § 2, part; 1891 c 26 § 4, part; Code 1881 § 2006, part; 1860 p 319 § 7, part; 1854 p 406 § 7, part; Rem. Supp. 1947 § 988, part. (ii) Code 1881 § 2011; 1860 p 320 § 12; RRS § 996. (iii) 1891 c 26 § 6; Code 1881 § 2008; 1860 p 320 § 9, part; 1854 p 407 § 9, part; RRS § 990. (iv) 1891 c 26 § 5; Code 1881 § 2007; 1860 p 319 § 8; 1854 p 406 § 8; RRS § 989. (v) 1933 c 112 § 2; RRS § 988-2. (vi) 1921 c 109 § 2; RRS § 988-1.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.120 DECREE OF SEPARATE MAINTENANCE. [1949 c 215 § 12; Rem. Supp. 1949 § 997-12.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.130 WIFE'S NAME MAY BE CHANGED. [1949 c 215 § 13; Rem. Supp. 1949 § 997-13. Prior: 1891 c 26 § 7; Code 1881 § 2009; 1860 p 320 § 9, part; 1854 p 407 § 9, part; RRS § 994.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.140 CIVIL PRACTICE TO GOVERN. [1949 c 215 § 14; Rem. Supp. 1949 § 997-14. Prior: 1891 c 26 § 9; Code 1881 § 2012; 1860 p 320 § 13; RRS § 997.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.150 CROSS-COMPLAINT—DECREE MAY BE GRANTED EITHER OR BOTH PARTIES. [1949 c 215 § 15; Rem. Supp. 1949 § 997-15. Prior: (i) Code 1881 § 2004; 1860 p 319 § 5; 1854 p 406 § 5; RRS § 986. (ii) 1891 c 26 § 3; Code 1881 § 2005; 1854 p 406 § 6; RRS § 987.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.160 VENUE OF ACTION FOR MODIFICATION. [1949 c 215 § 16; Rem. Supp. 1949 § 997-16. Prior: 1921 c 109 § 4, part; RRS § 995-2.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.170 PETITION FOR MODIFICATION—NOTICE. [1949 c 215 § 17; Rem. Supp. 1949 § 997-17. Prior: 1921 c 109 § 4, part; RRS § 995-3.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.180 POWER OF COURT TO OBTAIN COPIES OF ORIGINAL RECORDS. [1949 c 215 § 18; Rem. Supp. 1949 § 997-18. Prior: (i) 1921 c 109 § 4, part; RRS § 995-4. (ii) 1921 c 109 § 4, part; RRS § 995-5.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.190 ATTORNEY'S FEES AND COSTS. [1949 c 215 § 19; Rem. Supp. 1949 § 997-19. Prior: 1943 c 170 § 1; Rem. Supp. 1943 § 997-1.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.200 OUT-OF-STATE DIVORCE—VALIDITY. [1949 c 215 § 20; Rem. Supp. 1949 § 997-20.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.210 PROOF OF DOMICILIARY STATUS. [1949 c 215 § 21; Rem. Supp. 1949 § 997-21.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.215 INFORMATION TO BE FURNISHED—FORMS—CERTIFICATES OF DECREES TO BE FORWARDED TO STATE REGISTRAR OF VITAL STATISTICS. [1967 c 26 § 11.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.220 CONSTRUCTION. [1949 c 215 § 22; Rem. Supp. 1949 § 997-22. Prior: 1921 c 109 § 3; RRS § 995-1.] Repealed by 1973 1st ex.s. c 157 § 30.

26.08.230 FINAL DECREE OF DIVORCE NUNC PRO TUNC. [1949 c 135 § 1; Rem. Supp. 1949 § 988-4.] Repealed by 1973 1st ex.s. c 157 § 30.

Chapter 26.09  
DISSOLUTION OF MARRIAGE—LEGAL  
SEPARATION—DECLARATIONS CONCERNING  
VALIDITY OF MARRIAGE

26.09.010 CIVIL PRACTICE TO GOVERN—  
DESIGNATION OF PROCEEDINGS—DECREES. (1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled "In re the marriage of \_\_\_\_\_ and \_\_\_\_\_."

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or custody or support obligations, a separate custody or support proceeding shall be entitled "In re the (custody) (support) of \_\_\_\_\_."

(4) The initial pleading in all proceedings for dissolution of marriage under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed. [1973 1st ex.s. c 157 § 1.]

26.09.020 PETITION IN PROCEEDING FOR  
DISSOLUTION OF MARRIAGE, LEGAL SEPARATION,  
OR FOR A DECLARATION CONCERNING VALIDITY  
OF MARRIAGE—CONTENTS—PARTIES. (1) A petition in a proceeding for dissolution of marriage, legal separation, or for a declaration concerning the validity of a marriage, shall allege the following:

(a) The last known residence of each party;

(b) The date and place of the marriage;

(c) If the parties are separated the date on which the separation occurred;

(d) The names, ages, and addresses of any child dependent upon either or both spouses and whether the wife is pregnant;

(e) Any arrangements as to the custody, visitation and support of the children and the maintenance of a spouse;

(f) A statement specifying whether there is community or separate property owned by the parties to be disposed of;

(g) The relief sought.

(2) Either or both parties to the marriage may initiate the proceeding. [1973

2nd ex.s. c 23 § 1; 1973 1st ex.s. c 157 § 2.]

26.09.030 PETITION FOR DISSOLUTION OF  
MARRIAGE—COURT PROCEEDINGS, FINDINGS—  
TRANSFER TO FAMILY COURT—LEGAL SEPARATION  
IN LIEU OF DISSOLUTION. When a party who is a resident of this state or who is a member of the armed forces and is stationed in this state, petitions for a dissolution of marriage, and alleges that the marriage is irretrievably broken and when ninety days have elapsed since the petition was filed and from the date when service of summons was made upon the respondent or the first publication of summons was made, the court shall proceed as follows:

(1) If the other party joins in the petition or does not deny that the marriage is irretrievably broken, the court shall enter a decree of dissolution.

(2) If the other party alleges that the petitioner was induced to file the petition by fraud, or coercion, the court shall make a finding as to that allegation and, if it so finds shall dismiss the petition.

(3) If the other party denies that the marriage is irretrievably broken the court shall consider all relevant factors, including the circumstances that gave rise to the filing of the petition and the prospects for reconciliation and shall:

(a) Make a finding that the marriage is irretrievably broken and enter a decree of dissolution of the marriage; or

(b) At the request of either party or on its own motion, transfer the cause to the family court, refer them to another counseling service of their choice, and request a report back from the counseling service within sixty days, or continue the matter for not more than sixty days for hearing. If the cause is returned from the family court or at the adjourned hearing, the court shall:

(i) Find that the parties have agreed to reconciliation and dismiss the petition; or

(ii) Find that the parties have not been reconciled, and that either party continues to allege that the marriage is irretrievably broken. When such facts are found, the court shall enter a decree of dissolution of the marriage.

(4) If the petitioner requests the court to decree legal separation in lieu of dissolution, the court shall enter the decree in that form unless the other party objects and petitions for a decree of dissolution or declaration of invalidity. [1973 1st ex.s. c 157 § 3.]

26.09.040 PETITION TO HAVE MARRIAGE  
DECLARED INVALID OR JUDICIAL DETERMINATION  
OF VALIDITY—PROCEDURE—FINDINGS—  
GROUNDS—LEGITIMACY OF CHILDREN. (1) While both parties to an alleged marriage are living, and at least one party is



resident in this state or a member of the armed service and stationed in the state, a petition to have the marriage declared invalid may be brought by:

(a) Either or both parties, for any cause specified in subsection (4) of this section; or

(b) Either or both parties, the legal spouse, or a child of either party when it is alleged that the marriage is bigamous.

(2) If the validity of a marriage is denied or questioned at any time, either or both parties to the marriage may petition the court for a judicial determination of the validity of such marriage. The petitioner in such action shall be the person or entity denying or questioning the validity of the marriage.

(3) In a proceeding to declare the invalidity of a marriage, the court shall proceed in the manner and shall have the jurisdiction, including the authority to provide for maintenance, custody, visitation, support, and division of the property of the parties, provided by this chapter.

(4) After hearing the evidence concerning the validity of a marriage, the court:

(a) If it finds the marriage to be valid, shall enter a decree of validity;

(b) If it finds that:

(i) The marriage should not have been contracted because of age of one or both of the parties, lack of required parental or court approval, a prior undissolved marriage of one or both of the parties, reasons of consanguinity, or because a party lacked capacity to consent to the marriage, either because of mental incapacity or because of the influence of alcohol or other incapacitating substances, or because a party was induced to enter into the marriage by force or duress, or by fraud involving the essentials of marriage, and that the parties have not ratified their marriage by voluntarily cohabiting after attaining the age of consent, or after attaining capacity to consent, or after cessation of the force or duress or discovery of the fraud, shall declare the marriage invalid as of the date it was purportedly contracted;

(ii) The marriage should not have been contracted because of any reason other than those above, shall upon motion of a party, order any action which may be appropriate to complete or to correct the record and enter a decree declaring such marriage to be valid for all purposes from the date upon which it was purportedly contracted;

(c) If it finds that a marriage contracted in a jurisdiction other than this state, was void or voidable under the law of the place where the marriage was contracted, and in the absence of proof that such marriage was subsequently validated by the laws of the place of contract or of a subsequent domicile of the parties, shall declare the marriage invalid as of the date of the marriage.

(5) Any child of the parties born or conceived during the existence of a marriage of record is legitimate and remains legitimate notwithstanding the entry of a declaration of invalidity of the marriage. [1973 1st ex.s. c 157 § 4.]

26.09.050 PROVISIONS FOR CHILD SUPPORT, CUSTODY AND VISITATION--MAINTENANCE--DISPOSITION OF PROPERTY AND LIABILITIES. In entering a decree of dissolution of marriage, legal separation, or declaration of invalidity, the court shall consider, approve, or make provision for child custody and visitation, the support of any child of the marriage entitled to support, the maintenance of either spouse, and the disposition of property and liabilities of the parties. [1973 1st ex.s. c 157 § 5.]

26.09.060 TEMPORARY MAINTENANCE OR CHILD SUPPORT--TEMPORARY RESTRAINING ORDER. (1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child;

(c) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(d) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary injunction and an order for temporary maintenance or support in such amounts and

on such terms as are just and proper in the circumstances.

(5) A temporary order or temporary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed. [1973 1st ex.s. c 157 § 6.]

26.09.070 SEPARATION CONTRACTS. (1)

The parties to a marriage, in order to promote the amicable settlement of disputes attendant upon their separation or upon the filing of a petition for dissolution of their marriage, a decree of legal separation, or declaration of invalidity of their marriage, may enter into a written separation contract providing for the maintenance of either of them, the disposition of any property owned by both or either of them, the custody, support, and visitation of their children and for the release of each other from all obligation except that expressed in the contract.

(2) If the parties to such contract elect to live separate and apart without any court decree, they may record such contract and cause notice thereof to be published in a legal newspaper of the county wherein the parties resided prior to their separation. Recording such contract and publishing notice of the making thereof shall constitute notice to all persons of such separation and of the facts contained in the recorded document.

(3) If either or both of the parties to a separation contract shall at the time of the execution thereof, or at a subsequent time, petition the court for dissolution of their marriage, for a decree of legal separation, or for a declaration of invalidity of their marriage, the contract, except for those terms providing for the custody, support, and visitation of children, shall be binding upon the court unless it finds, after considering the economic circumstances of the parties and any other relevant evidence produced by the parties on their own motion or on request of the court, that the separation contract was unfair at the time of its execution.

(4) If the court in an action for dissolution of marriage, legal separation, or declaration of invalidity finds that the separation contract was unfair at the time of its execution, it may make orders for the maintenance of either party, the disposition of their property and the discharge of their obligations.

(5) Unless the separation contract provides to the contrary, the agreement shall be set forth in the decree of dissolution,

legal separation, or declaration of invalidity, or filed in the action or made an exhibit and incorporated by reference, except that in all cases the terms for custody, support, and visitation shall be set out in the decree, and the parties shall be ordered to comply with its terms.

(6) Terms of the contract set forth or incorporated by reference in the decree may be enforced by all remedies available for the enforcement of a judgment, including contempt, and are enforceable as contract terms.

(7) When the separation contract so provides, the decree may expressly preclude or limit modification of any provision for maintenance set forth in the decree. Terms of a separation contract pertaining to custody, support, and visitation of children and, in the absence of express provision to the contrary, terms providing for maintenance set forth or incorporated by reference in the decree are automatically modified by modification of the decree.

(8) If at any time the parties to the separation contract by mutual agreement elect to terminate the separation contract they may do so without formality unless the contract was recorded as in subsection (2) of this section, in which case a statement should be filed terminating the contract. [1973 1st ex.s. c 157 § 7.]

26.09.080 DISPOSITION OF PROPERTY AND LIABILITIES—FACTORS.

In a proceeding for dissolution of the marriage, legal separation, declaration of invalidity, or in a proceeding for disposition of property following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall, without regard to marital misconduct, make such disposition of the property and the liabilities of the parties, either community or separate, as shall appear just and equitable after considering all relevant factors including, but not limited to:

(1) The nature and extent of the community property;

(2) The nature and extent of the separate property;

(3) The duration of the marriage; and

(4) The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live therein for reasonable periods to a spouse having custody of any children. [1973 1st ex.s. c 157 § 8.]

26.09.090 MAINTENANCE ORDERS FOR EITHER SPOUSE—FACTORS. (1)

In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, or in a proceeding for maintenance following dissolution of the marriage by a court which lacked personal jurisdiction over

the absent spouse, the court may grant a maintenance order for either spouse. The maintenance order shall be in such amounts and for such periods of time as the court deems just, without regard to marital misconduct, after considering all relevant factors including but not limited to:

(a) The financial resources of the party seeking maintenance, including separate or community property apportioned to him, and his ability to meet his needs independently, including the extent to which a provision for support of a child living with the party includes a sum for that party as custodian;

(b) The time necessary to acquire sufficient education or training to enable the party seeking maintenance to find employment appropriate to his skill, interests, style of life, and other attendant circumstances;

(c) The standard of living established during the marriage;

(d) The duration of the marriage;

(e) The age, physical and emotional condition, and financial obligations of the spouse seeking maintenance; and

(f) The ability of the spouse from whom maintenance is sought to meet his needs and financial obligations while meeting those of the spouse seeking maintenance. [1973 1st ex.s. c 157 § 9.]

26.09.100 CHILD SUPPORT--APPORTIONMENT OF EXPENSE. In a proceeding for dissolution of marriage, legal separation, declaration of invalidity, maintenance, or child support, after considering all relevant factors but without regard to marital misconduct, the court may order either or both parents owing a duty of support to any child of the marriage dependent upon either or both spouses to pay an amount reasonable or necessary for his support. [1973 1st ex.s. c 157 § 10.]

26.09.110 MINOR OR DEPENDENT CHILD--COURT APPOINTED ATTORNEY TO REPRESENT--PAYMENT OF COSTS, FEES AND DISBURSEMENTS. The court may appoint an attorney to represent the interests of a minor or dependent child with respect to his custody, support, and visitation. The court shall enter an order for costs, fees, and disbursements in favor of the child's attorney. The order shall be made against either or both parents, except that, if both parties are indigent, the costs, fees, and disbursements shall be borne by the county. [1973 1st ex.s. c 157 § 11.]

26.09.120 SUPPORT OR MAINTENANCE PAYMENTS--TO WHOM PAID--ARREARAGES. (1) The court may, upon its own motion or upon motion of either party, order support or maintenance payments to be made to:

(a) The person entitled to receive the payments; or

(b) The department of social and health services pursuant to chapters 74.20 and 74.20A RCW; or

(c) The clerk of court as trustee for remittance to the person entitled to receive the payments.

(2) If payments are made to the clerk of court:

(a) The clerk shall maintain records listing the amount of payments, the date when payments are required to be made, and the names and addresses of the parties affected by the order; and

(b) The parties affected by the order shall inform the clerk of the court of any change of address or of other conditions that may affect the administration of the order; and

(c) The clerk of the court shall, if the party fails to make required payment, send by first class mail notice of the arrearage to the obligor. If payment of the sum due is not made to the clerk of the court within ten days after sending notice, the clerk of the court shall certify the amount due to the prosecuting attorney. [1973 1st ex.s. c 157 § 12.]

26.09.130 SUPPORT OR MAINTENANCE PAYMENTS--ORDER TO MAKE ASSIGNMENT OF PERIODIC EARNINGS OR TRUST INCOME--DUTY OF PAYOR TO WITHHOLD AND TRANSMIT. The court may order the person obligated to pay support or maintenance to make an assignment of a part of his periodic earnings or trust income to the person or agency entitled to receive the payments: PROVIDED, That the provisions of RCW 7.33.280 in regard to exemptions in garnishment proceedings shall apply to such assignments. The assignment is binding on the employer, trustee or other payor of the funds two weeks after service upon him of notice that it has been made. The payor shall withhold from the earnings or trust income payable to the person obligated to support the amount specified in the assignment and shall transmit the payments to the person specified in the order. The payor may deduct from each payment a sum not exceeding one dollar as reimbursement for costs. An employer shall not discharge or otherwise discipline an employee as a result of a wage or salary assignment authorized by this section. [1973 1st ex.s. c 157 § 13.]

26.09.140 PAYMENT OF COSTS, ATTORNEY'S FEES, ETC. The court from time to time after considering the financial resources of both parties may order a party to pay a reasonable amount for the cost to the other party of maintaining or defending any proceeding under this chapter and for reasonable attorney's fees or other professional fees in connection therewith, including sums for legal services rendered and costs incurred prior to the commencement of the proceeding or enforcement or

modification proceedings after entry of judgment.

Upon any appeal, the appellate court may, in its discretion, order a party to pay for the cost to the other party of maintaining the appeal and attorney's fees in addition to statutory costs.

The court may order that the attorney's fees be paid directly to the attorney who may enforce the order in his name. [1973 1st ex.s. c 157 § 14.]

26.09.150 DECREE OF DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, OR DECLARATION OF INVALIDITY—FINALITY—APPEAL—CONVERSION OF DECREE OF LEGAL SEPARATION TO DECREE OF DISSOLUTION—NAME OF WIFE. A decree of dissolution of marriage, legal separation, or declaration of invalidity is final when entered, subject to the right of appeal. An appeal which does not challenge the finding that the marriage is irretrievably broken or was invalid, does not delay the finality of the dissolution or declaration of invalidity and either party may remarry pending such an appeal.

No earlier than six months after entry of a decree of legal separation, on motion of either party, the court shall convert the decree of legal separation to a decree of dissolution of marriage. The clerk of court shall complete the certificate as provided for in RCW 70.58.200 on the form provided by the department of social and health services. On or before the tenth day of each month, the clerk of the court shall forward to the state registrar of vital statistics the certificate of each decree of divorce, dissolution of marriage, annulment, or separate maintenance granted during the preceding month.

Upon request by a wife whose marriage is dissolved or declared invalid, the court shall order a former name restored and may, on motion of either party, for just and reasonable cause, order the wife to assume a name other than that of the husband. [1973 1st ex.s. c 157 § 15.]

26.09.160 FAILURE TO COMPLY WITH DECREE OR TEMPORARY INJUNCTION—OBLIGATION TO MAKE SUPPORT OR MAINTENANCE PAYMENTS OR PERMIT VISITATION NOT SUSPENDED—MOTION. If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit visitation is not suspended, but he may move the court to grant an appropriate order. [1973 1st ex.s. c 157 § 16.]

26.09.170 MODIFICATION OF DECREE FOR MAINTENANCE OR SUPPORT, PROPERTY DISPOSITION—TERMINATION OF MAINTENANCE OBLIGATION AND CHILD SUPPORT—GROUNDS. Except as otherwise provided in subsection (7) of RCW 26.09.070, the provisions of any decree respecting maintenance or support

may be modified only as to installments accruing subsequent to the motion for modification and only upon a showing of a substantial change of circumstances. The provisions as to property disposition may not be revoked or modified, unless the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

Unless otherwise agreed in writing or expressly provided in the decree the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child or by the death of the parent obligated to support the child. [1973 1st ex.s. c 157 § 17.]

26.09.180 CHILD CUSTODY PROCEEDING—COMMENCEMENT—NOTICE—INTERVENTION. (1)

A child custody proceeding is commenced in the superior court:

(a) By a parent:

(i) By filing a petition for dissolution of marriage, legal separation or declaration of invalidity; or

(ii) By filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found; or

(b) By a person other than a parent, by filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found, but only if the child is not in the physical custody of one of its parents or if the petitioner alleges that neither parent is a suitable custodian.

(2) Notice of a child custody proceeding shall be given to the child's parent, guardian and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties. [1973 1st ex.s. c 157 § 18.]

26.09.190 CHILD CUSTODY—RELEVANT FACTORS IN AWARDING CUSTODY. The court shall determine custody in accordance with the best interests of the child. The court shall consider all relevant factors including:

(1) The wishes of the child's parent or parents as to his custody and as to visitation privileges;

(2) The wishes of the child as to his custodian and as to visitation privileges;

(3) The interaction and interrelationship of the child with his parent or parents, his siblings, and any other person who may significantly affect the child's best interests;

(4) The child's adjustment to his home, school, and community; and

(5) The mental and physical health of all individuals involved. The court shall not consider conduct of a proposed guardian that does not affect the welfare of the child. [1973 1st ex.s. c 157 § 19.]

26.09.200 CHILD CUSTODY--TEMPORARY CUSTODY ORDER--VACATION OF ORDER. A party to a custody proceeding may move for a temporary custody order. The motion must be supported by an affidavit as provided in RCW 26.09.270. The court may award temporary custody after a hearing, or, if there is no objection, solely on the basis of the affidavits.

If a proceeding for dissolution of marriage, legal separation, or declaration of invalidity is dismissed, any temporary custody order is vacated unless a parent or the child's custodian moves that the proceeding continue as a custody proceeding and the court finds, after a hearing, that the circumstances of the parents and the best interests of the child require that a custody decree be issued.

If a custody proceeding commenced in the absence of a petition for dissolution of marriage, legal separation, or declaration of invalidity, (subsection (1) of RCW 26.09.180) is dismissed, any temporary order is vacated. [1973 1st ex.s. c 157 § 20.]

26.09.210 CHILD CUSTODY--INTERVIEW WITH CHILD BY COURT--ADVICE OF PROFESSIONAL PERSONNEL. The court may interview the child in chambers to ascertain the child's wishes as to his custodian and as to visitation privileges. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to be made part of the record in the case.

The court may seek the advice of professional personnel whether or not they are employed on a regular basis by the court. The advice given shall be in writing and shall be made available by the court to counsel upon request. Counsel may call for cross-examination any professional personnel consulted by the court. [1973 1st ex.s. c 157 § 21.]

26.09.220 CHILD CUSTODY--INVESTIGATION AND REPORT. (1) In contested custody proceedings, and in other custody proceedings if a parent or the child's custodian so requests, the court may order an investigation and report concerning custodian arrangements for the child. The investigation and report may be made by the staff of the juvenile court or other professional social service organization experienced in counseling children and families.

(2) In preparing his report concerning a child, the investigator may consult any person who may have information about the

child and his potential custodian arrangements. Upon order of the court, the investigator may refer the child to professional personnel for diagnosis. The investigator may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if he has reached the age of twelve, unless the court finds that he lacks mental capacity to consent. If the requirements of subsection (3) of this section are fulfilled, the investigator's report may be received in evidence at the hearing.

(3) The court shall mail the investigator's report to counsel and to any party not represented by counsel at least ten days prior to the hearing unless a shorter time is ordered by the court for good cause shown. The investigator shall make available to counsel and to any party not represented by counsel the investigator's file of underlying data and reports, complete texts of diagnostic reports made to the investigator pursuant to the provisions of subsection (2) of this section, and the names and addresses of all persons whom the investigator has consulted. Any party to the proceeding may call the investigator and any person whom he has consulted for cross-examination. A party may not waive his right of cross-examination prior to the hearing. [1973 1st ex.s. c 157 § 22.]

26.09.230 CHILD CUSTODY--PRIORITY STATUS OF PROCEEDINGS--HEARING--RECORD--EXPENSES OF WITNESSES. Custody proceedings shall receive priority in being set for hearing.

Either party may petition the court to authorize the payment of necessary travel and other expenses incurred by any witness whose presence at the hearing the court deems necessary to determine the best interests of the child.

The court without a jury shall determine questions of law and fact. If it finds that a public hearing may be detrimental to the child's best interests, the court may exclude the public from a custody hearing, but may admit any person who has a direct and legitimate interest in the work of the court.

If the court finds it necessary to protect the child's welfare that the record of any interview, report, investigation, or testimony in a custody proceeding be kept secret, the court may make an appropriate order sealing the record. [1973 1st ex.s. c 157 § 23.]

26.09.240 CHILD CUSTODY--VISITATION RIGHTS. A parent not granted custody of the child is entitled to reasonable visitation rights unless the court finds, after a hearing, that visitation would

endanger the child's physical, mental, or emotional health. The court may order visitation rights for any person when visitation may serve the best interest of the child.

The court may modify an order granting or denying visitation rights whenever modification would serve the best interests of the child but the court shall not restrict a parent's visitation rights unless it finds that the visitation would endanger the child's physical, mental, or emotional health. [1973 1st ex.s. c 157 § 24.]

26.09.250 CHILD CUSTODY—POWERS AND DUTIES OF CUSTODIAN—SUPERVISION BY APPROPRIATE AGENCY WHEN NECESSARY. Except as otherwise agreed by the parties in writing at the time of the custody decree, the custodian may determine the child's upbringing, including his education, health care, and religious training, unless the court after hearing, finds, upon motion by the noncustodial parent, that in the absence of a specific limitation of the custodian's authority, the child's physical, mental, or emotional health would be endangered.

If both parents or all contestants agree to the order, or if the court finds that in the absence of the order the child's physical, mental, or emotional health would be endangered, the court may order an appropriate agency which regularly deals with children to exercise continuing supervision over the case to assure that the custodial or visitation terms of the decree are carried out. Such order may be modified by the court at any time upon petition by either party. [1973 1st ex.s. c 157 § 25.]

26.09.260 CHILD CUSTODY DECREE—MODIFICATION. (1) The court shall not modify a prior custody decree unless it finds, upon the basis of facts that have arisen since the prior decree or that were unknown to the court at the time of the prior decree, that a change has occurred in the circumstances of the child or his custodian and that the modification is necessary to serve the best interests of the child. In applying these standards the court shall retain the custodian established by the prior decree unless:

(a) The custodian agrees to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the custodian; or

(c) The child's present environment is detrimental to his physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child.

(2) If the court finds that a motion to modify a prior custody order has been brought in bad faith, the court shall

assess the attorney's fees and court costs of the custodian against the petitioner. [1973 1st ex.s. c 157 § 26.]

26.09.270 CHILD CUSTODY—TEMPORARY CUSTODY ORDER OR MODIFICATION OF CUSTODY DECREE—AFFIDAVITS REQUIRED. A party seeking a temporary custody order or modification of a custody decree shall submit together with his motion, an affidavit setting forth facts supporting the requested order or modification and shall give notice, together with a copy of his affidavit, to other parties to the proceedings, who may file opposing affidavits. The court shall deny the motion unless it finds that adequate cause for hearing the motion is established by the affidavits, in which case it shall set a date for hearing on an order to show cause why the requested order or modification should not be granted. [1973 1st ex.s. c 157 § 27.]

26.09.280 CHILD CUSTODY OR SUPPORT ACTIONS OR PROCEEDINGS—VENUE. Hereafter every action or proceeding to change, modify, or enforce any final order, judgment, or decree heretofore or hereafter entered in any dissolution or legal separation or declaration concerning the validity of a marriage in relation to the care, custody, control, support, or maintenance of the minor children of the marriage may be brought in the county where said minor children are then residing, or in the county where the parent or other person who has the care, custody, or control of the said children is then residing. [1973 1st ex.s. c 157 § 28.]

26.09.290 FINAL DECREE OF DIVORCE NUNC PRO TUNC. Whenever either of the parties in a divorce action is, under the law, entitled to a final judgment, but by mistake, negligence, or inadvertence the same has not been signed, filed, or entered, if no appeal has been taken from the interlocutory order or motion for a new trial made, the court, on the motion of either party thereto or upon its own motion, may cause a final judgment to be signed, dated, filed, and entered therein granting the divorce as of the date when the same could have been given or made by the court if applied for. The court may cause such final judgment to be signed, dated, filed, and entered nunc pro tunc as aforesaid, even though a final judgment may have been previously entered where by mistake, negligence or inadvertence the same has not been signed, filed, or entered as soon as such final judgment, the parties to such action shall be deemed to have been restored to the status of single persons as of the date affixed to such judgment, and any marriage of either of such parties subsequent to six months after the granting of the interlocutory

order as shown by the minutes of the court, and after the final judgment could have been entered under the law if applied for, shall be valid for all purposes as of the date affixed to such final judgment, upon the filing thereof. [1973 1st ex.s. c 157 § 29.]

Chapter 26.16  
HUSBAND AND WIFE—RIGHTS AND  
LIABILITIES—PROPERTY

26.16.170 CONTRACTS OR LIABILITIES OF WIFE. [Code 1881 § 2406; RRS § 6902.]  
Repealed by 1973 1st ex.s. c 154 § 121.

Chapter 26.20  
FAMILY DESERTION

26.20.030 DESERTION OR NONSUPPORT—PENALTY. (1) Every person who:

(a) Has a child dependent upon him or her for care, education or support and deserts such child in any manner whatever with intent to abandon it; or

(b) Wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his or her child or stepchild or children or stepchildren or ward or wards: PROVIDED, That with regard to stepchildren the obligation shall cease upon termination of the relationship of husband and wife; or

(c) Has sufficient ability to provide for support of such person's spouse or is able to earn the means for such person's spouse support and wilfully abandons and leaves such person's spouse in a destitute condition; or who refuses or neglects to provide such person's spouse with necessary food, clothing, shelter, or medical attendance, unless the abandonment is justified by misconduct of the abandoned spouse, shall be guilty of the crime of family desertion or nonsupport.

(2) When children are involved under the age of sixteen years, such act shall be a felony and punished by imprisonment in the state penitentiary for not more than twenty years or by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars or by both fine and imprisonment.

(3) When there is no child under sixteen years, such act shall be a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars, or by both fine and imprisonment. [1973 1st ex.s. c 154 § 34; 1969 ex.s. c 207 § 2; 1955 c 249 § 1; 1953 c 255 § 1; 1943 c 158 § 1; 1913 c 28 § 1; Rem. Supp. 1943 § 6908. Prior: 1907 c 103 § 1, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

26.20.050 ALTERNATIVE REMEDIES TO ENFORCE SUPPORT—PROCEDURE ON FAILURE TO COMPLY WITH ORDER. In any case enumerated in RCW 26.20.030 as now or hereafter amended, the court may render one of the following orders:

(1) Should a fine be imposed it may be directed by the court to be paid in whole or in part to the appropriate spouse, or to the guardian, or to the custodian of the child or children, or to an individual appointed by the court as trustee.

(2) The court in its discretion having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power, either before or after trial, conviction, or sentence, to make an order, with the consent of the defendant, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly during such time as the court may direct, to the spouse or to the guardian, or custodian of the minor child or children, or to an individual appointed by the court, and to release the defendant from custody or probation during such time as the court may direct, upon his or her entering into a recognizance, with or without sureties, in such sum as the court may direct. The condition of the recognizance to be such that if the defendant shall make his or her appearance in court whenever ordered to do so, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise to remain in full force and effect.

If the court be satisfied that at any time the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original indictment, information or complaint, or sentence, or under the original conviction, or enforce the original sentence as the case may be, in addition to declaring a forfeiture of the defendant's recognizance. In case of forfeiture of a recognizance and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the spouse or to the guardian or custodian of the minor child or children upon such terms or conditions as may to the court be just and proper.

(3) Where conviction is had and sentence to imprisonment in the county jail is imposed, the court may direct that the person so convicted shall be compelled to work upon the public roads or highways or any other public work, in the county where such conviction is had, during the time of such sentence. And it shall be the duty of the legislative authority of the county where such conviction and sentence is had, and where such work is performed by persons under sentence to the county jail, to allow and order the payment, out of the current fund, to the spouse, or to the guardian, or the custodian of the child or



children, or to an individual appointed by the court as trustee, at the end of each calendar month, for the support of such spouse, child, or children, ward or wards, a sum not to exceed one and fifty one-hundredths dollars for each day's work of such person.

(4) Whenever, during the pendency of such proceedings, it shall appear to the court that any moneys are due the defendant from any person, firm, or corporation, or that any person, firm, or corporation has funds or property of the defendant in his or its possession, the court may, upon application of the prosecuting attorney, enter an order requiring such person, firm, or corporation, to appear and answer, under oath, as to such moneys or property and if it appear at such hearing that such moneys or property should be applied to the support of said defendant's family, the court may enter judgment against the said person, firm, or corporation for the amount he or it was indebted to said defendant at the time of service of said order. If it appears that said person, firm, or corporation is not indebted to the defendant but at the time of service of said order upon it or at the time of judgment he or it has or had personal effects of the defendant in his or its possession, the court may make an order requiring said person, firm, or corporation to deliver up to the sheriff or director of public safety on demand such personal property or effects or so much as may be required for the support of the defendant's said family or dependents and said property and effects shall thereupon be sold by the sheriff or director of public safety as other chattels on execution and the proceeds of said sale applied to the support of the said dependents of said defendant. The provisions of this subdivision shall be ancillary to and may be invoked in addition to the remedies provided in subdivisions (1), (2) and (3) of this section. [1973 1st ex.s. c 154 § 35; 1927 c 297 § 1; 1913 c 28 § 2; RRS § 6909. Prior: 1907 c 103 § 1, part. Formerly RCW 26.20.050 and 26.20.060, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

26.20.080 PROOF OF WILFULNESS—APPLICATION OF PENALTY PROVISIONS. Proof of the abandonment or nonsupport of a spouse, or the desertion of a child or children, ward or wards, or the omission to furnish necessary food, clothing, shelter, or medical attendance for a child or children, ward or wards, is prima facie evidence that such abandonment or nonsupport, or omission to furnish food, clothing, shelter, or medical attendance is wilful. The provisions of RCW 26.20.030 as now or hereafter amended are applicable whether the parents of such child or children are married or divorced and

regardless of any decree made in said divorce action relative to alimony or to the support of the spouse or child or children. [1973 1st ex.s. c 154 § 36; 1913 c 28 § 3; RRS § 6910. Formerly RCW 26.20.080 and 26.20.090.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 26.24  
FILIATION PROCEEDINGS

26.24.090 JUDGMENT ORDERING SUPPORT—BOND. In the event the issue be found against the accused, or whenever he shall, in open court, have confessed the truth of the accusation against him, he shall be charged by the order and judgment of the court to pay a sum to be therein specified, during each year of the life of such child, until such child shall have reached the age of eighteen years, for the care, education and support of such child, and shall also be charged thereby to pay the expenses of the mother incurred during her sickness and confinement, together with all costs of the suit, for which costs execution shall issue as in other cases. And the accused shall be required by said court to give bond, with sufficient surety, to be approved by the judge of said court, for the payment of such sums of money as shall be so ordered by said court. Said bond shall be made payable to the people of the state of Washington, and conditioned for the true and faithful payment of such yearly sums, in equal quarterly installments, to the clerk of said court, which said bond shall be filed and preserved by the clerk of said court. [1973 c 29 § 1; 1919 c 203 § 9; RRS § 1978.]

26.24.190 CUSTODY OF CHILD. In any filiation proceeding where the accused is found to be the father of the child, the court shall include in its judgment an award of custody of the child to that parent who is the more fit from the standpoint of furthering the child's welfare: PROVIDED, That if the court finds both parents unfit to have custody of the child, then the court shall provide for the care and custody of said child by any reputable person, appropriate private agency licensed pursuant to chapter 74.15 RCW, or appropriate public agency. Such order and judgment may further provide, in the discretion of the court, that the surname of the child shall henceforth be that parent's surname which the court finds would be in the best interest of the child. [1973 c 134 § 1; 1919 c 203 § 19; RRS § 1979-9.]

Severability—1973 c 134: "If any provision of \*this 1973 amendatory act, or

its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 134 § 13.]

\*Reviser's note: "this 1973 amendatory act" [1973 c 134], see note following RCW 26.32.030.

Chapter 26.28  
INFANTS

26.28.020 MARRIED PERSONS—WHEN DEEMED OF FULL AGE. All minor persons married to a person of full age shall be deemed and taken to be of full age. [1973 1st ex.s. c 154 § 38; Code 1881 § 2364; 1863 p 434 § 2; 1854 p 407 § 2; RRS § 10549.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

26.28.060 CHILD LABOR—PENALTY. Every person who shall employ, and every parent, guardian or other person having the care, custody or control of such child, who shall permit to be employed, by another, any child under the age of fourteen years at any labor whatever, in or in connection with any store, shop, factory, mine or any inside employment not connected with farm or house work, without the written permit thereto of a judge of a superior court of the county wherein such child may live, shall be guilty of a misdemeanor. [1973 1st ex.s. c 154 § 39; 1909 c 249 § 195; RRS § 2447.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

26.28.110 CUSTODY OF ILLEGITIMATE CHILD—PRIMARY RIGHTS OF PARENTS—CUSTODY CONDITIONED ON CHILD'S WELFARE. The parents of an illegitimate child shall have primary rights to the custody of such child. Between the parents of an illegitimate child, that parent who is the more fit from the standpoint of furthering the child's welfare shall have the superior right to custody. In any dispute between the natural parents of an illegitimate child and person or persons who have (1) commenced adoption proceedings or who have been granted an order of adoption, and (2) pursuant to court order or placement by the department of social and health services or licensed agency have had actual custody of the child for a period of one year or more before court action is commenced by the natural parent or parents, the court shall consider the best welfare and interests of the child, including the child's need for situation stability, in determining the matter of custody, and the parent or person who is

more fit shall have the superior right to custody. [1973 c 134 § 9.]

Severability—1973 c 134: See note following RCW 26.24.190.

Chapter 26.32  
ADOPTION

26.32.030 CONSENT TO ADOPTION—WHEN REQUIRED. Written consent to such adoption must be filed prior to a hearing on the petition, as follows:

(1) By the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

(2) If the person to be adopted is of legitimate birth or legitimized thereafter, and a minor, then by each of his living parents, except as hereinafter provided;

(3) If the person to be adopted is illegitimate and a minor, then by his mother and father, if living, except as provided in \*this 1973 amendatory act;

(4) If a legal guardian has been appointed for the person of the child, then by such guardian;

(5) If the person to be adopted is a minor and has been permanently committed upon due notice to his parents by any court of general jurisdiction to an approved agency, then by such approved agency, in which event neither notice to nor consent by its parents in the adoption proceeding shall be necessary: PROVIDED, That if the approved agency refuses to consent to the adoption, the court, in its discretion, may order that such consent be dispensed with. [1973 c 134 § 2; 1955 c 291 § 3. Prior: 1947 c 251 § 1; 1943 c 268 § 3; Rem. Supp. 1947 § 1699-4.]

\*Reviser's note: "this 1973 amendatory act" [1973 c 134] consists of RCW 26.28-.110, 26.32.085, 26.32.300, 26.32.310, 26.37.015 and the 1973 c 134 amendments to RCW 26.24.190, 26.32.030, 26.32.040, 26-.32.050, 26.32.080, and 26.37.010.

Severability—1973 c 134: See note following RCW 26.24.190.

26.32.040 CONSENT, WHEN NOT REQUIRED. No consent for the adoption of a minor shall be required as follows:

(1) From a parent deprived of civil rights when in a hearing for that purpose, as provided in RCW 26.32.050, the court finds that the circumstances surrounding the loss of said parent's civil rights were of such a nature that the welfare of the child would be best served by a permanent deprivation of parental rights;

(2) From a parent who has been deprived of the custody of the child by a court of

competent jurisdiction, after notice: PROVIDED, That a decree in an action for divorce, separate maintenance, or annulment, which grants to a parent any right of custody, control, or visitation of a minor child, or requires of such parent the payment of support money for such child, shall not constitute such deprivation of custody;

(3) From a parent who, more than one year prior to filing of a petition hereunder, has been adjudged to be mentally ill or otherwise mentally incompetent, and who has not thereafter been restored to competency by the court making such adjudication, and the court at a hearing called for such purpose, as provided in RCW 26.32.050, finds that the best interests of the child will be served by a permanent deprivation of custody;

(4) From a parent who has been found by a court of competent jurisdiction, upon notice as herein provided to such parent, to have deserted or abandoned such child under circumstances showing a wilful substantial lack of regard for parental obligations;

(5) From a parent of an illegitimate child who prior to entry of the interlocutory decree of adoption has not contested the proposed adoption after having been provided with notice of a hearing on an adoption petition pursuant to the notice provisions of RCW 26.32.085;

(6) From a parent who has surrendered the child pursuant to RCW 26.37.010. [1973 c 134 § 3; 1955 c 291 § 4. Prior: 1943 c 268 § 4; Rem. Supp. 1943 § 1699-5.]

Severability--1973 c 134: See note following RCW 26.24.190.

26.32.050 FINDING OF COURT. If the court in an adoption proceeding, after a hearing for that purpose upon notice thereof as hereinafter provided having been given to a parent, finds any of the conditions set forth in RCW 26.32.040 to be a fact as to the parent, the court may decree that consent of such parent shall not be required prior to adoption. [1973 c 134 § 4; 1955 c 291 § 5. Prior: 1943 c 268 § 5; Rem. Supp. 1943 § 1699-6.]

Severability--1973 c 134: See note following RCW 26.24.190.

26.32.080 NOTICE--FORM--SERVICE. (1) The court shall direct notice of any hearing under RCW 26.32.050 to be given to any nonconsenting parent or guardian, if any, and to any person or association having the actual care, custody, or control of the child: PROVIDED, That where a parent has been deprived of the custody of such child and such child has been set over for adoption by an order of a court of competent jurisdiction, after due notice in a proceeding regularly had for such purpose, no notice need be given to

the parent so deprived and the record of such deprivation proceedings shall be deemed prima facie proof of such deprivation;

(2) Such notice shall be given in the following manner: The court shall direct the clerk to issue a notice of such hearing directed to the persons entitled to notice, notifying such persons of the filing of the petition, stating briefly the object of the petition and the purpose of the hearing, and notifying such persons of the date, time and place of the hearing. A copy of the notice shall be served in the manner provided by law for the service of the summons upon the persons entitled thereto at least ten days prior to the hearing;

(3) In the event it shall appear by the affidavit of the petitioners that the persons entitled to notice, or either of them, are nonresidents of the state or that they cannot, after diligent search, be found within the state, and that a copy of said notice has been deposited in the post office, postage prepaid, directed to such person or persons at their last known place of residence, unless it is stated in the affidavit that such residence is unknown to petitioners, then the court shall order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Proof of service of notice shall be filed in the cause as required by law for making proof of the service of summons or summons by publication;

(4) Personal service of the notice out of the state, made twenty-five days or more prior to the date fixed for the hearing, shall be deemed equivalent to service by publication;

(5) If the court is satisfied of the illegitimacy of the child to be adopted, and so finds, then notice to any nonconsenting parent of such child shall be made as required under the provisions of RCW 26.32.085.

(6) Except as provided in subsection (5) of this section, a notice in substantially the following form will be deemed sufficient:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THE COUNTY OF \_\_\_\_\_

In the Matter of the} No. \_\_\_\_\_  
Adoption of JANE DOE} NOTICE

To John Doe (nonconsenting parent) and to all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the adoption of the above named, praying also that there be first an adjudication that the consent of John Doe to such adoption is not required by law.

A hearing for such purpose will be had on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of 9:30 a.m., at the courtroom of said superior court, at \_\_\_\_\_, or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable \_\_\_\_\_,  
Judge of said Superior court, and the seal of said court hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(SEAL) \_\_\_\_\_  
Clerk  
\_\_\_\_\_  
Deputy Clerk

[1973 c 134 § 5; 1955 c 291 § 8. Prior: 1947 c 251 § 2; 1943 c 268 § 8; Rem. Supp. 1947 § 1699-9.]

Severability—1973 c 134: See note following RCW 26.24.190.

**26.32.085 NOTICE REQUIREMENTS TO NON-CONSENTING PARENT OF ILLEGITIMATE CHILD.** The following requirements regarding notice of hearing on a petition for adoption shall apply to the parent of an illegitimate child who has not consented to the adoption of such child:

(1) Where the court has reason to believe or suspect that any person not before the court is or might be the parent of such child, the court shall direct the clerk to issue the notice prescribed in subsection (3) of this section to such person. The notice required under this subsection shall be served in the manner provided by law for the service of summons upon the person entitled thereto at least ten days prior to the hearing. In the event that a person entitled to notice under this subsection is a nonresident of the state or cannot after diligent search be found within the state, then:

(a) If the last known place of residence of such person is known, a copy of notice shall be deposited in the post office, postage prepaid, directed to such person at his last known place of residence.

(b) If the last known place of residence of such person is not known, then notice shall be made by publication in the manner required under subsection (2) of this section and as prescribed under subsection (3) of this section.

(2) Notice by publication shall be made in every case, except where service of the notice has been made on a person who either:

(a) acknowledges that he is a parent and the court finds him to be a parent, or

(b) has been found to be the father pursuant to chapter 26.24 RCW.

In addition, the court may require notice by publication whenever the court

believes such notice might be necessary to protect the validity of adoption proceedings and any decree of adoption. Whenever notice by publication is required, the court shall direct the clerk to publish the notice in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. The notice shall be in the form prescribed under subsection (3) of this section.

(3) The notice required under subsections (1) and (2) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THE COUNTY OF \_\_\_\_\_

In the Matter of the No. \_\_\_\_\_  
Adoption of Jane Doe Notice

To all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the adoption of the above named, praying also that there be first an adjudication that the consent of the \_\_\_\_\_ [father or mother] of such child is not required by law.

You are also notified that the consent of the \_\_\_\_\_ [mother or father] of the above named, such \_\_\_\_\_ [mother's or father's] name being \_\_\_\_\_, has already been given or is not required by law.

A hearing for such purpose will be had on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of 9:30 a.m., at the courtroom of said superior court, at \_\_\_\_\_, or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, The Honorable \_\_\_\_\_,  
Judge of said Superior court, and the seal of said court hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

(SEAL) \_\_\_\_\_  
Clerk  
\_\_\_\_\_  
Deputy Clerk

[1973 c 134 § 6.]

Severability—1973 c 134: See note following RCW 26.24.190.

**26.32.300 ILLEGITIMATE CHILD—PETITION TO SET ASIDE ADOPTION—LIABILITY FOR COSTS OF SUPPORT.** Where a natural parent (or parents) of an illegitimate child successfully petitions to have the adoption of the child set aside, the parent shall be liable to the adoptive parents (or parent)

for their direct and indirect costs in supporting such child.

The term "direct and indirect costs" as used in this section shall include both actual expenditures and the value of services rendered by the adoptive parents in caring for the child. [1973 c 134 § 10.]

Severability--1973 c 134: See note following RCW 26.24.190.

26.32.310 ILLEGITIMATE CHILD--ACTION TO SET ASIDE ADOPTION CONDITIONED UPON BOND TO SATISFY SUPPORT COSTS. In each action brought by a natural parent (or parents) of an illegitimate child to set aside the adoption of the child, no hearing or trial on the merits of the action shall be conducted until such time as the natural parent (or parents) posts a bond equal to one hundred dollars for each period of thirty days which the adoptive parents (or parent) had custody of the child. Such bond shall be used to satisfy the adoptive parents' right under RCW 26.32.300 to compensation for support in the event the adoption is set aside. [1973 c 134 § 11.]

Severability--1973 c 134: See note following RCW 26.24.190.

Chapter 26.37  
PROTECTION OF ORPHAN, HOMELESS, OR NE-  
GLECTED CHILDREN

26.37.010 SOCIETIES MAY RECEIVE, CONTROL AND DISPOSE OF CHILDREN--WHEN. Any benevolent or charitable society incorporated under the laws of this state for the purpose of receiving, caring for or placing out for adoption, or improving the condition of orphan, homeless, neglected or abused minor children of this state shall have authority to receive, control, and dispose of children under eighteen years of age under the following provisions:

(1) When the father and mother or the person or persons legally entitled to act as guardian of the person of any minor child shall, in writing, surrender such child to the charge and custody of said society, such child shall thereafter be in legal custody of such society for the purposes herein provided.

(2) In case of death or legal incapacity of a father or his abandonment or neglect to provide for his family, the mother shall have authority to make such surrender, and in case of the death or legal incapacity of a mother, or her abandonment of such child, then the father shall have authority to make such surrender.

(3) In all cases where the person or persons legally authorized to make such surrender are not known, any judge of superior court may cause a notice of

hearing to be published in any newspaper of general circulation printed and published in the county, and if he deems it best for such orphan, homeless, neglected or abused child, he may surrender it to any benevolent or charitable society incorporated under the laws of Washington and having for its object the care of such children.

(4) In cases where the child to be surrendered is illegitimate and is surrendered in writing by either parent, but not both parents, then the court shall hold a hearing on the surrender in the manner provided under RCW 26.37.015, and if the parent who has not agreed to the surrender in writing does not contest the surrender at such hearing, then such parent shall be deemed to have surrendered the child and the court shall authorize the surrender. This subsection shall not apply to or bar surrenders authorized under subsection (2) of this section.

(5) When any child shall have been surrendered in accordance with any of the preceding clauses and such child shall have been accepted by such society, then, (but not otherwise), the rights of its natural parents or of the guardian of its person (if any) shall cease and such corporation shall become entitled to the custody of such child, and shall have authority to care for and educate such child or place it either temporarily or permanently in a suitable private home in such manner as shall best secure its welfare. Such corporation shall have authority when any such child has been surrendered to it in accordance with any of the preceding provisions, and it is still in its control, to consent to its adoption under the laws of Washington. The custody or control of any such child by any such corporation or by any other corporation, institution, society or person may be inquired into, and, in the discretion of the court, terminated at any time by the superior court of the county where the child may be, upon the complaint of any person, and a showing that such custody is not in the interest of the child. [1973 c 134 § 7; 1903 c 49 § 1; RRS § 1700.]

Severability--1973 c 134: See note following RCW 26.24.190.

26.37.015 SURRENDER OF ILLEGITIMATE CHILD--PETITION, COURT APPROVAL, REQUIRED--HEARING--NOTICE PROVISIONS. (1) Whenever one parent, but not both parents, of an illegitimate child surrenders the child in writing pursuant to subsection (4) of RCW 26.37.010, the surrender shall not be valid unless a petition for surrender is granted by the court in conformity with the provisions of this section. The court shall grant such petition if the parent who did not provide the surrender in writing fails to contest the petition at the hearing held thereon.

(2) Where the court has reason to believe or suspect that any person not before the court is or might be the parent of such child, the court shall direct the clerk to issue the notice prescribed in subsection (4) of this section to such person. The notice required under this subsection shall be served in the manner provided by law for the service of summons upon the person entitled thereto at least ten days prior to the hearing. In the event that a person entitled to notice under this subsection is a nonresident of the state or cannot after diligent search be found within the state, then:

(a) If the last known place of residence of such person is known, a copy of the notice shall be deposited in the post office, postage prepaid, directed to such person at his last known place of residence.

(b) If the last known place of residence of such person is not known then notice shall be made by publication in the manner required under subsection (3) of this section and as prescribed under subsection (4) of this section.

(3) Notice by publication shall be made in every case, except where service of the notice has been made on a person who either:

(a) acknowledges that he is a parent and the court finds him to be a parent, or

(b) has been found to be the father pursuant to chapter 26.24 RCW.

In addition, the court may require notice by publication whenever the court believes such notice might be necessary to protect the validity of adoption proceedings and any decree of adoption. Whenever notice by publication is required, the court shall direct the clerk to publish the notice in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-four days prior to the date fixed for the hearing. The notice shall be in the form prescribed under subsection (4) of this section.

(4) The notice required under subsections (2) and (3) of this section shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR THE COUNTY OF \_\_\_\_\_

In the Matter of the No. \_\_\_\_\_  
Surrender of Jane Doe Notice

To all whom it may concern:

You are hereby notified that there has been filed in this court a petition for the surrender of the above-named, praying also that there be first an adjudication that the \_\_\_\_\_ [father's or mother's] written surrender of such child is not required by law.

You are notified that the written surrender of the above-named by the \_\_\_\_\_ [father or mother] of the above-named, such \_\_\_\_\_ [father's or

mother's] name being \_\_\_\_\_, has already been given or is not required by law.

You are further notified that your failure to contest the surrender of the above-named at the hearing described in this notice may result in the relinquishment of your rights to custody and control of the above-named and the adoption of the above-named.

A hearing for such purpose will be had on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at the hour of 9:30 a.m., at the courtroom of said superior court, at \_\_\_\_\_, or to such other department of the court to which said matter may be then and there transferred, when and where all persons interested shall appear and show cause why such adjudication should not be made, and why, if made, such petition should not be thereafter heard forthwith and the prayer thereof granted.

WITNESS, the Honorable \_\_\_\_\_, Judge of said Superior court, and the seal of said court hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Clerk

(Seal)

\_\_\_\_\_  
Deputy Clerk

[1973 c 134 § 8.]

Severability—1973 c 134: See note following RCW 26.24.190.

26.37.020 WARRANT TO TAKE CHARGE OF CHILD—PROCEEDINGS. Upon complaint of any person in writing other than an officer or agent of such society or corporation to any judge of the superior court giving the names and residences of the parents, guardian (if any) or next of kin of such child, so far as known, and alleging that the father of such minor child is dead, or has abandoned his family or is an habitual drunkard or is a man of notoriously bad character, or is imprisoned for crime, or has grossly abused or neglected such child, and that the mother of such child is an habitual drunkard, or imprisoned for crime, or a woman of notoriously bad character or is dead, or has abandoned her family, or has grossly abused or neglected such child, and alleging that the welfare of such child requires that legal steps be taken to provide for its care and custody, a warrant shall issue directing the proper officer to take such child into custody and care for or dispose of it as such judge shall direct, until a hearing can be had, such proceedings shall have precedence of other causes, of which hearing not less than five days notice shall be given to such parents, guardian or next of kin and such judge shall hear the allegations of the complaint and all testimony offered for or against the same and determine whether in his judgment there is cause for a change in the care and custody of such child. If the judge shall decide

to change the care and custody of such child, he may commit the child to the care and custody of any such benevolent society contemplated in this chapter which is willing to receive it, and such commitment shall carry with it the same powers and authority as above provided in case of voluntary surrender, or he may enter such findings and transmit the papers and a transcript of his proceedings to the county commissioners of the county in which the case arises and surrender such child to the care and custody of such commissioners and it may be disposed of without further notice to the parents, guardian or next of kin. [1973 1st ex.s. c 154 § 44; 1903 c 49 § 2; RRS § 1701.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

TITLE 27  
LIBRARIES, MUSEUMS AND HISTORICAL  
ACTIVITIES

Sections added, amended, or repealed:

Chapter 27.08 State Certification of Librarians.

27.08.010 State librarians' certification board created—Powers—Certificate fee—Expenses of board—Certified librarians required.

Chapter 27.12 Public Libraries.

27.12.050 Rural library districts—Board of library trustees—Tax levies.  
27.12.070 Rural library districts—Limitation of indebtedness.  
27.12.150 Intercounty rural library districts—Tax levies.

Chapter 27.16 Intermediate School District Circulating Libraries. (Formerly: County Circulating Libraries.)

27.16.020 Tax levy for circulating school library fund—Deposit—Payments from fund.

Chapter 27.32 Eastern Washington State Historical Society.

27.32.010 Society as trustee—Duties.  
27.32.020 Property held in trust for people.

Chapter 27.08  
STATE CERTIFICATION OF LIBRARIANS

27.08.010 STATE LIBRARIANS' CERTIFICATION BOARD CREATED—POWERS—CERTIFICATE FEE—EXPENSES OF BOARD—CERTIFIED LIBRARIANS REQUIRED.

(1) There is hereby created a state board for the certification of librarians, which shall consist of the state librarian, the executive officer of the department of librarianship of the University of Washington, and one other member to be appointed by the governor for a term of three years from a list of three persons nominated by the executive committee of the Washington library association. The members of the board shall serve without salary, shall have authority to establish rules and regulations for their own government and procedure, and shall prescribe and hold examinations to test the qualifications of those seeking certificates as librarians.

(2) The board shall grant librarians' certificates without examination to applicants who are graduates of library schools accredited by the American library association for general library training, and shall grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities equivalent to those of a library school graduate and is qualified to carry on library work ably and efficiently.

(3) Any person not a graduate of a library school accredited by the American library association, but who has served as a librarian or a full time professional assistant in any library in this state for at least one year or the equivalent thereof prior to midnight, June 12, 1935, shall be granted a librarian's certificate without examination, but such certificate shall be good only for the position specified therein, unless specifically extended by the board.

(4) The board shall require a fee of not less than one dollar nor more than five dollars to be paid by each applicant for a librarian's certificate. Money paid as fees shall be deposited with the state treasurer. All necessary expenses of the board shall be paid from funds appropriated by the legislature upon the presentation of proper vouchers approved by the board.

(5) After January 1, 1937, a library serving a community having over four thousand population shall not have in its employ, in the position of librarian or in any other full time professional library position, a person who does not hold a librarian's certificate issued by the board.

(6) A full time professional library position, as intended by this section, is one that requires, in the opinion of the state board for the certification of librarians, a knowledge of books and of



library technique equivalent to that required for graduation from an accredited library school.

(7) The provisions in this section shall apply to every library serving a community having over four thousand population and to every library operated by the state or under its authority, including libraries of institutions of higher learning: PROVIDED, That nothing in this section shall apply to the state law library or to county law libraries. [1973 c 106 § 12; 1935 c 119 § 11; RRS § 8226-11. Formerly RCW 27.08.010, 27.08.020, 27.08.030, 27.08.040 and 27.08.050.]

Chapter 27.12  
PUBLIC LIBRARIES

27.12.050 RURAL LIBRARY DISTRICTS--BOARD OF LIBRARY TRUSTEES--TAX LEVIES. After the board of county commissioners has declared a rural county library district established, it shall appoint a board of library trustees and provide funds for the establishment and maintenance of library service for the district by making a tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year sufficient for the library service as shown to be required by the budget submitted to the board of county commissioners by the board of library trustees, and by making a tax levy in such further amount as shall be authorized pursuant to RCW 27.12.222 or RCW 84.52.052 or 84.52.056. Such levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district. [1973 1st ex.s. c 195 § 5; 1955 c 59 § 5. Prior: 1947 c 75 § 11, part; 1943 c 251 § 1, part; 1941 c 65 § 4, part; Rem. Supp. 1947 § 8226-4a, part.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

27.12.070 RURAL LIBRARY DISTRICTS--LIMITATION OF INDEBTEDNESS. At no time shall the total indebtedness of the district exceed an amount that could be raised by a one dollar per thousand dollars of assessed value levy on the then existing value of the taxable property of the district, as the term "value of the taxable property" is defined in RCW 39.36-.015, except as provided in RCW 27.12.222 or RCW 84.52.052 or 84.52.056. The county treasurer of the county in which any rural county library district is created shall receive and disburse all district revenues and collect all taxes levied under this chapter. [1973 1st ex.s. c 195 § 6; 1970 ex.s. c 42 § 2; 1955 c 59 § 7. Prior: 1947 c 75 § 11, part; 1943 c 251 § 1, part; 1941 c 65 § 4, part; Rem. Supp. 1947 § 8226-4a, part.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

27.12.150 INTERCOUNTY RURAL LIBRARY DISTRICTS--TAX LEVIES. Funds for the establishment and maintenance of the library service of the district shall be provided by the boards of county commissioners of the respective counties by means of an annual tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year. The tax levy in the several counties shall be at a uniform rate and shall be based on a budget to be compiled by the board of trustees of the intercounty rural library district who shall determine the uniform tax rate necessary and certify their determination to the respective boards of county commissioners.

Excess levies authorized pursuant to RCW 27.12.222 and RCW 84.52.052 or 84.52.056 shall be at a uniform rate which uniform rate shall be determined by the board of trustees of the intercounty rural library district and certified to the respective boards of county commissioners. [1973 1st ex.s. c 195 § 7; 1955 c 59 § 8; 1947 c 75 § 7; Rem. Supp. 1947 § 8246-7.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 27.16  
INTERMEDIATE SCHOOL DISTRICT  
CIRCULATING LIBRARIES  
(FORMERLY: COUNTY CIRCULATING LIBRARIES)

27.16.020 TAX LEVY FOR CIRCULATING SCHOOL LIBRARY FUND--DEPOSIT--PAYMENTS FROM FUND. Each board of county commissioners may levy a tax not exceeding two and one-half cents per thousand dollars of assessed value for the support of the circulating library in its intermediate school district. The proceeds of the tax collected shall constitute the circulating school library fund for the payment of all bills created by the intermediate school district for the purchase of books and instructional materials and fixtures. The fund shall be deposited in the office of the county treasurer in which other intermediate school district funds are deposited, and shall be payable on order of the intermediate school district board of education. [1973 1st ex.s. c 195 § 8; 1969 ex.s. c 176 § 26; 1955 c 163 § 2; 1909 c 97 p 320 § 2; 1903 c 104 § 28; RRS § 4927. Cf. 1901 c 177 § 14; 1897 c 118 § 107.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 27.32  
EASTERN WASHINGTON STATE HISTORICAL  
SOCIETY

27.32.010 SOCIETY AS TRUSTEE—DUTIES.

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

It shall be the duty of the said society

(1) To collect books, maps, charts, papers and materials illustrative of the history of this state, and of its progress and development.

(2) To procure from pioneers authentic narrative of their experiences and of incidents relating to the early settlement of this state.

(3) To gather data and information concerning the origin, history, language and customs of our Indian tribes.

(4) To procure and purchase books, papers and pamphlets for the several departments of its collections, climatic, health and mortuary statistics, and such other books, maps, charts, papers and materials as will facilitate the investigation of the historical, scientific and literary subjects.

(5) To bind, shelf, store and safely keep the unbound books, documents, manuscripts, pamphlets and newspaper files now or hereafter to come into its possession.

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

(7) To prepare biennially for publication a report of its collections and such other matters relating to the work of the society as may be useful to the state and people thereof.

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

(9) To develop, purchase, and acquire through gift, loan, or otherwise, collections of history and art, which through exhibit and exhibition, will promote a better understanding of the cultural development of the state, and to otherwise encourage the application of history and art. [1973 c 35 § 1; 1925 ex.s. c 187 § 1; RRS § 8265-1.]

27.32.020 PROPERTY HELD IN TRUST FOR PEOPLE. The books, maps, charts, relics, memorials, collections and all other property of the society now owned or hereafter acquired shall be held by the said society perpetually in trust for the use and benefit of the people of the state of Washington: PROVIDED, That nothing contained herein shall prohibit the society from declining to accept, selling, exchanging, or otherwise divesting itself of such items which do not, in the judgment

of the board of trustees, properly enhance its collection. [1973 c 35 § 2; 1925 ex.s. c 187 § 2; RRS § 8265-2.]

TITLE 28A  
COMMON SCHOOL PROVISIONS

Sections added, amended, or repealed:

Chapter 28A.01 Definitions.

28A.01.120 Associated student body.

28A.01.130 Certificated employee.

Chapter 28A.02 General Provisions.

28A.02.060 School holidays. (Effective until January 1, 1971.)

28A.02.061 School holidays.

28A.02.070 Programs in observance of Veterans' and Admission Day. (Effective until January 1, 1971.)

Chapter 28A.04 State Board of Education.

28A.04.110 Meetings—Expenses reimbursed.

28A.04.135 Additional powers and duties—Certificate of educational competence, rules for issuance.

28A.04.137 Additional powers and duties—Student financial assistance program, rules for administration.

28A.04.209 Additional powers and duties—Associated student bodies, rules and regulations relating to.

Chapter 28A.06 High School Extension Courses.

28A.06.010 State board to prescribe extension courses—Examinations.

28A.06.050 Preparation and distribution of questions—Grading.

28A.06.070 Four year certificate of completion.

Chapter 28A.09 Vocational Education Generally.

28A.09.200 Children of certain citizens missing in action or prisoners of war exempt from fees—Limitations—Procedure.

Chapter 28A.24 School Transportation.

28A.24.055 Transporting of children to school or school activities—Transporting of elderly—Insurance.

28A.24.110 Lease of buses to transport handicapped children and elderly—Limitation.

28A.24.120 Elderly persons defined—Program limitation.

Chapter 28A.27 Compulsory School Attendance.

- 28A.27.010 Attendance mandatory—Age—When excused.
- Chapter 28A.28 Child Employment and Part Time Schools.
- 28A.28.010-28A.28.140.
- Chapter 28A.31 Health Measures.
- 28A.31.050 Visual and auditory screening of pupils—Rules and regulations, forms used in screenings, distribution.
- Chapter 28A.34 Nursery Schools.
- 28A.34.050 Establishment and maintenance discretionary.
- Chapter 28A.41 Current State School Fund—School District Reimbursement Programs.
- 28A.41.130 Annual distribution of funds according to weighted enrollment.
- 28A.41.170 State superintendent may make rules and regulations.
- 28A.41.180 Reimbursement for substitute if employee serves state board or superintendent.
- 28A.41.210 Allocations—Minimum requirements. (Effective until January 1, 1975.)
- Chapter 28A.48 Apportionment to Districts—District Accounting.
- 28A.48.110 Distribution of state property tax proceeds.
- Chapter 28A.57 Organization and Reorganization of School Districts.
- 28A.57.230 Joint school districts—Defined—Designation.
- 28A.57.240 Joint school districts—Change or adjustment of joint districts—Procedure generally.
- 28A.57.250 Joint school districts—Administration—County to which joint school district considered as belonging.
- 28A.57.255 Joint school districts—Special rules for electors voting for directors or intermediate school district board members.
- 28A.57.260 Joint school districts—Directors—Vacancies.
- 28A.57.312 Directors—Elections—Terms—Number.
- 28A.57.342 Directors' districts in certain school districts—Submittal of proposition at formation election.
- 28A.57.344 Directors' districts in certain school districts—Election to authorize division in school districts not already divided into directors' districts.
- 28A.57.357 Directors—Number and terms of in first class districts containing more than one former first class district.
- 28A.57.358 Directors—Number and terms of in new first class district having enrollment of 50,000 in class AA counties.
- 28A.57.425 Directors' districts in first class districts having enrollment of 50,000 in class AA counties—Boundaries—Director candidate eligibility—Declaration of candidacy—Primary limited to voters within district—When no primary—Terms of directors.
- 28A.57.435 Directors' districts in first class districts having enrollment of 50,000 in class AA counties—Initial district boundaries—Appointments to fill vacancies for new director districts—Director district numbers.
- Chapter 28A.58 Provisions Applicable to All School Districts.
- 28A.58.115 Directors—Associated student bodies—Powers and responsibilities affecting.
- 28A.58.136 Directors—Lunchrooms—Establishment and operation—Personnel for.
- 28A.58.247 Community education programs—Restrictions.
- 28A.58.420 Liability, life, health, health care, accident, disability and salary insurance authorized—Premiums.
- 28A.58.423 Liability insurance for officials and employees authorized.
- 28A.58.450 Adverse change in contract status of certificated employee—Notice—Probable cause—Hearing—Decision.
- 28A.58.515 Direct judicial appeals in lieu of hearings provided in RCW 28A.58.450 and 28A.67.070.
- 28A.58.700 Student financial assistance program—Definitions.
- 28A.58.701 Student financial assistance program—Criteria for establishing need—Limits on grants.
- 28A.58.703 Student financial assistance program—Priority basis—All funds disbursed.
- 28A.58.704 Student financial assistance program—Discriminatory practices prohibited.
- 28A.58.706 Student financial assistance program—Grants, gifts, bequests and devises authorized for.
- 28A.58.707 Student financial assistance program—Scope of use of awards.
- 28A.58.720 Nonprofit meal program for elderly—Purpose.
- 28A.58.722 Nonprofit meal program for elderly—Authorized—Restrictions.

28A.58.730 Deposit of cumulative total of earnings of group of employees—Authorized—Conditions.

Chapter 28A.02  
GENERAL PROVISIONS

Chapter 28A.60 Provisions Applicable Only to Second and Third Class Districts.

28A.60.210 School property used for public purposes—Special state commission to pass on plans.

28A.60.328 Drawing and issuance of warrants—Second and third class districts.

Chapter 28A.66 School District Warrants, Auditor's Duties Relating To.

28A.66.010 Registering warrants—All districts.

28A.66.040 Auditor to draw and issue warrants—Second and third class districts.

28A.66.050 Teacher must qualify and be under contract before warrant drawn and issued or registered—All districts.

Chapter 28A.67 Teachers—General Provisions.

28A.67.070 Conditions and contracts of employment—Nonrenewal of contracts.

Chapter 28A.72 Negotiations By Certificated Personnel.

28A.72.100 Principals, assistant principals, application to.

Chapter 28A.88 Appeals From Action or Nonaction of School Officials and School Boards.

28A.88.070 Procedure at hearings on appeals.

28A.02.060 SCHOOL HOLIDAYS. (EFFECTIVE UNTIL JANUARY 1, 1971.) [1969 ex.s. c 223 § 28A.02.060; see prior history under RCW 28A.02.061.] Repealed by 1973 c 32 § 2.

28A.02.061 SCHOOL HOLIDAYS. The following are school holidays, and school shall not be taught on these days: Saturday; Sunday; the first day of January, commonly called New Year's Day; the third Monday in February, being the anniversary of the birth of George Washington; the last Monday in May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the fourth Monday in October, to be known as Veterans' Day; the fourth Thursday in November, commonly known as Thanksgiving Day; the day immediately following Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day: PROVIDED, That no reduction from the teacher's time or salary shall be made by reason of the fact that a school day happens to be one of the days referred to in this section as a day on which school shall not be taught. [1973 c 32 § 1; 1969 ex.s. c 283 § 13. Prior: 1969 ex.s. c 223 § 28A.02.060; prior: 1955 c 20 § 2; 1909 c 97 p 308 § 6; RRS § 4853. Formerly RCW 28A.02.060, 28.02.060.]

28A.02.070 PROGRAMS IN OBSERVANCE OF VETERANS' AND ADMISSION DAY. (EFFECTIVE UNTIL JANUARY 1, 1971.) [1969 ex.s. c 176 § 101; see prior history under present RCW 28A.02.070.] Repealed by 1973 c 32 § 2.

Chapter 28A.01  
DEFINITIONS

28A.01.120 ASSOCIATED STUDENT BODY.  
See RCW 28A.58.115.

28A.01.130 CERTIFICATED EMPLOYEE. The term "certificated employee" as used in RCW 28A.58.450 through 28A.58.515, 28A.58.445, 28A.67.065, 28A.67.070, and 28A.67.074, each as now or hereafter amended, shall include those persons who hold certificates as authorized by rule or regulation of the state board of education or the superintendent of public instruction. [1973 1st ex.s. c 105 § 1.]

Chapter 28A.03  
SUPERINTENDENT OF PUBLIC INSTRUCTION

Cross References:

Community education programs, rules and regulations for: RCW 28A.58.247.

Negotiations by certificated personnel, superintendent's regulations for election to determine if principals, assistant principals, act as separate unit: RCW 28A.72.100.

State board for community college education—Program for military personnel—Restrictions as to high school completion program: RCW 28B.50.092.

Chapter 28A.04  
STATE BOARD OF EDUCATION

Cross Reference:

State board for community college education—Program for military personnel—Restrictions as to high school completion program: RCW 28B.50.092.

28A.04.110 MEETINGS—EXPENSES REIMBURSED. The state board of education shall hold an annual meeting and such other regular meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business, such special meetings to be called by the superintendent of public instruction, or by a majority of the board. The persons serving as members of the state board of education shall be reimbursed by the superintendent of public instruction for the actual expenses incurred in the performance of their duties which expenses shall be paid by the state treasurer on warrants out of funds not otherwise appropriated, upon the order of the superintendent. [1973 c 106 § 13; 1969 ex.s. c 223 § 28A.04.110. Prior: 1909 c 97 p 235 § 4; RRS § 4528. Formerly RCW 28.04.110; 43.63.130.]

28A.04.135 ADDITIONAL POWERS AND DUTIES—CERTIFICATE OF EDUCATIONAL COMPETENCE, RULES FOR ISSUANCE. The state board of education shall adopt rules and regulations governing the conditions by and under which a certificate of educational competence may be issued to a person nineteen years of age or older, and a child fifteen years of age and under nineteen years of age when such a child can evidence substantial and warranted reason for leaving the regular high school education program. [1973 c 51 § 2.]

Severability—1973 c 51: See note following RCW 28A.27.010.

28A.04.137 ADDITIONAL POWERS AND DUTIES—STUDENT FINANCIAL ASSISTANCE PROGRAM, RULES FOR ADMINISTRATION. In addition to other powers and duties, the state board of education shall adopt rules and regulations for the administration of a student financial assistance program for needy and disadvantaged elementary and secondary students as provided for in RCW 28A.58.700 through 28A.58.707. [1973 c 81 § 1.]

Severability—1973 c 81: See note following RCW 28A.58.700.

28A.04.209 ADDITIONAL POWERS AND DUTIES—ASSOCIATED STUDENT BODIES, RULES AND REGULATIONS RELATING TO. See RCW 28A.58.115.

Chapter 28A.06  
HIGH SCHOOL EXTENSION COURSES

28A.06.010 STATE BOARD TO PRESCRIBE EXTENSION COURSES—EXAMINATIONS. [1969 ex.s. c 223 § 28A.06.010. Prior: 1909 c 97 p 370 § 1; RRS § 5093. Formerly RCW 28.06.010, 28.06.020, 28.06.030 and 28.06-.040.] Repealed by 1973 c 51 § 4.

28A.06.050 PREPARATION AND DISTRIBUTION OF QUESTIONS—GRADING. [1969 ex.s. c 223 § 28A.06.050. Prior: 1909 p 370 § 2; RRS § 5094. Formerly RCW 28.06.050 and 28.06.060.] Repealed by 1973 c 51 § 4.

28A.06.070 FOUR YEAR CERTIFICATE OF COMPLETION. [1969 ex.s. c 223 § 28A.06-.070. Prior: 1909 p 371 § 3; RRS § 5095. Formerly RCW 28.06.070.] Repealed by 1973 c 51 § 4.

Chapter 28A.09  
VOCATIONAL EDUCATION GENERALLY

28A.09.200 CHILDREN OF CERTAIN CITIZENS MISSING IN ACTION OR PRISONERS OF WAR EXEMPT FROM FEES—LIMITATIONS—PROCEDURE. Children of any person who was a Washington domiciliary and who within the past eleven years has been determined by the federal government to be a prisoner of war or missing in action in Southeast Asia, including Korea, or who shall become so hereafter, shall be admitted to any public vocational-technical school within the state without the necessity of paying any registration fees or tuition therefor: PROVIDED, HOWEVER, That such child shall meet such other educational qualifications as such vocational-technical school shall deem reasonable and necessary under the circumstances. Affected institutions shall in their preparation of future budgets include therein costs resultant from such registration fee or tuition loss for reimbursement thereof from appropriations of state funds. Applicants for free tuition shall provide institutional administrative personnel with documentation of their rights under this section. [1973 c 63 § 1; 1972 ex.s. c 17 § 1.]

Effective date—1973 c 63: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately: PROVIDED, That qualified applicants under sections 1 and 2 of this 1973

amendatory act shall be admitted to such institutions free of tuition and such fees commencing not later than the next succeeding quarter, semester or like educational period beginning after the effective date of this 1973 amendatory act." [1973 c 63 § 3.] This applies to RCW 28A.09.200 and 28B.10.265. The effective date of the 1973 act was March 8, 1973.

Chapter 28A.24  
SCHOOL TRANSPORTATION

28A.24.055 TRANSPORTING OF CHILDREN TO SCHOOL OR SCHOOL ACTIVITIES—TRANSPORTING OF ELDERLY—INSURANCE. Every board of directors shall provide and pay for transportation of children to and from school whether such children live within or without the district when in its judgment the best interests of the district will be subserved thereby, but the board is not compelled to transport any pupil living within two miles of the schoolhouse.

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

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

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

accept any charter bus for services which the user believes might place the health or safety of the children or elderly persons in jeopardy.

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

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

If the transportation of children or elderly persons is arranged for by contract of the district with some person, the board may require such contractor to procure such insurance as the board deems advisable. [1973 c 45 § 1; 1971 c 24 § 3; 1969 ex.s. c 153 § 3; 1969 ex.s. c 223 § 28A.24.055. Prior: (i) 1967 ex.s. c 29 § 1, part; 1967 c 12 § 1, part; 1965 ex.s. c 49 § 1, part; 1963 c 104 § 1, part; 1963 c 5 § 1, part; 1961 c 305 § 1, part; 1961 c 237 § 1, part; 1961 c 66 § 1, part; 1955 c 68 § 2, part; prior: 1943 c 52 § 1, part; 1941 c 179 § 1, part; 1939 c 131 § 1, part; 1925 ex.s. c 57 § 1, part; 1919 c 89 § 3, part; 1915 c 44 § 1, part; 1909 c 97 p 285 § 2, part; 1907 c 240 § 5, part; 1903 c 104 § 17, part; Rem. Supp. 1943 § 4776, part. Formerly RCW 28.58.100, part. (ii) 1965 ex.s. c 86 § 1. Formerly RCW 28.58.421.]

Cross Reference:

Elderly person defined—Program limitation: RCW 28A.24.120.

28A.24.110 LEASE OF BUSES TO TRANSPORT HANDICAPPED CHILDREN AND ELDERLY—LIMITATION. The directors of school districts are authorized to lease school buses to nonprofit organizations to transport handicapped children and elderly persons to and from the site of activities or programs deemed beneficial to such persons by such organizations: PROVIDED, That commercial bus transportation is not reasonably available for such purposes. [1973 c 45 § 2; 1971 c 78 § 1.]

Cross Reference:

Elderly person defined—Program limitation: RCW 28A.24.120.

28A.24.120 ELDERLY PERSONS DEFINED—PROGRAM LIMITATION. For purposes of RCW 28A.24.055, 28A.24.110 and this section, "elderly person" shall mean a person who is at least sixty years of age. No school district funds may be used for the operation of such a program. [1973 c 45 § 3.]

Chapter 28A.27  
COMPULSORY SCHOOL ATTENDANCE

28A.27.010 ATTENDANCE MANDATORY—AGE—WHEN EXCUSED. All parents, guardians and the persons in this state having custody of any child eight years of age and under fifteen years of age shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session or to attend a private school for the same time unless the school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school or unless such child is attending a residential school operated by the division of institutions of the department of social and health services.

All parents, guardians and other persons in this state having custody of any child fifteen years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides for the full time when such school may be in session or to attend a private school for the same time excepting when the school district superintendent determines that such child is physically or mentally unable to attend school or has already attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the public schools of this state, or the child is regularly and lawfully engaged in a useful or remunerative occupation, or the child is attending a residential school operated by the division of institutions of the department of social and health services, or the child has already met graduation requirements in accordance with state board of education rules and regulations, or the child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.04.135.

Proof of absence from any public or approved private and/or parochial school shall be prima facie evidence of a violation of this section. An approved private and/or parochial school for the purposes of this section shall be one approved under regulations established by the state board of education pursuant to RCW 28A.04.120 as now or hereafter amended. [1973 c 51 § 1; 1972 ex.s. c 10 § 2. Prior: 1971 ex.s. c 215 § 2; 1971 ex.s. c 51 § 1; 1969

ex.s. c 109 § 2; 1969 ex.s. c 223 § 28A.27.010; prior: 1909 p 364 § 1; RRS § 5072; prior: 1907 c 240 § 7; 1907 c 231 § 1; 1905 c 162 § 1; 1903 c 48 § 1; 1901 c 177 § 11; 1899 c 140 § 1; 1897 c 118 § 71. Formerly RCW 28.27.010.]

Cross Reference:

Work permits for minors required: RCW 49.12.123.

Severability—1973 c 51: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 51 § 5.] This applies to RCW 28A.27.010, 28A.04.135, 49.12.123 and the repeal of chapters 28A.06 and 28A.28 RCW.

Chapter 28A.28  
CHILD EMPLOYMENT AND PART TIME SCHOOLS

28A.28.010 PERMIT OFFICERS DESIGNATED—COORDINATING COUNCIL DEFINED. [1971 c 48 § 10; 1969 ex.s. c 223 § 28A.28.010. Prior: 1919 c 151 § 1; RRS § 4906. Formerly RCW 28.28.010.] Repealed by 1973 c 51 § 4.

28A.28.020 ATTENDANCE UNTIL EIGHTEEN REQUIRED—EXCEPTIONS. [1969 ex.s. c 223 § 28A.28.020. Prior: 1919 c 151 § 2; RRS § 4907. Formerly RCW 28.28.020.] Repealed by 1973 c 51 § 4.

28A.28.030 EMPLOYMENT PERMITS—WHO MAY APPLY—BASIS AND FORM—"EMPLOYMENT" DEFINED. [1971 c 48 § 11; 1969 ex.s. c 223 § 28A.28.030. Prior: 1919 c 151 § 3; RRS § 4908. Formerly RCW 28.28.030, 28.28.010 and 28.28.040.] Repealed by 1973 c 51 § 4.

28A.28.050 DUTIES OF EMPLOYERS. [1969 ex.s. c 223 § 28A.28.050. Prior: 1919 c 151 § 4; RRS § 4909. Formerly RCW 28.28.050.] Repealed by 1973 c 51 § 4.

28A.28.060 RECORDS AND REPORT OF PERMITS. [1969 ex.s. c 223 § 28A.28.060. Prior: 1919 c 151 § 5; RRS § 4910. Formerly RCW 28.28.060.] Repealed by 1973 c 51 § 4.

28A.28.070 ESTABLISHMENT, CONDUCT OF PART TIME SCHOOLS. [1969 ex.s. c 223 § 28A.28.070. Prior: 1927 c 181 § 1; 1919 c 151 § 6; RRS § 4911. Formerly RCW 28.28.070, 28.28.080.] Repealed by 1973 c 51 § 4.



28A.28.090 COORDINATING COUNCIL TO ESTABLISH RULES AND REGULATIONS, FORMS. [1969 ex.s. c 223 § 28A.28.090. Prior: 1919 c 151 § 11; RRS § 4916. Formerly RCW 28.28.090.] Repealed by 1973 c 51 § 4.

28A.28.100 ATTENDANCE AT PART TIME SCHOOLS REQUIRED—EXCEPTIONS—PENALTY AGAINST PARENT OR GUARDIAN. [1969 ex.s. c 223 § 28A.28.100. Prior: 1919 c 151 § 7; RRS § 4912. Formerly RCW 28.28.100.] Repealed by 1973 c 51 § 4.

28A.28.110 EMPLOYERS MUST ALLOW SCHOOL ATTENDANCE—PENALTY. [1969 ex.s. c 223 § 28A.28.110. Prior: 1919 c 151 § 9; RRS § 4914. Formerly RCW 28.28.110.] Repealed by 1973 c 51 § 4.

28A.28.120 ENFORCEMENT OF ATTENDANCE. [1969 ex.s. c 223 § 28A.28.120. Prior: 1919 c 151 § 13; RRS § 4918. Formerly RCW 28.28.120.] Repealed by 1973 c 51 § 4.

28A.28.130 ATTENDANCE AT PART TIME SCHOOL COUNTED AS HOURS OF LABOR FOR STATE, FEDERAL LAW. [1969 ex.s. c 223 § 28A.28.130. Prior: 1919 c 151 § 8; RRS § 4913. Formerly RCW 28.28.130.] Repealed by 1973 c 51 § 4.

28A.28.140 REIMBURSEMENT OF EXPENSE. [1969 ex.s. c 223 § 28A.28.140. Prior: 1927 c 181 § 2; 1919 c 151 § 12; RRS § 4917. Formerly RCW 28.28.140.] Repealed by 1973 c 51 § 4.

#### Chapter 28A.31 HEALTH MEASURES

28A.31.050 VISUAL AND AUDITORY SCREENING OF PUPILS—RULES AND REGULATIONS, FORMS USED IN SCREENINGS, DISTRIBUTION. The superintendent of public instruction shall print and distribute to appropriate school officials the rules and regulations adopted by the state board of health pursuant to RCW 28A.31.030 and the recommended records and forms to be used in making and reporting such screenings. [1973 c 46 § 1. Prior: 1971 c 48 § 12; 1971 c 32 § 4; 1969 ex.s. c 223 § 28A.31.050; prior: 1941 c 202 § 3; RRS § 4689-3. Formerly RCW 28.31.050.]

Severability—1973 c 46: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 46 § 5.] This applies to RCW 28A.31.050 and the repeal of RCW 28A.88.070 (sections 2 and 3 of 1973 § 46

pertaining to the amendment of RCW 28A.41-.130 was subsequently amended and superseded by 1973 ex.s. c 195 §§ 9, 137, 138 and 139).

#### Chapter 28A.34 NURSERY SCHOOLS

28A.34.050 ESTABLISHMENT AND MAINTENANCE DISCRETIONARY. Every board of directors shall have power to establish, equip and maintain nursery schools and/or provide before-and-after-school care for children of working parents, in cooperation with the federal government or any of its agencies, when in their judgment the best interests of their district will be subserved thereby. [1973 1st ex.s. c 154 § 45; 1969 ex.s. c 223 § 28A.34.050. Prior: 1943 c 220 § 5; Rem. Supp. 1943 § 5109-5. Formerly RCW 28.34.050.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

#### Chapter 28A.41 CURRENT STATE SCHOOL FUND—SCHOOL DISTRICT REIMBURSEMENT PROGRAMS

28A.41.130 ANNUAL DISTRIBUTION OF FUNDS ACCORDING TO WEIGHTED ENROLLMENT (AS AMENDED BY 1973 1ST EX.S. C 195 § 136). (FOR TERMINATION DATES FOR THIS SECTION, SEE NOTES FOLLOWING RCW 84.52.043.) From those funds made available by the legislature for the current use of the common schools, other than the proceeds of the state property tax, the state superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education, an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted student enrolled, based upon one full school year of one hundred eighty days:

(1) Eighty-five percent of the amount of revenues which would be produced by a levy of fourteen mills on the assessed valuation of taxable property within the school district adjusted to twenty-five percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That in each of the calendar years 1968 and 1969 the funds otherwise distributable under this section to any school district which is collecting property taxes based upon a levy of less than five-sixths of the maximum levy permissible for the district for such year under RCW 84.52.050 shall be reduced by an amount equal to the difference between the proceeds of the actual school district tax levy in the district and the proceeds

which five-sixths of such maximum permissible levy for the district would produce irrespective of any delinquencies: PROVIDED, FURTHER, That the funds otherwise distributable under this section to any school district for any year other than the calendar years 1968 and 1969 shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW 84.52.042 would produce irrespective of any delinquencies; and

(2) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

(3) Eighty-five percent of the maximum receipts collectible from the high school district fund pursuant to chapter 28A.44 RCW; and

(4) Eighty-five percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(5) Eighty-five percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33-.110; and

(6) Eighty-five percent of the proportion of the receipts from the tax imposed pursuant to RCW 82.04.291 upon harvesters of timber equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to RCW 84.52.042 bears to the aggregate millage rate for all property tax levies for such school district, both regular and excess; and

(7) Eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support. [1973 1st ex.s. c 195 § 136; 1971 ex.s. c 294 § 19; 1969 c 138 § 2; 1969 ex.s. c 223 § 28A.41.130. Prior: 1967 ex.s. c 140 § 3; 1965 ex.s. c 171 § 1; 1965 ex.s. c 154 § 2; prior: (i) 1949 c 212 § 1, part; 1945 c 141 § 4, part; 1923 c 96 § 1, part; 1911 c 118 § 1, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-4, part. (ii) 1949 c 212 § 2, part; 1945 c 141 § 5, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-5, part. Formerly RCW 28.41.130.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

28A.41.130 ANNUAL DISTRIBUTION OF FUNDS ACCORDING TO WEIGHTED ENROLLMENT (AS AMENDED BY 1973 1ST EX.S. C 195 § 137). (EFFECTIVE UNTIL JANUARY 1, 1974.) From those funds made available by the legislature for the current use of the common

schools, other than the proceeds of the state property tax, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted pupil enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) Eighty-five percent of the amount of revenues which would be produced by a levy of seven mills on the assessed valuation of taxable property within the school district adjusted to fifty percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That the funds otherwise distributable under this section to any school district for any year shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW 84.52.042 as now or hereafter amended would produce irrespective of any delinquencies; and

(2) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

(3) Eighty-five percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(4) Eighty-five percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33-.110; and

(5) Eighty-five percent of the proportion of the receipts from the tax imposed pursuant to RCW 82.04.291 upon harvesters of timber equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to RCW 84.52.042 as now or hereafter amended bears to the aggregate millage rate for all property tax levies for such school district, both regular and excess; and

(6) Eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support. [1973 1st ex.s. c 195 § 137; 1973 c 46 § 2. Prior: 1972 ex.s. c 124 § 1; 1972 ex.s. c 105 § 2; 1971 ex.s. c 294 § 19; 1969 c 138 § 2; 1969 ex.s. c 223 § 28A.41.130; prior: 1967 ex.s. c 140 § 3; 1965 ex.s. c 171 § 1; 1965 ex.s. c 154 § 2; prior: (i) 1949 c 212 § 1, part; 1945 c 141 § 4, part; 1923 c 96 § 1, part; 1911 c 118 § 1, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp.

1949 § 4940-4, part. (ii) 1949 c 212 § 2, part; 1945 c 141 § 5, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-5, part. Formerly RCW 28.41.130.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

28A.41.130 ANNUAL DISTRIBUTION OF FUNDS ACCORDING TO WEIGHTED ENROLLMENT (AS AMENDED BY 1973 1ST EX.S. C 195 § 138). (AMENDMENT EFFECTIVE JANUARY 1, 1974.) From those funds made available by the legislature for the current use of the common schools, other than the proceeds of the state property tax, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted pupil enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) Eighty-five percent of the amount of revenues which would be produced by a levy of eight mills on the assessed valuation of taxable property within the school district adjusted to fifty percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That the funds otherwise distributable under this section to any school district for any year shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW 84.52.042 as now or hereafter amended would produce irrespective of any delinquencies; and

(2) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

(3) Eighty-five percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(4) Eighty-five percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33-.110; and

(5) Eighty-five percent of the proportion of the receipts from the tax imposed pursuant to RCW 82.04.291 upon harvesters of timber equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to RCW 84.52.042 as now or hereafter amended bears to the aggregate millage rate for

all property tax levies for such school district, both regular and excess; and

(6) Eighty-five percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support. [1973 1st ex.s. c 195 § 138; 1973 c 46 § 2. Prior: 1972 ex.s. c 124 § 1; 1972 ex.s. c 105 § 2; 1971 ex.s. c 294 § 19; 1969 c 138 § 2; 1969 ex.s. c 223 § 28A.41.130; prior: 1967 ex.s. c 140 § 3; 1965 ex.s. c 171 § 1; 1965 ex.s. c 154 § 2; prior: (i) 1949 c 212 § 1, part; 1945 c 141 § 4, part; 1923 c 96 § 1, part; 1911 c 118 § 1, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-4, part. (ii) 1949 c 212 § 2, part; 1945 c 141 § 5, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-5, part. Formerly RCW 28.41.130.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

28A.41.130 ANNUAL DISTRIBUTION OF FUNDS ACCORDING TO WEIGHTED ENROLLMENT (AS AMENDED BY 1973 1ST EX.S. C 195 § 139). (AMENDMENT EFFECTIVE JULY 1, 1974.) (SECTION EFFECTIVE UNTIL JANUARY 1, 1975.)

From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted pupil enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) Ninety percent of the amount of revenues which would be produced by a levy of eight mills on the assessed valuation of taxable property within the school district adjusted to fifty percent of true and fair value thereof as determined by the state department of revenue's indicated county ratio: PROVIDED, That the funds otherwise distributable under this section to any school district for any year shall be reduced by the difference between the proceeds from the actual school district tax levy in the district and the amount the maximum levy permissible for the district under RCW 84.52.042 as now or hereafter amended would produce irrespective of any delinquencies; and

(2) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

(3) Ninety percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(4) Ninety percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

(5) Ninety percent of the proportion of the receipts from the tax imposed pursuant to RCW 82.04.291 upon harvesters of timber equal to the proportion that the millage rate for the regular property tax levy for such school district pursuant to RCW 84.52.042 as now or hereafter amended bears to the aggregate millage rate for all property tax levies for such school district, both regular and excess; and

(6) Ninety percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support. [1973 1st ex.s. c 195 § 139; 1973 c 46 § 2. Prior: 1972 ex.s. c 124 § 1; 1972 ex.s. c 105 § 2; 1971 ex.s. c 294 § 19; 1969 c 138 § 2; 1969 ex.s. c 223 § 28A.41.130; prior: 1967 ex.s. c 140 § 3; 1965 ex.s. c 171 § 1; 1965 ex.s. c 154 § 2; prior: (i) 1949 c 212 § 1, part; 1945 c 141 § 4, part; 1923 c 96 § 1, part; 1911 c 118 § 1, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-4, part. (ii) 1949 c 212 § 2, part; 1945 c 141 § 5, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-5, part. Formerly RCW 28.41.130.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

28A.41.130 ANNUAL DISTRIBUTION OF FUNDS ACCORDING TO WEIGHTED ENROLLMENT (AS AMENDED BY 1973 2ND EX.S. C 4 § 1). (AMENDMENT EFFECTIVE JANUARY 1, 1975.) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.48.010 to each school district of the state operating a program approved by the state board of education an amount which, when combined with the following revenues, will constitute an equal guarantee in dollars for each weighted pupil enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year may be ninety days as provided by RCW 28A.58.180:

(1) The receipts from the one percent tax on real estate transactions which may be imposed pursuant to chapter 28A.45 RCW: PROVIDED, That the funds otherwise distributable under this section to any school district in any county which does not impose a tax in the full amount authorized by chapter 28A.45 RCW shall be reduced by five percent; and

(2) One hundred percent of the receipts from public utility district funds distributed to school districts pursuant to RCW 54.28.090; and

(3) One hundred percent of the receipts from federal forest revenues distributed to school districts pursuant to RCW 36.33.110; and

(4) One hundred percent of such other available revenues as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support.

Notwithstanding any other provision of this chapter, the state shall guarantee to school districts an amount of money from state and local funds, not less than ninety-five percent of the average amount per enrolled student, excluding special levies, which any such district realized from state and local funds during the preceding three school years. [1973 2nd ex.s. c 4 § 1; 1973 1st ex.s. c 195 § 9; 1973 c 46 § 2. Prior: 1972 ex.s. c 124 § 1; 1972 ex.s. c 105 § 1; 1971 ex.s. c 294 § 19; 1969 c 138 § 2; 1969 ex.s. c 223 § 28A.41.130; prior: 1967 ex.s. c 140 § 3; 1965 ex.s. c 171 § 1; 1965 ex.s. c 154 § 2; prior: (i) 1949 c 212 § 1, part; 1945 c 141 § 4, part; 1923 c 96 § 1, part; 1911 c 118 § 1, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-4, part. (ii) 1949 c 212 § 2, part; 1945 c 141 § 5, part; 1909 c 97 p 312 §§ 7-10, part; Rem. Supp. 1949 § 4940-5, part. Formerly RCW 28.41.130.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Emergency and effective dates—1973 2nd ex.s. c 4: See notes following RCW 84.52.043.

28A.41.170 STATE SUPERINTENDENT MAY MAKE RULES AND REGULATIONS. The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his duties under this chapter: PROVIDED, That the superintendent of public instruction shall have the authority to make rules and regulations allowing school districts to receive state apportionment moneys as provided in RCW 28A.41.130 when said districts are unable to fulfill the requirements of a full school year of one hundred eighty days due to an unforeseen emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, community disaster, or act of God. [1973 1st ex.s. c 78 § 1; 1972 ex.s. c 105 § 4; 1971 c 46 § 1; 1969 ex.s. c 3 § 2; 1969 ex.s. c 223 § 28A.41.170. Prior: 1965 ex.s. c 154 § 6. Formerly RCW 28.41.170.]

28A.41.180 REIMBURSEMENT FOR SUBSTITUTE IF EMPLOYEE SERVES STATE BOARD OR SUPERINTENDENT. If the superintendent of public instruction or the state board of education, in carrying out their powers and duties under Title 28A RCW, request the service of any certificated employee of a school district upon any committee formed for the purpose of furthering education within the state, or within any school district therein, and such service would result in a need for a school district to employ a substitute for such certificated employee during such service, payment for such a substitute may be made by the superintendent of public instruction from funds appropriated by the legislature for the current use of the common schools and such payments shall be construed as amounts needed for state support to the common schools under RCW 28A.41-.050. If such substitute is paid by the superintendent of public instruction, no deduction shall be made from the salary of the certificated employee. In no event shall a school district deduct from the salary of a certificated employee serving on such committee more than the amount paid the substitute employed by the district. [1973 1st ex.s. c 3 § 1.]

28A.41.210 ALLOCATIONS--MINIMUM REQUIREMENTS. (EFFECTIVE UNTIL JANUARY 1, 1975.) Notwithstanding any other provision of this chapter, the state shall guarantee to school districts an amount of money from state and local funds, not less than ninety-five percent of the average amount per enrolled student, excluding special levies, which any such district realized from state and local funds during the preceding three school years. [1973 2nd ex.s. c 4 § 2; 1973 1st ex.s. c 195 § 152.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Emergency and effective dates--1973 2nd ex.s. c 4: See notes following RCW 84.52.043.

Chapter 28A.48  
APPORTIONMENT TO DISTRICTS--DISTRICT ACCOUNTING

28A.48.110 DISTRIBUTION OF STATE PROPERTY TAX PROCEEDS. [1972 ex.s. c 124 § 10; 1971 ex.s. c 100 § 2; 1969 ex.s. c 223 § 28A.48.110. Prior: 1967 ex.s. c 140 § 1. Formerly RCW 28.48.110.] Repealed by 1973 1st ex.s. c 195 § 133, effective January 31, 1974.

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 28A.57  
ORGANIZATION AND REORGANIZATION OF SCHOOL DISTRICTS

28A.57.230 JOINT SCHOOL DISTRICTS--DEFINED--DESIGNATION. Any school district composed of territory lying in more than one county shall be known as a joint school district, and shall be designated by number in accordance with rules and regulations promulgated under RCW 28A.04-.130. [1973 c 47 § 1; 1969 ex.s. c 223 § 28A.57.230. Prior: 1947 c 266 § 25; Rem. Supp. 1947 § 4693-44; prior: 1909 c 97 p 264 § 6; RRS § 4699; prior: 1897 c 118 § 13. Formerly RCW 28.57.230.]

Severability--1973 c 47: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 47 § 6.] This applies to RCW 28A.57.230, 28A.57.240, 28A.57.250, 28A.57.255, and 28A.57.260.

28A.57.240 JOINT SCHOOL DISTRICTS--CHANGE OR ADJUSTMENT OF JOINT DISTRICTS--PROCEDURE GENERALLY. The duties in this chapter imposed upon and required to be performed by a county committee and by an intermediate school district superintendent in connection with a change in the organization and extent of school districts and/or with the adjustment of the assets and liabilities of school districts and with all matters related to such change or adjustment whenever territory lying in a single county is involved shall be performed jointly by the county committees and by the superintendents of the several intermediate school districts as required whenever territory lying in more than one county or intermediate school district is involved: PROVIDED, That a county committee may designate three of its members, or two of its members and the intermediate school district superintendent, as a subcommittee to serve in lieu of the whole committee, but action by a subcommittee shall not be binding unless approved by the whole committee of the county. Proposals for changes in the organization and extent of school districts and proposed terms of adjustment of assets and liabilities thus prepared and approved shall be submitted to the state board by the county committee of the county in which is located the part of the proposed or enlarged district having the largest number of common school pupils residing therein. [1973 c 47 § 2; 1969 ex.s. c 176 § 131; 1969 ex.s. c 223 § 28A.57.240. Prior: 1947 c 266 § 26; Rem. Supp. 1947 § 4693-45. Formerly RCW 28.57.240.]

Severability--1973 c 47: See note following RCW 28A.57.230.

28A.57.250 JOINT SCHOOL DISTRICTS--ADMINISTRATION--COUNTY TO WHICH JOINT SCHOOL DISTRICT CONSIDERED AS BELONGING. For all purposes essential to the maintenance, operation, and administration of the schools of a district, including the apportionment of current state and county school funds, the county in which a joint school district shall be considered as belonging shall be as designated by the state board of education. Prior to making such designation, the state board of education shall hold at least one public hearing on the matter, at which time the recommendation of the joint school district shall be presented and, in addition to such recommendation, the state board shall consider the following prior to its designation:

- (1) Service needs of such district;
- (2) Availability of services;
- (3) Geographic location of district and servicing agencies; and
- (4) Relationship to contiguous school districts. [1973 c 47 § 3; 1969 ex.s. c 223 § 28A.57.250. Prior: 1947 c 266 § 27; Rem. Supp. 1947 § 4693-46. Formerly RCW 28.57.250.]

Severability--1973 c 47: See note following RCW 28A.57.230.

28A.57.255 JOINT SCHOOL DISTRICTS--SPECIAL RULES FOR ELECTORS VOTING FOR DIRECTORS OR INTERMEDIATE SCHOOL DISTRICT BOARD MEMBERS. The registered voters residing within a joint school district shall be entitled to vote on the office of school director of their district and on the office of their intermediate school district board member.

Jurisdiction of any such election shall rest with the county auditor of the county administering such joint district as provided in RCW 28A.57.250.

At each general election, or upon approval of a request for a special election as provided for in RCW 29.13.020, such county auditor shall:

- (1) See that there shall be at least one polling place in each county;
- (2) At least twenty days prior to the elections concerned, certify in writing to the superintendent of the school district the number and location of the polling places established by such auditor for such regular or special elections; and
- (3) Do all things otherwise required by law for the conduct of such election.

It is the intention of this section that the qualified electors of a joint school district shall not be forced to go to a different polling place on the same day when other elections are being held to vote for school directors of their district and members of the intermediate school district board of education concerned with their school district. [1973 c 47 § 4; 1969 ex.s. c 176 § 133; 1969 ex.s. c 223 § 28A.57.255. Prior: 1961 c 130 § 23. Formerly RCW 28.57.255.]

Severability--1973 c 47: See note following RCW 28A.57.230.

28A.57.260 JOINT SCHOOL DISTRICTS--DIRECTORS--VACANCIES. A vacancy in the office of director of a joint district shall be filled in the manner provided by RCW 28A.57.326 for filling vacancies, such appointment to be valid only until a director is elected and qualified to fill such vacancy at the next regular district election. [1973 c 47 § 5; 1971 c 53 § 3; 1969 ex.s. c 176 § 134; 1969 ex.s. c 223 § 28A.57.260. Prior: 1947 c 266 § 28; Rem. Supp. 1947 § 4693-47. Formerly RCW 28.57.260.]

Severability--1973 c 47: See note following RCW 28A.57.230.

28A.57.312 DIRECTORS--ELECTIONS--TERMS--NUMBER. The governing board of a school district shall be known as the board of directors of the district.

Unless otherwise specifically provided, as in RCW 29.13.060, members of a board of directors shall be elected by ballot by the registered voters of the school district and shall hold office for a term of four years and until their successors are elected and qualified. Terms of school directors shall be staggered, and insofar as possible, not more than a majority of one shall be elected to full terms at any regular election. In case a member or members of a board of directors are to be elected to fill an unexpired term or terms, the ballot shall specify the term for which each such member is to be elected.

Except for a school district of the first class having an enrollment of fifty thousand pupils or more in class AA counties which shall have a board of directors of seven members, the board of directors of every school district of the first class or school district of the second class shall consist of five members. The board of directors of a school district of the third class shall consist of three members. [1973 2nd ex.s. c 21 § 1; 1969 c 131 § 8; 1969 ex.s. c 223 § 28A.57.312. Prior: 1957 c 67 § 1; 1955 c 55 § 11; 1947 c 266 § 10; Rem. Supp. 1947 § 4693-29; prior: 1909 pp 289, 290 §§ 1,2; RRS §§ 4790, 4791. Formerly RCW 28.57.338, 28.58.080.]

Severability--1973 2nd ex.s. c 21: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 2nd ex.s. c 21 § 11.] This applies to RCW 28A.57.312, 28A.57.342, 28A.57.344, 28A.57.357, 28A.57.358, 28A.57.425, 28A.57.435, 29.21.180, 29.21.210 and 29.21.230.

28A.57.342 DIRECTORS' DISTRICTS IN CERTAIN SCHOOL DISTRICTS—SUBMITTAL OF PROPOSITION AT FORMATION ELECTION. Whenever an election shall be held for the purpose of securing the approval of the voters for the formation of a new school district that, if formed, will be a district of the first or second class other than a school district of the first class having an enrollment of fifty thousand pupils or more in class AA counties, if requested by one of the boards of directors of the school districts affected, there shall also be submitted to the voters at the same election a proposition to authorize the county committee to divide the school district, if formed, into directors' districts. Such director districts in second class districts, if approved, shall not become effective until the regular school election following the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.57.328. Such director districts in first class districts, if approved, shall not become effective until the next regular school election at which time a new board of directors shall be elected as provided in RCW 28A.57.355, 28A.57.356, and 28A.57.357. Each of the five directors shall be elected from among the residents of the respective director district by the electors of the entire school district. [1973 2nd ex.s. c 21 § 2; 1971 c 67 § 2; 1969 ex.s. c 223 § 28A.57.342. Prior: 1959 c 268 § 4. Formerly RCW 28.57.342.]

Severability—1973 2nd ex.s. c 21: See note following RCW 28A.57.312.

28A.57.344 DIRECTORS' DISTRICTS IN CERTAIN SCHOOL DISTRICTS—ELECTION TO AUTHORIZE DIVISION IN SCHOOL DISTRICTS NOT ALREADY DIVIDED INTO DIRECTORS' DISTRICTS. The board of directors of every first and second class school district other than a school district of the first class having an enrollment of fifty thousand pupils or more in class AA counties which is not divided into directors' districts may submit to the voters at any regular school district election a proposition to authorize the county committee to divide the district into directors' districts. If a majority of the votes cast on the proposition shall be affirmative, the county committee shall proceed to divide the district into directors' districts. Such director districts, if approved, shall not become effective until the next regular school election when a new five member board of directors shall be elected, one from each of five director districts from among the residents of the respective director district by the electors of the entire district, two for a term of two years and three for a term of four years, unless such district elects its directors for six years, in which case, one for a term of two years, two for a term of four

years, and two for a term of six years. [1973 2nd ex.s. c 21 § 3; 1971 c 67 § 8; 1969 ex.s. c 223 § 28A.57.344. Prior: 1959 c 268 § 3. Formerly RCW 28.57.344.]

Severability—1973 2nd ex.s. c 21: See note following RCW 28A.57.312.

28A.57.357 DIRECTORS—NUMBER AND TERMS OF IN FIRST CLASS DISTRICTS CONTAINING MORE THAN ONE FORMER FIRST CLASS DISTRICT. Upon the establishment of a new school district of the first class as provided for in RCW 28A.57.342 containing more than one former first class district, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts and one director representative of former third class districts selected by a majority of the board members of former third class districts shall meet at the call of the intermediate school district superintendent and shall constitute the board of directors of the new district. Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law.

Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all of the powers and authority conferred by law upon boards of first class districts until the next regular school election and until their successors are elected and qualified. At such election other than districts electing directors for six-year terms as provided in RCW 29.13.060, five directors shall be elected either at large or by director districts, as the case may be, two for a term of two years and three for a term of four years. At such election for districts electing directors for six years other than districts having an enrollment of fifty thousand pupils or more and electing directors for six year terms, five directors shall be elected either at large or by director districts, as the case may be, one for a term of two years, two for a term of four years, and two for a term of six years. [1973 2nd ex.s. c 21 § 10; 1973 c 19 § 1; 1971 c 67 § 5.]

Severability—1973 2nd ex.s. c 21: See note following RCW 28A.57.312.

28A.57.358 DIRECTORS—NUMBER AND TERMS OF IN NEW FIRST CLASS DISTRICT HAVING ENROLLMENT OF 50,000 IN CLASS AA COUNTIES. Upon the establishment of a new school district of the first class having an



enrollment of fifty thousand pupils or more in class AA counties, the directors of the largest former first class district and three directors representative of the other former first class districts selected by a majority of the board members of the former first class districts and two directors representative of former second class districts selected by a majority of the board members of former second class districts and one director representative of former third class districts selected by a majority of the board members of former third class districts shall meet at the call of the intermediate school district superintendent and shall constitute the board of directors of the new district. Each board of directors so constituted shall proceed at once to organize in the manner prescribed by law and thereafter shall have all the powers and duties conferred by law upon boards of first class districts, until the next regular school election and until their successors are elected and qualified. Such duties shall include establishment of new director districts as provided for in RCW 28A.57.425. At the next regular school election seven directors shall be elected by director districts, two for a term of two years, two for a term of four years and three for a term of six years. Thereafter their terms shall be as provided in RCW 29.13.060.

Vacancies once such a board has been reconstituted shall not be filled unless the number of remaining board members is less than seven, and such vacancies shall be filled in the manner otherwise provided by law. [1973 2nd ex.s. c 21 § 4; 1971 c 67 § 6.]

Severability—1973 2nd ex.s. c 21: See note following RCW 28A.57.312.

28A.57.425 DIRECTORS' DISTRICTS IN FIRST CLASS DISTRICTS HAVING ENROLLMENT OF 50,000 IN CLASS AA COUNTIES—BOUNDARIES—DIRECTOR CANDIDATE ELIGIBILITY—DECLARATION OF CANDIDACY—PRIMARY LIMITED TO VOTERS WITHIN DISTRICT—WHEN NO PRIMARY—TERMS OF DIRECTORS. Notwithstanding any other provision of law, school districts of the first class having an enrollment of fifty thousand pupils or more in class AA counties shall be divided into seven director districts. The boundaries of such director districts shall be established by the members of the school board and approved by the county committee on school district organization, such boundaries to be established so that each such district shall comprise, as nearly as practicable, an equal portion of the population of the school district. Boundaries of such director districts shall be adjusted by the school board and approved by the county committee after each federal decennial census if population change shows the need thereof to comply with the

equal population requirement above. No person shall be eligible for the position of school director in any such director district unless such person resides in the particular director district. Residents in the particular director district desiring to be a candidate for school director shall file their declarations of candidacy for such director district and for the position of director in that district and shall be voted upon in the primary election by the registered voters of that particular director district: PROVIDED, That if not more than one person files a declaration of candidacy for the position of school director in any director district, no primary election shall be held in that district, and such candidate's name alone shall appear on the ballot for the director district position at the general election. The name of the person who receives the greatest number of votes and the name of the person who receives the next greatest number of votes at the primary for each director district position shall appear on the general election ballot under such position and shall be voted upon by all the registered voters in the school district. Except as provided in RCW 28A.57.435, every such director so elected in school districts divided into seven director districts shall serve for a term of six years as otherwise provided in RCW 29.13.060. [1973 2nd ex.s. c 21 § 5; 1969 c 131 § 9. Like section formerly RCW 28.57.425.]

Severability—1973 2nd ex.s. c 21: See note following RCW 28A.57.312.

28A.57.435 DIRECTORS' DISTRICTS IN FIRST CLASS DISTRICTS HAVING ENROLLMENT OF 50,000 IN CLASS AA COUNTIES—INITIAL DISTRICT BOUNDARIES—APPOINTMENTS TO FILL VACANCIES FOR NEW DIRECTOR DISTRICTS—DIRECTOR DISTRICT NUMBERS. Within thirty days after March 25, 1969, the school boards of school districts of the first class having an enrollment of fifty thousand pupils or more in class AA counties shall establish the director district boundaries and obtain approval thereof by the county committee on school district organization. Appointment of a board member to fill any vacancy existing for a new director district prior to the next regular school election shall be by the school board. Prior to the next regular election in the school district and the filing of declarations of candidacy therefor, the incumbent school board shall designate said director districts by number. Directors appointed to fill vacancies as above provided shall be subject to election, one for a six-year term, and one for a two-year term and thereafter the term of their respective successors shall be for six years. The term of office of incumbent members of the board of such district shall not be affected by RCW

28A.57.312, 28A.57.336, 28A.57.425, 28A-57.435, 29.21.180, 29.21.210 and 29.21-230. [1973 2nd ex.s. c 21 § 6; 1969 c 131 § 10. Like section formerly RCW 28.57.426.]

Severability—1973 2nd ex.s. c 21: See note following RCW 28A.57.312.

Chapter 28A.58  
PROVISIONS APPLICABLE TO ALL SCHOOL DISTRICTS

28A.58.115 DIRECTORS—ASSOCIATED STUDENT BODIES—POWERS AND RESPONSIBILITIES AFFECTING. As used in this section, an "associated student body" means the formal organization of the students of a school formed with the approval of and regulation by the board of directors of the school district in conformity to the rules and regulations promulgated by the superintendent of public instruction.

The superintendent of public instruction, after consultation with appropriate school organizations and students, shall promulgate rules and regulations to designate the powers and responsibilities of the boards of directors of the school districts of the state of Washington in developing efficient administration, management, and control of moneys, records, and reports of the associated student bodies organized in the public schools of the state. [1973 c 52 § 1.]

28A.58.136 DIRECTORS—LUNCHROOMS—ESTABLISHMENT AND OPERATION—PERSONNEL FOR. The directors of any school district may establish, equip and operate lunchrooms in school buildings for pupils, certificated and noncertificated employees, and for school or employee functions: PROVIDED, That the expenditures for food supplies shall not exceed the estimated revenues from the sale of lunches, federal lunch aid, Indian education fund lunch aid, or other anticipated revenue, including donations, to be received for that purpose: PROVIDED FURTHER, That the directors of any school district may provide for the use of kitchens and lunchrooms or other facilities in school buildings to furnish meals to elderly persons at cost as provided in RCW 28A.58.722. Operation for the purposes of this section shall include the employment and discharge for sufficient cause of personnel necessary for preparation of food or supervision of students during lunch periods and fixing their compensation, payable from the district general fund, or entering into agreement for the preparation and service of food by a private agency. [1973 c 107 § 2; 1969 ex.s. c 223 § 28A.58.136. Prior: (i) 1947 c 31 § 1; 1943 c 51 § 1; 1939 c 160 § 1; Rem. Supp. 1947 § 4706-1. Formerly RCW 28.58.260. (ii) 1943 c 51 §

2; Rem. Supp. 1943 § 4706-2. Formerly RCW 28.58.270.]

Cross Reference:

Nonprofit meal program for elderly—Purpose: RCW 28A.58.720.

28A.58.247 COMMUNITY EDUCATION PROGRAMS—RESTRICTIONS. Notwithstanding the provisions of RCW 28B.50.250, 28B.50.530 or any other law, rule, or regulation, any school district is authorized to provide community education programs in the form of instructional, recreational and/or service programs on a noncredit and nontuition basis, excluding fees for supplies, materials, or instructor costs, for the purpose of stimulating the full educational potential and meeting the needs of the district's residents of all ages, and making the fullest use of the district's school facilities: PROVIDED, That such programs shall be consistent with rules and regulations promulgated by the state superintendent of public instruction governing cooperation between common schools, community college districts, and other civic and governmental organizations which shall have been developed in cooperation with the state board for community college education and shall be programs receiving the approval of said superintendent: PROVIDED FURTHER, That no state funds appropriated to the common schools or the superintendent of public instruction's office shall be used to begin new community education programs or expand existing community education programs. [1973 c 138 § 1.]

28A.58.420 LIABILITY, LIFE, HEALTH, HEALTH CARE, ACCIDENT, DISABILITY AND SALARY INSURANCE AUTHORIZED—PREMIUMS. The board of directors of any of the state's school districts may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of the enumerated types of insurance, or any other type of insurance or protection, for the members of the boards of directors, the students, and employees of the school district, and their dependents. Whenever funds shall be available for these purposes the board of directors of the school district may contribute all or a part of the cost of such protection or insurance for the employees of their respective school districts and their dependents. The premiums on such liability insurance shall be borne by the school district. The premiums due on such protection or insurance shall be borne by the assenting school board member or student. All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis

the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57 and 18.71 RCW. [1973 1st ex.s. c 9 § 1; 1971 ex.s. c 269 § 2; 1971 c 8 § 3; 1969 ex.s. c 237 § 3; 1969 ex.s. c 223 § 28A.58.420. Prior: 1967 c 135 § 2, part; 1959 c 187 § 1, part. Formerly RCW 28.76.410, part.]

28A.58.423 LIABILITY INSURANCE FOR OFFICIALS AND EMPLOYEES AUTHORIZED. The board of directors of each school district may purchase liability insurance with such limits as they may deem reasonable for the purpose of protecting their officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties. [1973 c 125 § 1.]

28A.58.450 ADVERSE CHANGE IN CONTRACT STATUS OF CERTIFICATED EMPLOYEE--NOTICE--PROBABLE CAUSE--HEARING--DECISION. Every board of directors determining that there is probable cause or causes for a teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with the school district, hereinafter referred to as "employee", to be discharged or otherwise adversely affected in his contract status, shall notify such employee in writing of its decision, which notification shall specify the probable cause or causes for such action. Such notices shall be served upon that employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the chairman of the board or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing to determine whether or not there is sufficient cause or causes for his or her discharge or other adverse action against his contract status. In the request for hearing, the employee may request either an open or closed hearing. The board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and at least three days prior to the date fixed for the hearing shall notify such employee in writing of the date, time and place of the hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the board or its hearing officer may determine whether the hearing shall be open or closed. The board may employ as a hearing officer any person not currently employed by the district to conduct on its behalf any hearing required by this section, who

shall transmit to the board a record of the proceedings together with his recommended findings of fact and conclusions of law, and an advisory recommended decision for the board's final disposition. The board or its hearing officer may reasonably regulate the conduct of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors, within ten days following the conclusion of such hearing, shall notify such employee in writing of its final decision. Any decision to discharge or to take other adverse action against such employee shall be based solely upon the cause or causes for discharge specified in the notice of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause or causes for discharge or other adverse action against his contract status.

In the event any such notice or opportunity for hearing is not timely given by the district, or in the event cause for discharge or other adverse action is not established by a preponderance of the evidence at the hearing, such employee shall not be discharged or otherwise adversely affected in his contract status for the causes stated in the original notice for the duration of his or her contract.

If such employee does not request a hearing as provided herein, such employee may be discharged or otherwise adversely affected as provided in the notice served upon the employee. [1973 c 49 § 1; 1969 ex.s. c 34 § 13; 1969 ex.s. c 223 § 28A.58.450. Prior: 1961 c 241 § 2. Formerly RCW 28.58.450.]

28A.58.515 DIRECT JUDICIAL APPEALS IN LIEU OF HEARINGS PROVIDED IN RCW 28A.58.450 AND 28A.67.070. In lieu of requesting a hearing before the board of directors or its designated hearing officer pursuant to the provisions of RCW 28A.58.450 and 28A.67.070, an employee may elect to appeal the action of the board directly to the superior court of the county in which the school district is located by serving upon the clerk of the school board and filing with the clerk of the superior court a notice of appeal within ten days after receiving the notification of the action of the board. The notice of appeal shall set forth in a clear and concise manner the action appealed from. The superior court shall determine whether or not there was sufficient cause for the action of the board of directors and shall base its determination solely upon the cause or causes stated in the notice of the employee. The appeal provided in this section shall be conducted in the same manner as appeals provided in RCW 28A.58.470 through 28A.58.500. [1973 c 49 § 3; 1969 ex.s. c 34 § 18. Like section formerly RCW 28.58.515.]

28A.58.700 STUDENT FINANCIAL ASSISTANCE PROGRAM--DEFINITIONS. As used in RCW 28A.04.137 and 28A.58.700 through 28A.58.707:

(1) "Approved elementary school" shall mean a public or private school carrying out any or all of grades one through eight and approved by the state board of education as provided in RCW 28A.04.120 (4).

(2) "Accredited secondary school" shall mean a public or private school carrying out any or all of grades nine through twelve and accredited by the state board of education as provided in RCW 28A.04.120 (4).

(3) "Needy student" shall mean a student accepted at or attending an approved elementary or accredited secondary school who demonstrates to the state board of education the financial inability of such student's family to meet the total cost of supplies, books, tuition, and incidental and other fees for any school term. Board and room may be considered by the state board of education as a factor in financial inability only in those cases where living apart from the family is deemed necessary for the educational advancement of the student.

(4) "Disadvantaged student" shall mean a student attending an approved elementary or accredited secondary school who by reason of adverse cultural, educational, environmental, experimental, familial, or other circumstances is deemed by the state board of education as being highly probable of not continuing in the school the student is enrolled in either on a part or full time basis, without financial assistance. [1973 c 81 § 2.]

Severability--1973 c 81: "If any provision of this 1973 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." [1973 c 81 § 9.] This applies to RCW 28A.04.137, 28A.58.700, 28A.58.701, 28A.58.703, 28A.58.704, 28A.58.706 and 28A.58.707.

28A.58.701 STUDENT FINANCIAL ASSISTANCE PROGRAM--CRITERIA FOR ESTABLISHING NEED--LIMITS ON GRANTS. The state board of education shall determine and establish criteria for ascertaining the financial need of the individual applicant. In making this determination the state board of education shall consider the following:

- (1) Assets and income of the student;
- (2) Assets and income of the parents or the individuals legally responsible for the care and maintenance of the student;
- (3) The cost of attending the school the student is attending or planning to attend; and
- (4) All other criteria deemed relevant to the state board of education.

The amount awarded by the state board of education to any one student in any one

school year shall not exceed the financial gap between the budgetary cost of attending an approved elementary school or accredited secondary school in the state of Washington and the family and student contribution: PROVIDED, That the maximum state grant of financial assistance shall not exceed in any one school year, including summer sessions, the sum of three hundred dollars per secondary student and one hundred dollars per elementary student: PROVIDED FURTHER, That no student shall be granted financial assistance to attend a private school unless the financial assistance required from the state, after other scholarship grants and loans are deducted, is three hundred dollars per year or less per secondary student and one hundred dollars per year or less per elementary student: AND PROVIDED FURTHER, That a substantial portion, and in any event not less than twenty-five percent of the students receiving assistance under the authority granted in RCW 28A.04.137 and 28A.58.700 through 28A.58.707, shall be students attending the public schools. [1973 c 81 § 3.]

Severability--1973 c 81: See note following RCW 28A.58.700.

28A.58.703 STUDENT FINANCIAL ASSISTANCE PROGRAM--PRIORITY BASIS--ALL FUNDS DISBURSED. The state board of education shall make awards to needy and disadvantaged students on a priority basis by ranking the qualified applicants according to financial need and such other considerations as deemed appropriate and within the purposes of RCW 28A.04.137 and 28A.58.700 through 28A.58.707 by the state board of education. Awards shall be granted to the highest ranked students until the total amount of funds allocated for this purpose are disbursed. [1973 c 81 § 4.]

Severability--1973 c 81: See note following RCW 28A.58.700.

28A.58.704 STUDENT FINANCIAL ASSISTANCE PROGRAM--DISCRIMINATORY PRACTICES PROHIBITED. All student financial aid shall be granted by the state board of education without regard to the applicant's race, creed, color, marital status, religion, sex, or ancestry. [1973 c 81 § 5.]

Severability--1973 c 81: See note following RCW 28A.58.700.

28A.58.706 STUDENT FINANCIAL ASSISTANCE PROGRAM--GRANTS, GIFTS, BEQUESTS AND DEVICES AUTHORIZED FOR. The state board of education shall be authorized to accept grants, gifts, bequests, and devises of real and personal property from any source and to sell or otherwise dispose of the same for the purpose of granting financial

aid in addition to that funded by the state. [1973 c 81 § 6.]

Severability--1973 c 81: See note following RCW 28A.58.700.

28A.58.707 STUDENT FINANCIAL ASSISTANCE PROGRAM--SCOPE OF USE OF AWARDS. A state financial aid recipient under RCW 28A.04.137 and 28A.58.700 through 28A.58.707 shall apply the award solely toward the cost of supplies, books, tuition, incidental and other fees or such other authorized expenditures as the state board of education shall deem proper, subject to denial of further financial aid for any such recipient not so doing. [1973 c 81 § 7.]

Severability--1973 c 81: See note following RCW 28A.58.700.

28A.58.720 NONPROFIT MEAL PROGRAM FOR ELDERLY--PURPOSE. The legislature finds that many elderly persons suffer dietary deficiencies and malnutrition due to inadequate financial resources, immobility, lack of interest due to isolation and loneliness, and characteristics of the aging process, such as physiological, social, and psychological changes which result in a way of life too often leading to feelings of rejection, abandonment, and despair. There is a real need as a matter of public policy to provide the elderly citizens with adequate nutritionally sound meals, through which their isolation may be penetrated with the company and the social contacts of their own. It is the declared purpose of RCW 28A.58.136, 28A.58.720 and 28A.58.722 to raise the level of dignity of the aged population where their remaining years can be lived in a fulfillment equal to the benefits they have bestowed, the richness they have added, and the great part they have played in the life of our society and nation. [1973 c 107 § 1.]

28A.58.722 NONPROFIT MEAL PROGRAM FOR ELDERLY--AUTHORIZED--RESTRICTIONS. The board of directors of any school district may establish or allow for the establishment of a nonprofit meal program for feeding elderly persons residing within the area served by such school district using school facilities, and may authorize the extension of any school food services for the purpose of feeding elderly persons, subject to the following conditions and restrictions:

(1) The charge to such persons for each meal shall not exceed the actual cost of such meal to the school.

(2) The program will utilize methods of administration which will assure that the maximum number of eligible individuals may

have an opportunity to participate in such a program, and will coordinate, whenever possible, with the local area agency on aging.

(3) Any nonprofit meal program established pursuant to RCW 28A.58.136, 28A.58.720 and 28A.58.722 may not be operated so as to interfere with the normal educational process within the schools.

(4) No school district funds may be used for the operation of such a meal program.

(5) For purposes of RCW 28A.58.136, 28A.58.720 and 28A.58.722, "elderly persons" shall mean persons who are at least sixty years of age. [1973 c 107 § 3.]

28A.58.730 DEPOSIT OF CUMULATIVE TOTAL OF EARNINGS OF GROUP OF EMPLOYEES--AUTHORIZED--CONDITIONS. Any school district authorized to draw and issue their own warrants may deposit the cumulative total of the net earnings of any group of employees in one or more banks within the state such group or groups may designate, to be credited to the individuals composing such groups, by a single warrant to each bank so designated or by other commercially acceptable methods: PROVIDED, That any such collective authorization shall be made in writing by a minimum of twenty-five employees or ten percent of the employees, whichever is less. [1973 c 111 § 5.]

Severability--1973 c 111: See note following RCW 28A.60.328.

Chapter 28A.60  
PROVISIONS APPLICABLE ONLY TO SECOND AND  
THIRD CLASS DISTRICTS

28A.60.210 SCHOOL PROPERTY USED FOR PUBLIC PURPOSES--SPECIAL STATE COMMISSION TO PASS ON PLANS. Plans of any second or third class district or combination of districts for the carrying out of the powers granted by RCW 28A.60.190 through 28A.60.220 shall be submitted to and approved by a board of supervisors composed of members, as follows: The superintendent of public instruction; the head of the extension department of Washington State University; the head of the extension department of the University of Washington; and the intermediate school district superintendent; these to choose one member from such county in which the facilities are proposed to be located, and two members, from the district or districts concerned. [1973 1st ex.s. c 154 § 46; 1971 c 48 § 37; 1969 ex.s. c 223 § 28A.60.210. Prior: 1913 c 129 § 3; RRS § 4839. Formerly RCW 28.63.210.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

28A.60.328 DRAWING AND ISSUANCE OF WARRANTS—SECOND AND THIRD CLASS DISTRICTS. Second and third class school districts, subject to the approval of the superintendent of public instruction, may draw and issue warrants for the payment of moneys upon approval of a majority of the board of directors, such warrants to be signed by the chairman of the board and countersigned by the secretary: PROVIDED, That when, in the judgment of the board of directors, the orders for warrants issued by the district monthly shall have reached such numbers that the signing of each warrant by the chairman of the board personally imposes too great a task on the chairman, the board of directors, after auditing all payrolls and bills, may authorize the issuing of one general certificate to the county treasurer, to be signed by the chairman of the board, authorizing said treasurer to pay all the warrants specified by date, number, name and amount, and the funds on which said warrants shall be drawn; thereupon the secretary of said board shall be authorized to draw and sign said orders for warrants.

Accounts and the records of second and third class school districts drawing and issuing warrants as provided in this section shall at all times be subject to the inspection and examination of the intermediate school district superintendent, whose duty it shall be, annually, to examine said records and check said accounts, and report in writing to the proper board of county commissioners the nature and state of said accounts, and any facts that may be required concerning said records. [1973 c 111 § 1.]

Severability—1973 c 111: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 111 § 6.] This applies to RCW 36.22.090, 28A.58.730, 28A.60.328, 28A.66.010 and 28A.66.040.

Chapter 28A.66  
SCHOOL DISTRICT WARRANTS, AUDITOR'S DUTIES  
RELATING TO

28A.66.010 REGISTERING WARRANTS—ALL DISTRICTS. The county auditor shall register in his own office, and present to the treasurer for registration in the office of the county treasurer, all warrants of first class districts, and all warrants of second and third class districts electing to draw and issue their own warrants under RCW 28A.60.328, received from school district superintendents or district secretaries before delivery of the same to claimants. [1973 c 111 § 2; 1969 ex.s. c 223 § 28A.66.010.

Prior: 1911 c 78 § 1, part; RRS § 4864. Formerly RCW 28.66.010.]

Severability—1973 c 111: See note following RCW 28A.60.328.

28A.66.040 AUDITOR TO DRAW AND ISSUE WARRANTS—SECOND AND THIRD CLASS DISTRICTS. The county auditor shall draw and issue warrants for the payment of all salaries, expenses and accounts against second and third class districts, except those who draw and issue their own warrants pursuant to RCW 28A.60.328, upon the written order of the majority of the members of the school board of each district. [1973 c 111 § 3; 1969 ex.s. c 223 § 28A.66.040. Prior: 1909 c 97 p 308 § 3; RRS § 4859. Formerly RCW 28.66.040.]

Severability—1973 c 111: See note following RCW 28A.60.328.

28A.66.050 TEACHER MUST QUALIFY AND BE UNDER CONTRACT BEFORE WARRANT DRAWN AND ISSUED OR REGISTERED—ALL DISTRICTS. No warrant shall be drawn and issued or registered by the county auditor for the payment of any teacher who is not qualified within the meaning of the law of this state. [1973 c 72 § 1; 1971 c 48 § 45; 1969 ex.s. c 223 § 28A.66.050. Prior: 1909 c 97 p 308 § 4; RRS § 4860. Formerly RCW 28.66.050.]

Chapter 28A.67  
TEACHERS—GENERAL PROVISIONS

28A.67.070 CONDITIONS AND CONTRACTS OF EMPLOYMENT—NONRENEWAL OF CONTRACTS. No teacher, principal, supervisor, superintendent, or other certificated employee, holding a position as such with a school district, hereinafter referred to as "employee", shall be employed except by written order of a majority of the directors of the district at a regular or special meeting thereof, nor unless he is the holder of an effective teacher's certificate or other certificate required by law or the state board of education for the position for which the employee is employed.

The board shall make with each employee employed by it a written contract, which shall be in conformity with the laws of this state, and limited to a term of not more than one year. Every such contract shall be made in triplicate, one copy to be retained by the school district superintendent or secretary, one copy to be retained, after having been approved and registered, by the intermediate school district superintendent, and one copy to be delivered to the employee thereafter. No contract shall be offered by any board nor approved and registered by the intermediate school district superintendent for

the employment of any teacher who has previously signed a contract to teach for that same term in another school district of the state of Washington unless such teacher shall have been released from his obligations under such previous contract by the board of directors of the school district to which he was obligated. Any contract signed in violation of this provision shall be void.

Every board of directors determining that there is probable cause or causes that the employment contract of an employee should not be renewed by the district for the next ensuing term shall notify that employee in writing on or before April 15th preceding the commencement of such term of that determination of the board of directors, which notification shall specify the cause or causes for nonrenewal of contract. Such notice shall be served upon the employee personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein. Every such employee so notified, at his or her request made in writing and filed with the chairman or secretary of the board of directors of the district within ten days after receiving such notice, shall be granted opportunity for hearing to determine whether or not the facts constitute sufficient cause or causes for nonrenewal of contract. In the request for hearing, the employee may request either an open or closed hearing. Such board upon receipt of such request shall call the hearing to be held within ten days following the receipt of such request, and at least three days prior to the date fixed for the hearing shall notify the employee in writing of the date, time and place of the hearing. The hearing shall be open or closed as requested by the employee, but if the employee fails to make such a request, the board or its hearing officer may determine whether the hearing shall be open or closed.

The board may employ as a hearing officer any person not currently employed by the district to conduct on its behalf any hearing required by this section, who shall transmit to the board a record of the proceeding together with his recommended findings of fact and conclusions of law, and an advisory recommended decision for the board's final disposition. The board or its hearing officer may reasonably regulate the conduct of the hearing. The employee may engage such counsel and produce such witnesses as he or she may desire. The board of directors, within ten days following the conclusion of such hearing, shall notify the employee in writing of its final decision either to renew or not to renew the employment of the employee for the next ensuing term. Any decision not to renew such employment contract shall be based solely upon the

cause or causes for nonrenewal specified in the notice of probable cause to the employee and established by a preponderance of the evidence at the hearing to be sufficient cause or causes for nonrenewal. If any such notification or opportunity for hearing is not timely given by the district, the employee entitled thereto shall be conclusively presumed to have been reemployed by the district for the next ensuing term upon contractual terms identical with those which would have prevailed if his employment had actually been renewed by the board of directors for such ensuing term. [1973 c 49 § 2; 1970 ex.s. c 15 § 16. Prior: 1969 ex.s. c 176 § 143; 1969 ex.s. c 34 § 12; 1969 ex.s. c 15 § 2; 1969 ex.s. c 223 § 28A.67.070; prior: 1961 c 241 § 1; 1955 c 68 § 3; prior: (i) 1909 c 97 p 307 § 5; 1897 c 118 § 55; 1891 c 127 § 14; 1890 p 369 § 37; 1886 p 18 § 47; Code 1881 § 3200; RRS § 4851. (ii) 1943 c 52 § 1, part; 1941 c 179 § 1, part; 1939 c 131 § 1, part; 1925 ex.s. c 57 § 1, part; 1919 c 89 § 3, part; 1915 c 44 § 1, part; 1909 c 97 p 285 § 2, part; 1907 c 240 § 5, part; 1903 c 104 § 17, part; 1901 c 41 § 3, part; 1897 c 118 § 40, part; 1890 p 364 § 26, part; Rem. Supp. 1943 § 4776, part. Formerly RCW 28.67.070.]

## Chapter 28A.72

## NEGOTIATIONS BY CERTIFICATED PERSONNEL

28A.72.100 PRINCIPALS, ASSISTANT PRINCIPALS, APPLICATION TO. Notwithstanding the provisions of chapter 28A.72 RCW or any other law, rule or regulation, school principals and assistant principals shall be considered to be certificated employees unless a majority elect by secret ballot to be excluded from this definition at an election conducted pursuant to rules and regulations of the office of the superintendent of public instruction. Should the principals and assistant principals within a school district choose pursuant to this section to be excluded from the definition of certificated employee, the provisions of chapter 28A.72 RCW shall have equal application to them separately and the term "certificated employee" as used in chapter 28A.72 RCW shall be used interchangeably to also refer to principals and assistant principals: PROVIDED, That negotiations between the employer and the bargaining representative of the principals and assistant principals shall be limited in scope to school district policies respecting solely the compensation, hours of work and the duration of employment contracts, of principals and assistant principals. Nothing in this section shall be construed to annul or modify, or to preclude the renewal or continuation of, any lawful agreement heretofore entered into between any school district and



any representative of its employees.  
[1973 1st ex.s. c 115 § 1.]

Chapter 28A.88  
APPEALS FROM ACTION OR NONACTION OF SCHOOL  
OFFICIALS AND SCHOOL BOARDS

28A.88.070 PROCEDURE AT HEARINGS ON APPEALS. [1971 c 48 § 53; 1969 ex.s. c 223 § 28A.88.070. Prior: 1927 c 102 § 2; 1909 c 97 p 363 § 5; RRS § 5068. Formerly RCW 28.88.070.] Repealed by 1973 c 46 § 4 and by 1971 ex.s. c 282 § 44.

TITLE 28B  
HIGHER EDUCATION

Sections added, amended, or repealed:

Chapter 28B.10 Colleges and Universities Generally.

28B.10.200 Scholarships for foreign students at state universities.  
28B.10.250 Benefits to children of deceased or totally incapacitated veterans when attending institutions of higher education.  
28B.10.265 Children of certain citizens missing in action or prisoners of war exempt from fees—Limitations—Procedure.  
28B.10.300 Acquisition, construction, equipping and betterment of lands, buildings and facilities at universities and state colleges.  
28B.10.335 Validation of prior bond issues.  
28B.10.400 Annuities and retirement income plans—Authorized. (Effective July 1, 1974.)  
28B.10.405 Annuities and retirement income plans—Contributions by faculty and employees. (Effective July 1, 1974.)  
28B.10.410 Annuities and retirement income plans—Limitation on institution's contribution. (Effective July 1, 1974.)  
28B.10.415 Annuities and retirement income plans—Limitation on annuity or retirement income plan payment. (Effective July 1, 1974.)  
28B.10.420 Annuities and retirement income plans—Retirement at age seventy. (Effective July 1, 1974.)  
28B.10.423 Annuities and retirement income plans—Limit on retirement income—Adjustment of rates. (Effective July 1, 1974.)  
28B.10.510 Attorney general as advisor.  
28B.10.660 Liability, life, health, health care, accident, disability, and salary insurance or protection authorized—Premiums—Institutions of higher education.

28B.10.704 Programs for intercollegiate athletic competition in institutions of higher education—Funds for assistance of student participants.  
28B.10.720 Senior college concept, adaptability to state system, review and report of.  
28B.10.822 State student financial aid program—Commission rules and regulations.  
28B.10.824 State student financial aid program—Commission, executive director, employees—Appointment—Salaries.  
28B.10.850 Capital improvements, bonds for—Authorized—Form, terms, conditions, sale, signatures.  
28B.10.851 Capital improvements, bonds for—Account created, purpose.  
28B.10.852 Capital improvements, bonds for—Bond anticipation notes, purpose.  
28B.10.853 Capital improvements, bonds for—Bond redemption fund created, purpose—Compelling transfer of funds to.  
28B.10.854 Capital improvements, bonds for—Legislature may provide additional means of revenue.  
28B.10.855 Capital improvements, bonds for—As legal investment for state and municipal funds.

Chapter 28B.15 College and University Fees.

28B.15.041 "Services and activities fees" defined.  
28B.15.380 Exemption from payment of fees at universities.  
28B.15.385 "Totally disabled" defined for certain purposes.  
28B.15.520 Fees—Waiver of fees for needy students finishing their high school education.  
28B.15.600 Refunds or cancellation of fees at universities, state colleges and community colleges.

Chapter 28B.16 State Higher Education Personnel Law.

28B.16.100 Rules and regulations—Scope.  
28B.16.180 Terminated employee can request placement on reemployment list—Reinstated employee entitled to employment rights.  
28B.16.230 Unfair labor practices provisions applicable to chapter.

Chapter 28B.17 Higher Education Assistance Authority.

28B.17.010 Authority created.  
28B.17.020 Purpose of authority.  
28B.17.030 Definitions.  
28B.17.040 Board of directors of the authority.  
28B.17.050 Powers of the authority.  
28B.17.060 Purchase of student loans.

- 28B.17.070 Bonds and notes of the authority.
- 28B.17.080 Reserve funds.
- 28B.17.090 Remedies of bondholders and noteholders.
- 28B.17.100 State and municipalities not liable on bonds and notes.
- 28B.17.110 Agreement of the state.
- 28B.17.120 Bonds and notes as legal investments for public officers and fiduciaries.
- 28B.17.130 Tax exemption and deductions.
- 28B.17.140 Moneys of the authority.
- 28B.17.150 Limitation of liability.
- 28B.17.160 Assistance by state officers, departments, boards and commissions.
- 28B.17.170 Annual report.
- 28B.17.180 Court proceedings—Preferences—Venue.
- 28B.17.190 Corporate existence.
- 28B.17.200 Inconsistent provisions of other laws superseded.
- 28B.17.210 Construction.
- Chapter 28B.19 State Higher Education Administrative Procedures Act.
- 28B.19.040 Emergency rule or amendment.
- 28B.19.110 Contested cases—Informal procedure—Formal hearing, when—Request for—Conduct.
- 28B.19.120 Contested cases—Informal procedures—Formal hearings—Notice—Conduct—Record—Scope.
- Chapter 28B.20 University of Washington.
- 28B.20.100 Regents—Appointment—Terms—Vacancies—Quorum.
- 28B.20.394 Additional powers of regents as to old university grounds—Agreements to pay city and county for governmental services. (Effective until January 1, 1974.)
- 28B.20.394 Additional powers of regents as to old university grounds—Agreements to pay city and county for governmental services. (Amendment effective January 1, 1974.)
- 28B.20.412 Children's center for research and training in mental retardation—Administration—Advisory committee.
- 28B.20.456 Occupational and environmental research facility—Advisory committee.
- Chapter 28B.30 Washington State University.
- 28B.30.100 Regents—Appointment—Terms—Bond.
- 28B.30.150 Regents—General powers and duties.
- Chapter 28B.40 State Colleges.
- 28B.40.100 Trustees—Appointment and term.
- 28B.40.361 Exemption of certain veterans from payment of fees.
- Chapter 28B.50 Community College Act of 1967 (And Community Colleges Generally).
- 28B.50.030 Definitions.
- 28B.50.040 Community college districts enumerated.
- 28B.50.050 State board for community college education—Created—Members—Appointment—Terms—Qualifications—Per diem and mileage—Removal.
- 28B.50.060 Director of the state system of community colleges—Appointment—Term—Qualifications—Salary and expenses—Duties.
- 28B.50.070 State board for community college education—Organization—Meetings—Quorum—Annual report—Fiscal year.
- 28B.50.090 College board—Powers and duties generally.
- 28B.50.092 College board—Program for military personnel—Restrictions as to high school completion program.
- 28B.50.093 College board—Program for military personnel—Limitation.
- 28B.50.094 College board—Program for military personnel—Costs of funding.
- 28B.50.095 College board—Registration at more than one community college, rules for.
- 28B.50.100 Community college boards of trustees—Created—Members—Appointment—Terms—Qualifications—Restrictions on other service—Chairman, election of—Seal—Bylaws, rules and regulations—Quorum—Secretary.
- 28B.50.130 Community college boards of trustees—Organization—Bylaws, rules and regulations—Chairman, vice chairman, election and term—Secretary—Quorum—Annual report—Fiscal year.
- 28B.50.140 Community college boards of trustees—Powers and duties.
- 28B.50.170 Coordinating council for occupational education—Members—Appointment—Terms—Qualifications and restrictions as to governor's appointees—Per diem and mileage.
- 28B.50.200 Coordinating council for occupational education—Director of vocational education—Appointment—Term—Qualifications—Duties—Salary and expenses.
- 28B.50.551 Leave provisions generally.
- 28B.50.560 Health care service contracts or hospitalization contracts to continue for faculty and nonacademic personnel—Premium payments—Future contracts. (Repeal effective June 30, 1974.)

- 28B.50.570 Pension plans to continue for faculty and nonacademic personnel—Payments for—Option for new faculty.
- 28B.50.570 Pension plans to continue for faculty and nonacademic personnel—Payments for—Option for new faculty. (Repeal effective July 1, 1974.)
- 28B.50.571 Faculty, employee, retirement—Old age annuity or retirement income plans. Rules and regulations. (Repeal effective July 1, 1974.)
- 28B.50.572 Faculty, employee, retirement—Faculty, employee, contributions toward purchase of annuity or retirement income plan. (Repeal effective July 1, 1974.)
- 28B.50.573 Faculty, employee, retirement—Maximum state board contribution toward purchase of annuity or retirement income plan. (Repeal effective July 1, 1974.)
- 28B.50.574 Faculty, employee, retirement—Mandatory retirement age. (Repeal effective July 1, 1974.)
- 28B.50.575 Faculty, employee, retirement—Option to present members of retirement systems—Rights upon withdrawal from such systems—Service in public educational employment upon retirement as affecting pension rights. (Repeal effective July 1, 1974.)
- 28B.50.620 Transfer of records, equipment or property and pending business of abolished agencies or agencies whose powers and duties transferred—Pending proceedings saved—Completion. (Repeal effective June 30, 1974.)
- 28B.50.630 Transfer of records, equipment or property and pending business of abolished agencies or agencies whose powers and duties transferred—Orders, rules and regulations saved—Effective until revoked or modified. (Repeal effective June 30, 1974.)
- 28B.50.650 Transfer of records, equipment or property and pending business of abolished agencies or agencies whose powers and duties transferred—Reports required by law to be made to be performed by successor agencies. (Repeal effective June 30, 1974.)
- 28B.50.670 Transfer of records, equipment or property and pending business of abolished agencies or agencies whose powers and duties transferred—Transfer of powers and duties, vesting of—Legal effect—Obligations, duties and rights same. (Repeal effective June 30, 1974.)
- 28B.50.680 Transfer of records, equipment or property and pending business of abolished agencies or agencies whose powers and duties transferred—Teachers and other employees to continue performing usual duties until removed, appointed to other positions, or further transferred. (Repeal effective June 30, 1974.)
- 28B.50.690 Transfer of appropriations.
- 28B.50.700 Transfers from state board of education to state board for community college education—Apportionment procedure—Certification of apportionments.
- 28B.50.710 Community college special service revolving funds—Disbursement of—Transfer.
- 28B.50.780 Funds for community colleges authorized in 1965 act.
- 28B.50.790 Performance of powers and duties during transitional period.
- 28B.50.864 Faculty tenure—Appeal from decision for dismissal—Procedure.
- Chapter 28B.52 Negotiations by Academic Personnel—Community College Districts.
- 28B.52.020 Definitions.
- 28B.52.030 Negotiation by representatives of employee organization—Authorized—Subject matter.
- 28B.52.035 Negotiations reduced to written agreements—Restrictions.
- 28B.52.060 Advisory committee—Compensation—Report—Recommendations, effect—Fact-finding and mediation activities.
- 28B.52.080 Boards to adopt rules and regulations—Request for department services.
- 28B.52.200 Chapter's scope limited.
- Chapter 28B.56 1972 Community Colleges Facilities Aid—Bond Issue.
- 28B.56.070 Referral to electorate. (See note.)

## Chapter 28B.10

## COLLEGES AND UNIVERSITIES GENERALLY

## Cross Reference:

State employees' insurance board—Membership: RCW 41.05.020.

28B.10.200 SCHOLARSHIPS FOR FOREIGN STUDENTS AT STATE UNIVERSITIES. The state universities shall each have the authority to award, during each academic year, not to exceed one hundred scholarships to students or graduates of universities or colleges of friendly foreign nations, and to exempt the recipients thereof from the payment of tuition, operating and service

and activity fees for the scholarship period. [1973 c 62 § 1; 1969 ex.s. c 223 § 28B.10.200. Prior: 1949 c 55 § 1; 1945 c 236 § 1; Rem. Supp. 1949 § 4543-15. Formerly RCW 28.76.110.]

Savings—1973 c 62: "Nothing in this 1973 amendatory act shall be construed to affect any existing right acquired under the statutes amended or repealed herein or the term of office or election or appointment or employment of any person elected, appointed or employed under the statutes amended or repealed herein." [1973 c 62 § 26.]

Severability—1973 c 62: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 62 § 28.] The above annotations apply to RCW 28B.10.200, 28B.10.250, 28B.10.510, 28B.10.822, 28B.10.824, 28B.16.230, 28B.20.100, 28B.20.412, 28B.20.456, 28B.30.100, 28B.40.100, 28B.50.030, 28B.50.050, 28B.50.060, 28B.50.070, 28B.50.090, 28B.50.100, 28B.50.130, 28B.50.140, 28B.50.170, 28B.50.200, 28B.50.551, 28B.50.570, 28B.50.864, and the repeal of RCW 28B.10.720, 28B.50.690, 28B.50.700, 28B.50.710, 28B.50.780 and 28B.50.790.

28B.10.250 BENEFITS TO CHILDREN OF DECEASED OR TOTALLY INCAPACITATED VETERANS WHEN ATTENDING INSTITUTIONS OF HIGHER EDUCATION. Operating and service and activity fees other than tuition, and board and room, rent and books and supplies to the extent of the appropriation therefor shall be paid for the use and benefit of persons attending a state institution of higher education who are not under sixteen and not over twenty-two years of age, and have for twelve months had their domicile in the state of Washington, and whose parents or one of them was killed or totally incapacitated from engaging in any normal employment by reason of service in the armed forces of the United States. No tuition fee shall be charged to any such person by any state institution of higher education. [1973 c 62 § 2; 1969 ex.s. c 223 § 28B.10.250. Prior: 1947 c 224 § 1; 1939 c 193 § 1; 1937 c 203 § 1; Rem. Supp. 1947 § 10737-4. Formerly RCW 28.76.150.]

Savings—Severability—1973 c 62: See notes following RCW 28B.10.200.

28B.10.265 CHILDREN OF CERTAIN CITIZENS MISSING IN ACTION OR PRISONERS OF WAR EXEMPT FROM FEES—LIMITATIONS—PROCEDURE. Children of any person who was a Washington domiciliary and who within the past eleven years has been determined by the federal government to be a prisoner of

war or missing in action in Southeast Asia, including Korea, or who shall become so hereafter, shall be admitted to and attend any public institution of higher education within the state without the necessity of paying any tuition, operating fees, and service and activities' fees for any and all courses offered at any time including summer term whether attending on a part time or full time basis: PROVIDED, That such child shall meet such other educational qualifications as such institution of higher education shall deem reasonable and necessary under the circumstances. Affected institutions shall in their preparation of future budgets include therein costs resultant from such tuition loss for reimbursement thereof from appropriations of state funds. Applicants for free tuition shall provide institutional administrative personnel with documentation of their rights under this section. [1973 c 63 § 2; 1972 ex.s. c 17 § 2.]

Effective date—1973 c 63: See note following RCW 28A.09.200.

28B.10.300 ACQUISITION, CONSTRUCTION, EQUIPPING AND BETTERMENT OF LANDS, BUILDINGS AND FACILITIES AT UNIVERSITIES AND STATE COLLEGES. The boards of regents of the state universities and the boards of trustees of the state colleges are severally authorized to:

(1) Enter into contracts with persons, firms or corporations for the construction, installation, equipping, repairing, renovating and betterment of buildings and facilities for the following:

- (a) dormitories
- (b) hospitals
- (c) infirmaries
- (d) dining halls
- (e) student activities

(f) services of every kind for students, including, but not limited to, housing, employment, registration, financial aid, counseling, testing and offices of the dean of students

- (g) vehicular parking

(h) student, faculty and employee housing and boarding;

(2) Purchase or lease lands and other appurtenances necessary for the construction and installation of such buildings and facilities and to purchase or lease lands with buildings and facilities constructed or installed thereon suitable for the purposes aforesaid;

(3) Lease to any persons, firms, or corporations such portions of the campus of their respective institutions as may be necessary for the construction and installation of buildings and facilities for the purposes aforesaid and the reasonable use thereof;

(4) Borrow money to pay the cost of the acquisition of such lands and of the construction, installation, equipping, repairing, renovating, and betterment of

such buildings and facilities, including interest during construction and other incidental costs, and to issue revenue bonds or other evidence of indebtedness therefor, and to refinance the same before or at maturity and to provide for the amortization of such indebtedness from services and activities fees or from the rentals, fees, charges, and other income derived through the ownership, operation and use of such lands, buildings, and facilities and any other dormitory, hospital, infirmary, dining, student activities, student services, vehicular parking, housing or boarding building or facility at the institution;

(5) Contract to pay as rental or otherwise the cost of the acquisition of such lands and of the construction and installation of such buildings and facilities on the amortization plan; the contract not to run over forty years;

(6) Expend on the amortization plan services and activities fees and/or any part of 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 services and activities fees and/or the net income derived through the ownership, operation and use of any lands, buildings or facilities of the nature described in subsection (1) hereof for the payment of part or all of the rental, acquisition, construction, and installation, and the betterment, repair, and renovation or other contract charges, bonds or other evidence of indebtedness agreed to be paid on account of the acquisition, construction, installation or rental of, or the betterment, repair or renovation of, lands, buildings, facilities and equipment of the nature authorized by this section. [1973 1st ex.s. c 130 § 1; 1969 ex.s. c 223 § 28B.10.300. Prior: 1967 ex.s. c 107 § 1; 1963 c 167 § 1; 1961 c 229 § 2; prior: (i) 1950 ex.s. c 17 § 1, part; 1947 c 64 § 1, part; 1933 ex.s. c 23 § 1, part; 1925 ex.s. c 91 § 1, part; Rem. Supp. 1947 § 4543-1, part. (ii) 1947 c 64 § 2, part; 1933 ex.s. c 23 § 2, part; 1925 ex.s. c 91 § 2, part; Rem. Supp. 1947 § 4543-2, part. Formerly RCW 28.76.180.]

28B.10.335 VALIDATION OF PRIOR BOND ISSUES. All terms, conditions, and covenants, including the pledges of student activity fees, student use fees and student building use fees, special student fees or any similar fees charged to all full time students, or to all students, as the case may be, registering at the

state's colleges and universities, contained in all bonds heretofore issued to pay all or part of the cost of acquiring, constructing or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300 are hereby declared to be lawful and binding in all respects. [1973 1st ex.s. c 130 § 3.]

28B.10.400 ANNUITIES AND RETIREMENT INCOME PLANS--AUTHORIZED. (EFFECTIVE JULY 1, 1974.) The boards of regents of the state universities, the boards of trustees of the state colleges, and the state board for community college education are authorized and empowered:

(1) To assist the faculties and such other employees as any such board may designate in the purchase of old age annuities or retirement income plans under such rules and regulations as any such board may prescribe. County agricultural agents, home demonstration agents, 4-H club agents, and assistant county agricultural agents paid jointly by the Washington State University and the several counties shall be deemed to be full time employees of the Washington State University for the purposes hereof;

(2) To provide, under such rules and regulations as any such board may prescribe for the faculty members or other employees under its supervision, for the retirement of any such faculty member or other employee on account of age or condition of health, retirement on account of age to be not earlier than the sixty-fifth birthday: PROVIDED, That such faculty member or such other employee may elect to retire at the earliest age specified for retirement by federal social security law: PROVIDED FURTHER, That any supplemental payment authorized by subsection (3) of this section and paid as a result of retirement earlier than age sixty-five shall be at an actuarially reduced rate;

(3) To pay to any such retired person or his surviving spouse, each year after his retirement, an amount which, when added to the amount of such annuity or retirement income plan received by him or his surviving spouse in such year, will not exceed fifty percent of the average annual salary paid to such retired person for his highest two consecutive years of full time service at an institution of higher education: PROVIDED, HOWEVER, That if such retired person prior to his retirement elected a supplemental payment survivors option, any such supplemental payments to such retired person or his surviving spouse shall be at actuarially reduced rates. [1973 1st ex.s. c 149 § 1; 1971 ex.s. c 261 § 1; 1969 ex.s. c 223 § 28B.10.400. Prior: 1965 c 54 § 2; 1957 c 256 § 1; 1955 c 123 § 1; 1947 c 223 § 1; 1943 c 262 § 1; 1937 c 223 § 1; Rem. Supp. 1947 § 4543-11. Formerly RCW 28.76.240.]

Severability--1973 1st ex.s. c 149: "If any provision of this 1973 amendatory act,

or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 149 § 9.]

Appropriation—1973 1st ex.s. c 149:  
"The sum of \$1,611,650 is hereby appropriated from the general fund for the purpose of carrying out this 1973 amendatory act, to be allocated by the governor to the institutions of higher education." [1973 1st ex.s. c 149 § 10.]

Effective date—1973 1st ex.s. c 149:  
"This 1973 amendatory act shall take effect on July 1, 1974." [1973 1st ex.s. c 149 § 11.] The above annotations apply to RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, 28B.10.420, 28B.10.423 and 83.20.030 and the repeal of RCW 28B.50.570, 28B.50.571, 28B.50.572, 28B.50.573, 28B.50.574 and 28B.50.575.

28B.10.405 ANNUITIES AND RETIREMENT INCOME PLANS—CONTRIBUTIONS BY FACULTY AND EMPLOYEES. (EFFECTIVE JULY 1, 1974..  
Members of the faculties and such other employees as are designated by the boards of regents of the state universities, the boards of trustees of the state colleges, or the state board for community college education shall be required to contribute not less than five percent of their salaries during each year of full time service after the first two years of such service toward the purchase of such annuity or retirement income plan; such contributions may be in addition to federal social security tax contributions, if any. [1973 1st ex.s. c 149 § 2; 1971 ex.s. c 261 § 2; 1969 ex.s. c 223 § 28B.10.405. Prior: 1955 c 123 § 2; 1947 c 223 § 2; Rem. Supp. 1947 § 4543-12. Formerly RCW 28.76.250.]

Severability—Appropriation—Effective date—1973 1st ex.s. c 149: See notes following RCW 28B.10.400.

28B.10.410 ANNUITIES AND RETIREMENT INCOME PLANS—LIMITATION ON INSTITUTION'S CONTRIBUTION. (EFFECTIVE JULY 1, 1974..  
The boards of regents of the state universities, the boards of trustees of the state colleges, or the state board for community college education shall pay not more than one-half of the annual premium of any annuity or retirement income plan established under the provisions of RCW 28B.10.400 as amended in section 1, chapter 149, Laws of 1973 1st ex. sess. Such contribution shall not exceed ten percent of the salary of the faculty member or other employee on whose behalf the contribution is made. This contribution may be in addition to federal social security tax contributions made by the boards, if any. [1973 1st ex.s. c 149 § 3; 1971 ex.s. c

261 § 3; 1969 ex.s. c 223 § 28B.10.410. Prior: 1955 c 123 § 3; 1947 c 223 § 3; Rem. Supp. 1947 § 4543-13. Formerly RCW 28.76.260.]

Severability—Appropriation—Effective date—1973 1st ex.s. c 149: See notes following RCW 28B.10.400.

28B.10.415 ANNUITIES AND RETIREMENT INCOME PLANS—LIMITATION ON ANNUITY OR RETIREMENT INCOME PLAN PAYMENT. (EFFECTIVE JULY 1, 1974..  
The boards of regents of the state universities, the boards of trustees of state colleges, or the state board for community college education shall not pay any amount to be added to the annuity or retirement income plan of any retired person who has served for less than ten years in one or more of the state institutions of higher education. In the case of persons who have served more than ten years but less than twenty-five years no amount shall be paid in excess of four percent of the amount authorized in subdivision (3) of RCW 28B.10.400 as amended in section 1, chapter 149, Laws of 1973 1st ex. sess., multiplied by the number of years of full time service rendered by such person. [1973 1st ex.s. c 149 § 4; 1971 ex.s. c 261 § 4; 1969 ex.s. c 223 § 28B.10.415. Prior: 1955 c 123 § 4; 1947 c 223 § 4; Rem. Supp. 1947 § 4543-14. Formerly RCW 28.76.270.]

Severability—Appropriation—Effective date—1973 1st ex.s. c 149: See notes following RCW 28B.10.400.

28B.10.420 ANNUITIES AND RETIREMENT INCOME PLANS—RETIREMENT AT AGE SEVENTY. (EFFECTIVE JULY 1, 1974..  
Faculty members or other employees designated by the boards of regents of the state universities, the boards of trustees of the state colleges, or the state board for community college education pursuant to RCW 28B.10.400 through 28B.10.420 shall be retired from their employment with their institutions of higher education not later than the end of the academic year next following their seventieth birthday. [1973 1st ex.s. c 149 § 5; 1969 ex.s. c 223 § 28B.10.420. Prior: 1947 c 223 § 5; Rem. Supp. 1947 § 4543-14a. Formerly RCW 28.76.280.]

Severability—Appropriation—Effective date—1973 1st ex.s. c 149: See notes following RCW 28B.10.400.

28B.10.423 ANNUITIES AND RETIREMENT INCOME PLANS—LIMIT ON RETIREMENT INCOME—ADJUSTMENT OF RATES. (EFFECTIVE JULY 1, 1974..  
It is the intent of RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, 28B.10.420, 28B.10.423 and 83.20.030 that the retirement income resulting from the contributions described herein from the

state of Washington and the employee shall be projected actuarially so that it shall not exceed sixty percent of the average of the highest two consecutive years salary. Periodic review of the retirement systems established pursuant to RCW 28B.10.400, 28B.10.405, 28B.10.410, 28B.10.415, 28B.10.420, 28B.10.423 and 83.20.030 will be undertaken at such time and in such manner as determined by the committees on ways and means of the senate and of the house of representatives and the public pension commission, and joint contribution rates will be adjusted if necessary to accomplish this intent. [1973 1st ex.s. c 149 § 8.]

Severability--Appropriation--Effective date--1973 1st ex.s. c 149: See notes following RCW 28B.10.400.

28B.10.510 ATTORNEY GENERAL AS ADVISOR. The attorney general of the state shall be the legal advisor to the presidents and the boards of regents and trustees of the institutions of higher education and he shall institute and prosecute or defend all suits in behalf of the same. [1973 c 62 § 3; 1969 ex.s. c 223 § 28B.10.510. Prior: 1909 c 97 p 242 § 8; RRS § 4560; prior: 1897 c 118 § 189; 1890 p 399 § 19. Formerly RCW 28.77.125; 28.76.300.]

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.10.660 LIABILITY, LIFE, HEALTH, HEALTH CARE, ACCIDENT, DISABILITY, AND SALARY INSURANCE OR PROTECTION AUTHORIZED--PREMIUMS--INSTITUTIONS OF HIGHER EDUCATION (AS AMENDED BY 1973 1ST EX.S. C 9 § 2). The regents or trustees of any of the state's institutions of higher education may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, for the regents or trustees, students and employees of the institution, and their dependents. Whenever funds shall be available for these purposes, the regents or trustees of any of the state's institutions of higher education may contribute all or a part of the cost of such protection or insurance for the employees of their respective institutions and their dependents. The premiums due on such liability insurance shall be borne by the university or college. The premiums due on such protection or insurance shall be borne by the assenting regent, trustee or student. All contracts for insurance or protection written to take advantage of the provisions of this section shall provide that the beneficiaries of such contracts may utilize on an equal participation basis

the services of those practitioners licensed pursuant to chapters 18.22, 18.25, 18.53, 18.57 and 18.71 RCW. [1973 1st ex.s. c 9 § 2; 1971 ex.s. c 269 § 3; 1969 ex.s. c 237 § 4; 1969 ex.s. c 223 § 28B.10.660. Prior: 1967 c 135 § 2, part; 1959 c 187 § 1, part. Formerly RCW 28.76.410, part.]

Reviser's note: RCW 28B.10.660 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

28B.10.660 LIABILITY, LIFE, HEALTH, HEALTH CARE, ACCIDENT, DISABILITY, AND SALARY INSURANCE OR PROTECTION AUTHORIZED--PREMIUMS--INSTITUTIONS OF HIGHER EDUCATION (AS AMENDED BY 1973 1ST EX.S. C 147 § 4). The regents or trustees of any of the state's institutions of higher education may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, for the regents or trustees and students of the institution. The premiums due on such protection or insurance shall be borne by the assenting regents, trustees, or students. The regents or trustees of any of the state institutions of higher education may make liability insurance available for employees of the institutions. The premiums due on such liability insurance shall be borne by the university or college. [1973 1st ex.s. c 147 § 4; 1971 ex.s. c 269 § 3; 1969 ex.s. c 237 § 4; 1969 ex.s. c 223 § 28B.10.660. Prior: 1967 c 135 § 2, part; 1959 c 187 § 1, part. Formerly RCW 28.76.410, part.]

Effective date--Effect of veto--Appropriation--Savings--Severability--1973 1st ex.s. c 147: See notes following RCW 41.05.020.

Reviser's note: RCW 28B.10.660 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

28B.10.704 PROGRAMS FOR INTERCOLLEGIATE ATHLETIC COMPETITION IN INSTITUTIONS OF HIGHER EDUCATION--FUNDS FOR ASSISTANCE OF STUDENT PARTICIPANTS. Funds used for purposes of providing scholarships or other forms of financial assistance to students in return for participation in intercollegiate athletics in accordance with RCW 28B.10.703 shall include but not be limited to moneys received as contributed or donated funds, or revenues derived



from athletic events, including gate receipts and revenues obtained from the licensing of radio and television broadcasts. [1973 1st ex.s. c 46 § 9; 1971 ex.s. c 28 § 3.]

Severability—1973 1st ex.s. c 46: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 46 § 11.] This applies to RCW 28B.10.704, 28B.15.041, 28B.15.600, 28B.16.180, 28B.19.040, 28B.19.110, 28B.19.120, 28B.50.040, 28B.50.060, and the repeal of RCW 28B.50.560, 28B.50.620, 28B.50.630, 28B.50.650, 28B.50.670 and 28B.50.680.

28B.10.720 SENIOR COLLEGE CONCEPT, ADAPTABILITY TO STATE SYSTEM, REVIEW AND REPORT OF. [1969 ex.s. c 283 § 3. Formerly RCW 28.76.440.] Repealed by 1973 c 62 § 25.

Savings—Severability—1973 c 62: See notes following RCW 28B.10.200.

28B.10.822 STATE STUDENT FINANCIAL AID PROGRAM—COMMISSION RULES AND REGULATIONS. The commission shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of RCW 28B.10.800 through 28B.10.824, and not in conflict with RCW 28B.10.800 through 28B.10.824, in accordance with the provisions of chapter 28B.19 RCW, the state higher education administrative procedure act. [1973 c 62 § 4; 1969 ex.s. c 222 § 19. Formerly RCW 28.76.530.]

Savings—Severability—1973 c 62: See notes following RCW 28B.10.200.

28B.10.824 STATE STUDENT FINANCIAL AID PROGRAM—COMMISSION, EXECUTIVE DIRECTOR, EMPLOYEES—APPOINTMENT—SALARIES. Subject to the provisions of chapter 28B.16 RCW, the state higher education personnel law, the commission shall appoint an executive director as chief administrator of the commission, and such employees as it deems advisable, and shall fix their compensation and prescribe their duties. [1973 c 62 § 5; 1969 ex.s. c 222 § 20. Formerly RCW 28.76.540.]

Savings—Severability—1973 c 62: See notes following RCW 28B.10.200.

28B.10.850 CAPITAL IMPROVEMENTS, BONDS FOR—AUTHORIZED—FORM, TERMS, CONDITIONS, SALE, SIGNATURES. For the purpose of providing needed capital improvements consisting of the acquisition, construction, remodeling, furnishing and equipping of state buildings and facilities for the

institutions of higher education, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of thirty-four million three hundred thousand dollars or so much thereof as shall be required to finance the capital projects relating to the institutions of higher education as set forth in the capital appropriations act, chapter 114, Laws of 1973 1st ex. sess., to be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the Constitution of the state of Washington.

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. The state finance committee may authorize the use of facsimile signatures in the issuance of the bonds. [1973 1st ex.s. c 135 § 1.]

Severability—1973 1st ex.s. c 135: "If any provision of this 1973 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." [1973 1st ex.s. c 135 § 7.] This applies to RCW 28B.10.850 through 28B.10.855.

28B.10.851 CAPITAL IMPROVEMENTS, BONDS FOR—ACCOUNT CREATED, PURPOSE. The proceeds from the sale of the bonds authorized herein, together with all grants, donations, transferred funds and all other moneys which the state finance committee may direct the state treasurer to deposit therein shall be deposited in the state higher education construction account hereby created in the state general fund. [1973 1st ex.s. c 135 § 2.]

Severability—1973 1st ex.s. c 135: See note following RCW 28B.10.850.

28B.10.852 CAPITAL IMPROVEMENTS, BONDS FOR—BOND ANTICIPATION NOTES, PURPOSE. At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "bond anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the

payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds or notes authorized by RCW 28B.10-.850 through 28B.10.855 shall be deposited in the state higher education construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 28B.10.850 through 28B.10.855 and for the payment of expenses incurred in the issuance and sale of the bonds. [1973 1st ex.s. c 135 § 3.]

Severability—1973 1st ex.s. c 135: See note following RCW 28B.10.850.

28B.10.853 CAPITAL IMPROVEMENTS, BONDS FOR—BOND REDEMPTION FUND CREATED, PURPOSE—COMPELLING TRANSFER OF FUNDS TO. The state higher education bond redemption fund of 1973 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 RCW 28B.10.850 through 28B.10.855. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the state higher education bond redemption fund of 1973 from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require and compel the transfer and payment of funds as directed herein. [1973 1st ex.s. c 135 § 4.]

Severability—1973 1st ex.s. c 135: See note following RCW 28B.10.850.

28B.10.854 CAPITAL IMPROVEMENTS, BONDS FOR—LEGISLATURE MAY PROVIDE ADDITIONAL MEANS OF REVENUE. The legislature may provide additional means for raising moneys for the payment of the interest and principal of the bonds authorized herein and RCW 28B.10.850 through 28B.10.855 shall not be deemed to provide an exclusive method for such payment. [1973 1st ex.s. c 135 § 5.]

Severability—1973 1st ex.s. c 135: See note following RCW 28B.10.850.

28B.10.855 CAPITAL IMPROVEMENTS, BONDS FOR—AS LEGAL INVESTMENT FOR STATE AND MUNICIPAL FUNDS. 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. [1973 1st ex.s. c 135 § 6.]

Severability—1973 1st ex.s. c 135: See note following RCW 28B.10.850.

Chapter 28B.15  
COLLEGE AND UNIVERSITY FEES

28B.15.041 "SERVICES AND ACTIVITIES FEES" DEFINED (AS AMENDED BY 1973 1ST EX.S. C 46 § 1). The term "services and activities fees" as used in this chapter is defined to mean fees, other than general tuition and operating fees, charged to all students registering at the state's community colleges, state colleges, and universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's community colleges, state colleges or universities for the express purpose of funding student activities and programs of their particular institution. [1973 1st ex.s. c 46 § 1; 1971 ex.s. c 279 § 3.]

Severability—1973 1st ex.s. c 46: See note following RCW 28B.10.704.

Reviser's note: RCW 28B.15.041 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

28B.15.041 "SERVICES AND ACTIVITIES FEES" DEFINED (AS AMENDED BY 1973 1ST EX.S. C 130 § 2). The term "services and activities fees" as used in this chapter is defined to mean fees, other than general tuition and operating fees, charged to all students registering at the state's colleges and universities. Services and activities fees shall be used as otherwise provided by law or by rule or regulation of the board of trustees or regents of each of the state's colleges or universities for the express purpose of funding student activities and programs of their particular institution. Student activity fees, student use fees, student building use fees, special student fees or other similar fees charged to all full time students, or to all students, as the case may be, registering at the state's colleges or universities and pledged for the payment of bonds heretofore or hereafter issued for, or other indebtedness incurred to pay, all or part of the cost of acquiring, constructing, or installing any lands, buildings, or facilities of the nature described in RCW 28B.10.300 shall be included within and deemed to be services and activities fees. [1973 1st ex.s. c 130 § 2; 1971 ex.s. c 279 § 3.]

Reviser's note: RCW 28B.15.041 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

28B.15.380 EXEMPTION FROM PAYMENT OF FEES AT UNIVERSITIES. In addition to any other exemptions as may be provided by law, the board of regents at the universities may exempt the following classes of persons from the payment of general tuition fees, operating fees, or services and activities fees except for individual instruction fees: (1) All veterans as defined in RCW 41.04.005: PROVIDED, That such persons are no longer entitled to federal vocational or educational benefits conferred by virtue of their military service: AND PROVIDED FURTHER, That if any such veterans have not resided in this state for one year prior to registration said board may exempt them up to one-half of the tuition payable by other nonresident students. (2) Members of the staffs of the University of Washington and Washington State University. (3) Teachers in the public schools of the state who supervise the cadet teachers from the University of Washington. (4) Children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state. [1973 1st ex.s. c 191 § 1; 1971 ex.s. c 279 § 8; 1969 ex.s. c 269 § 8; 1969 ex.s. c 223 § 28B.15.380. Prior: (i) 1947 c 46 § 1; 1921 c 139 § 5; Rem. Supp. 1947 § 4550. Formerly RCW 28.77.070. (ii) 1921 c 164 § 4, part; RRS § 4572, part. Formerly RCW 28.80.060, part.]

Effective date--1973 1st ex.s. c 191: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1973. [1973 1st ex.s. c 191 § 4.] This applies to RCW 28B.15.380, 28B.15.385, 28B.15.520 and 28B.40.361.

Cross Reference:

"Totally disabled" defined for certain purposes: RCW 28B.15.385.

28B.15.385 "TOTALLY DISABLED" DEFINED FOR CERTAIN PURPOSES. For the purposes of RCW 28B.15.380, 28B.15.385, 28B.15.520 and 28B.40.361 the phrase "totally disabled" as used in RCW 28B.15.380, 28B.15.520 and 28B.40.361 shall mean a person who has become totally and permanently disabled for life by bodily injury or disease, and is thereby prevented from performing any

occupation or gainful pursuit. [1973 1st ex.s. c 191 § 5.]

Effective date--1973 1st ex.s. c 191: See note following RCW 28B.15.380.

28B.15.520 FEES--WAIVER OF FEES FOR NEEDY STUDENTS FINISHING THEIR HIGH SCHOOL EDUCATION. Notwithstanding any other provision of this chapter or chapter 28B.50 RCW as now or hereafter amended the college board shall be authorized to permit the boards of trustees of the various community colleges to waive general tuition fees, operating fees, services and activities fees, and any other fees for needy students who are enrolled in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, and for children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state. [1973 1st ex.s. c 191 § 2; 1971 ex.s. c 279 § 12; 1970 ex.s. c 59 § 8; 1969 ex.s. c 261 § 29. Formerly RCW 28.85.310, part.]

Effective date--1973 1st ex.s. c 191: See note following RCW 28B.15.380.

Cross Reference:

"Totally disabled" defined for certain purposes: RCW 28B.15.385.

28B.15.600 REFUNDS OR CANCELLATION OF FEES AT UNIVERSITIES, STATE COLLEGES AND COMMUNITY COLLEGES. The boards of regents of the state's universities and the boards of trustees of the state colleges and community colleges may refund or cancel in full general tuition fees, operating fees, and services and activities 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 or are due. If the student withdraws on or after the sixth day of instruction, said boards of regents and trustees may refund or cancel 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 or cancellation 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. [1973 1st ex.s. c 46 § 2; 1971 ex.s. c 279 § 15; 1969 ex.s. c 223 § 28B.15.600. Prior: 1963 c 89 § 1. Formerly RCW 28.76.430.]

Severability--1973 1st ex.s. c 46: See note following RCW 28B.10.704.

Chapter 28B.16  
STATE HIGHER EDUCATION PERSONNEL LAW

28B.16.100 RULES AND REGULATIONS--SCOPE. (1) The higher education personnel board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examination for all positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers, sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any institution or related boards: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such condition of employment shall constitute cause for dismissal: PROVIDED, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement or any other fees or fines and shall include full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church

or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union-sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member; agreements between institutions or related boards and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the institution or the related board may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the institution and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of comprehensive classification plans for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; training programs including in-service, promotional, and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and adoption and revision of salary schedules and compensation plans which reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature and which shall be competitive in the locality in which the institution or related boards are located, such adoption, revision, and implementation shall be subject to approval as to availability of funds by the chief financial officer of each institution or related board for that institution or board, or in the case of community colleges, by the chief financial officer of the state board for community college education for the various community colleges; and providing for veteran's preference as provided by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken higher education service, as defined by the board, the veteran's service in the military not to exceed five years of such service. For the purposes

of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

(2) Rules and regulations adopted and promulgated by the higher education personnel board shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the board, of the following:

(a) Appointment, promotion, and transfer of employees;

(b) Dismissal, suspension, or demotion of an employee;

(c) Examinations for all positions in the competitive and noncompetitive service;

(d) Probationary periods of six months and rejections therein;

(e) Sick leaves and vacations;

(f) Hours of work;

(g) Layoffs when necessary and subsequent reemployment;

(h) Allocation and reallocation of positions with the classification plans;

(i) Training programs;

(j) Maintenance of personnel records. [1973 1st ex.s. c 75 § 2; 1973 c 154 § 2; 1971 ex.s. c 19 § 1; 1969 ex.s. c 36 § 10. Formerly RCW 28.75.100.]

Effective date—1973 1st ex.s. c 75: See note following RCW 41.06.150.

28B.16.130 RULES AND REGULATIONS—SCOPE—HEARINGS ON APPEALS—NOTICE OF—SUBPOENA POWER AND OATHS, CERTIFICATION TO COURT OF REFUSAL TO COMPLY WITH—RECORD OF HEARING.

**Cross Reference:**

Interim committee on public employees collective bargaining—Duties—Reports—Recommendations to include proposed legislation: RCW 41.56.420.

28B.16.180 TERMINATED EMPLOYEE CAN REQUEST PLACEMENT ON REEMPLOYMENT LIST—REINSTATED EMPLOYEE ENTITLED TO EMPLOYMENT RIGHTS. (1) An employee who is terminated from service may request the institution or related board to place his name on an appropriate reemployment list and the institution shall grant this request where the circumstances are found to warrant reemployment.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement, and OASDI credits. [1973 1st ex.s. c 46 § 3; 1969 ex.s. c 36 § 17. Formerly RCW 28.75.180.]

Severability—1973 1st ex.s. c 46: See note following RCW 28B.10.704.

28B.16.230 UNFAIR LABOR PRACTICES PROVISIONS APPLICABLE TO CHAPTER. Each and every provision of RCW 41.56.140 through 41.56.190 shall be applicable to the state higher education personnel law and the higher education personnel board, or its designee, whose final decision shall be appealable to the higher education personnel board, which is granted all powers and authority granted to the department of labor and industries by RCW 41.56.140 through 41.56.190. [1973 c 62 § 6; 1969 ex.s. c 215 § 14. Formerly RCW 28.75.230.]

Savings—Severability—1973 c 62: See notes following RCW 28B.10.200.

Chapter 28B.17

HIGHER EDUCATION ASSISTANCE AUTHORITY

28B.17.010 AUTHORITY CREATED. There is hereby created a corporate governmental agency of the state, constituting a public corporation and governing instrumentality, which shall be known as the "Washington State Higher Education Assistance Authority". [1973 1st ex.s. c 120 § 1.]

Severability—1973 1st ex.s. c 120: "If any provision of this 1973 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." [1973 1st ex.s. c 120 § 22.]

Appropriation—1973 1st ex.s. c 120: "There is hereby appropriated from the general fund the sum of two hundred fifty thousand dollars, or so much thereof as may be necessary, to the authority for the biennium ending June 30, 1975 for the payment of expenses of the authority in carrying out the provisions of sections 1 through 21 of this 1973 act: PROVIDED, HOWEVER, That no portion of the sum hereby appropriated shall be available, or shall

be used by the authority, for the purchase of any loans as provided in section 6 of this 1973 act, for the payment of any principal of, or redemption premium or interest on any bonds or notes of the authority issued pursuant to section 7 of this 1973 act, or for deposit in any debt service reserve fund created pursuant to section 8 of this 1973 act." [1973 1st ex.s. c 120 § 23.]

The above annotations apply to RCW 28B-17.010-28B.17.210.

28B.17.020 PURPOSE OF AUTHORITY. The purpose of the authority shall be to assist needy and disadvantaged persons to pursue a post-secondary education by purchasing loans made by banking and educational institutions to such persons to help them meet the rising costs of such education, thereby encouraging those institutions to make such loans, and increasing the supply of moneys available therefor. The legislature hereby finds and determines that it is in the public interest and essential to the welfare and well-being of the inhabitants of the state and to the proper growth and development of the state to encourage and assist every student who has the desire and capacity to pursue a post-secondary education. It is hereby further found and determined that the rising costs to students of post-secondary education are placing the goal of such study beyond the financial reach of a growing proportion of our potential student population, particularly those young men and women who are needy and disadvantaged, with a consequent irreparable loss to the state of valuable talents vital to its welfare. It is, therefore, found and determined that the authority created by RCW 28B.17.010 is a proper and effective means of meeting this fiscal crisis in post-secondary education, which is contrary to the general welfare of the inhabitants of the state. [1973 1st ex.s. c 120 § 2.]

28B.17.030 DEFINITIONS. As used in this chapter, the following words and terms shall have the following meanings, unless the context shall clearly indicate another or different meaning or intent:

(1) The term "authority" shall mean the Washington state higher education assistance authority, the corporate governmental agency created by RCW 28B.17.010.

(2) The term "bank" shall mean any bank, bank and trust company, or trust company, savings bank, building and loan association, private bank, or savings and loan association which is organized under the laws of this state or any national banking association, located in the state.

(3) The term "bonds" and "notes" shall mean the bonds and notes, respectively, issued by the authority pursuant to this chapter.

(4) The term "commission" shall mean the commission on higher education created by RCW 28B.81.010.

(5) The term "council" shall mean the council on higher education created by RCW 28B.80.010.

(6) The term "post-secondary educational institution" shall mean (a) any public or private college, university or community college approved by the commission, and (b) any business, trade, technical, vocational or other occupational school approved by the commission.

(7) The term "disadvantaged or needy student" shall mean a student (a) who is enrolled, or accepted for enrollment, at a post-secondary educational institution located within the state or a student who is a resident of the state and who is enrolled, or accepted for enrollment, at a post-secondary educational institution wherever located, and (b) who demonstrates to the authority the financial inability, either through his parents, family and/or personally, to meet the total cost of board, room, books, tuition and fees and incidental expenses for any semester or quarter.

(8) The term "federal guaranteed loan program" shall mean the program for the insurance by the federal government of loans to students, enacted by the higher education act of nineteen hundred sixty-five, as amended, and all rules and regulations promulgated thereunder, or any successor legislation thereto providing for similar federal insurance of student loans.

(9) The term "loan" shall mean a loan to a needy or disadvantaged student the principal and interest of which is guaranteed by the federal government pursuant to the federal guaranteed loan program, made for the purpose of assisting such person to meet his expenses of post-secondary education.

(10) The term "state" shall mean the state of Washington.

(11) The term "state agency" shall mean any office, department, board, commission, bureau, division, public corporation, agency or instrumentality of the state. [1973 1st ex.s. c 120 § 3.]

28B.17.040 BOARD OF DIRECTORS OF THE AUTHORITY. (1) The authority shall be

governed and all of its corporate powers exercised by a board of directors which shall consist of the nine citizen members of the council, each of whose term as a member of the authority shall be co-terminus with his term as a citizen member of the council, and six additional members, one of which shall be a student financial aid officer, one of which shall be representative of the banking industry, and two of which shall be students enrolled in a Washington post-secondary educational institution, and two of which shall serve at large appointed by the governor, each of whom shall be of full

age, a citizen of the United States and a resident of the state. Prior to the appointment of the student representative the governor shall consult with elected student government officers. The six additional members shall have four year terms except for the two students who shall serve for two years: PROVIDED, That the initial terms of the additional members, except for student members, shall be staggered so that terms shall be for one year, two years, three years, and four years respectively: PROVIDED FURTHER, That the initial terms of the student members shall be staggered so that terms shall be for one year and two years respectively: PROVIDED FURTHER, That a student member's term of office shall be terminated if said student member ceases to be enrolled in a post-secondary educational institution during said term of office.

(2) Vacancies shall be filled for the unexpired terms in the same manner as original appointments.

(3) Directors shall receive per diem in lieu of compensation, and travel expenditures, in accordance with standard rates for part time boards, councils and commissions as certified by the state budget director.

(4) The board of directors shall elect from its members each year a chairman and vice chairman who shall serve for terms of one year and who shall be eligible for reelection for successive terms.

(5) A majority of the directors of the authority shall constitute a quorum for the transaction of any business and, unless a greater number is required by the bylaws of the authority, the act of a majority of the directors present at any meeting shall be deemed the act of the board.

(6) The board of directors shall adopt bylaws for the authority, and may appoint such officers and employees as it deems advisable, fix their compensation and prescribe their duties, and may delegate to one or more of its members, or its officers, agents or employees, such powers and duties as it may deem proper.

(7) The board of directors may elect an executive committee of not less than six members who, in intervals between meetings of the board, may transact such business of the authority as the board may from time to time authorize. Unless otherwise provided by the bylaws, a majority of the members of such committee shall constitute a quorum for the transaction of any business and the act of a majority of the members of the executive committee present at any meeting shall be deemed the act of such committee. [1973 1st ex.s. c 120 § 4.]

28B.17.050 POWERS OF THE AUTHORITY.  
Except as otherwise limited by this chapter and subject to Title 34 RCW, the authority shall have power:

(1) To have a seal and alter the same at pleasure;

(2) To make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions under this chapter;

(3) To sue and be sued;

(4) To make and alter bylaws for its organization and internal management;

(5) To acquire, hold and dispose of real and personal property for its corporate purposes;

(6) Subject to any agreement with bondholders or noteholders, to invest moneys of the authority not required for immediate use, including proceeds from the sale of any bonds or notes, (a) in obligations of the state or the United States of America or any agency of either, (b) in obligations the principal and interest of which are guaranteed by the state or the United States of America, (c) in obligations of any corporation wholly owned by the United States of America, (d) in obligations of any corporation sponsored by the United States of America which are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system, or (e) in certificates of deposit or time deposits secured in such manner as the authority shall determine;

(7) To appoint officers, agents and employees, prescribe their duties and qualifications and fix their compensation;

(8) To purchase and contract to purchase loans made by banks, pension funds, credit unions, post-secondary educational institutions, and the commission, all subject to the provisions of RCW 28B.17.060;

(9) To procure or require the procurement of a policy or policies of group life insurance to insure repayment of loans acquired by the authority in event of the death of the borrower;

(10) Subject to provisions of RCW 28B.17.060 and any agreement with bondholders or noteholders, to renegotiate or refinance any loan in default; to waive any default or consent to the modification of the terms of any loan; to forgive all or part of any loan; and to commence any action or proceeding to protect or enforce any right conferred upon it by law, loan agreement, contract or other agreement;

(11) To prescribe rules and regulations setting forth standards and criteria for the granting of applications for loan purchases, insofar as such standards and criteria are not inconsistent with this chapter;

(12) To make and execute contracts for the administration, servicing or collection of any loan acquired by the authority and pay the reasonable value of services rendered to the authority pursuant to such contracts;

(13) To make, execute, and carry out contracts for the administration, servicing or collection of loans, including National Student Defense Loans, owned by



banks and post-secondary educational institutions and to establish, revise from time to time, charge and collect from such banks and post-secondary educational institutions such fees in connection therewith as the authority may determine;

(14) To make, execute, and carry out contracts with any state agency for the collection of amounts voluntarily pledged to the state by recipients of awards under the need grant program administered by the commission and to charge and collect from such agency the reasonable value of its services rendered in connection with such contracts;

(15) Subject to any agreement with bondholders or noteholders, to sell any loans acquired by the authority at public or private sale and at such price or prices and on such terms as the authority shall determine;

(16) Subject to the provisions of the federal guaranteed loan program, to establish, revise from time to time, charge and collect such premiums or fees in connection with loans and purchases thereof, as the authority shall determine;

(17) Subject to any agreement with bondholders or noteholders, to purchase bonds or notes of the authority, which shall thereupon be canceled, at a price not exceeding (a) if the bonds or notes are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date thereon, (b) if the bonds or notes are not then redeemable, the redemption price applicable on the first date after such purchase upon which the notes or bonds become subject to redemption at the option of the authority plus accrued interest to said date, or (c) if the bonds or notes are not redeemable prior to their respective maturities at the option of the authority, one hundred four per centum of the principal amount thereof plus accrued interest to the date of purchase;

(18) To borrow money and to issue negotiable bonds and notes and to provide for the rights of the holders thereof;

(19) To engage the services of private consultants on a contract basis for rendering professional and technical assistance and advice;

(20) To contract for and to accept any gifts or grants or loans of funds or property or financial or other aid in any form from the federal government or any agency or instrumentality thereof, or from the state or any agency or instrumentality thereof, or from any other source, and to comply, subject to the provisions of this chapter, with the terms and conditions thereof;

(21) To promulgate such rules and regulations, not inconsistent with the provisions of the federal guaranteed loan program and subject to the approval of the commission, as are necessary to carry out its functions and duties in the administration of this chapter; and

(22) To do any and all things necessary or convenient to carry out its purposes and exercise the powers given and granted in this chapter. [1973 1st ex.s. c 120 § 5.]

#### 28B.17.060 PURCHASE OF STUDENT LOANS.

(1) The authority may purchase and contract to purchase loans made by banks, pension funds, credit unions, and post-secondary educational institutions located within the state, and from the commission, all upon such terms and conditions as the authority may prescribe by rule or regulation, including, if the seller is a bank, the requirement that such bank make new loans in an amount equal to the purchase price received from the authority: PROVIDED, That the authority shall not purchase a loan to any borrower who is then in default on an outstanding loan unless provisions satisfactory to the authority are made to cure such default.

(2) Notwithstanding anything to the contrary provided in this chapter, the authority may, subject to the provisions of the federal guaranteed loan program, forgive or suspend all or part of the payment of any loan pursuant to such rules or regulations as the authority shall prescribe: PROVIDED, That the authority shall not so forgive or suspend any such payment, unless it shall, on behalf of the borrower and on such terms and conditions as it shall deem proper, set apart and apply an amount equal to the payment so forgiven or suspended from available funds of the authority not required by the terms of any bond resolution for the payment of principal of or interest on bonds payable during the current state fiscal year or the current operating expenses of the authority.

(3) Any person otherwise qualifying for a loan from a bank, pension fund, credit union, post-secondary educational institution or the commission shall not be disqualified by reason of his being under the age of majority. For the purposes of applying for, receiving and repaying such a loan, any such person shall be deemed to have full legal capacity to act, and shall have all the rights, powers, privileges and obligations of a person of full age with respect thereto. In no event shall lack of legal capacity to act by reason of nonage be a defense to an action or claim based upon a loan made by a bank, pension fund, credit union, post-secondary educational institution or the commission, or upon a loan held by the authority. [1973 1st ex.s. c 120 § 6.]

Reviser's note: See notes following RCW 28B.17.010.

#### 28B.17.070 BONDS AND NOTES OF THE AUTHORITY.

(1) The authority shall have the power and is hereby authorized from time to time to issue its negotiable bonds

and notes in conformity with the applicable provisions of the Uniform Commercial Code in such principal amounts as, in the opinion of the authority, shall be necessary to provide sufficient funds for achieving the corporate purposes thereof, including the purchase of loans as provided in this chapter, the payment of interest on bonds and notes of the authority, establishment of reserves to secure such bonds and notes, and all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(2) Except as may otherwise be expressly provided by the authority, all bonds and notes issued by the authority shall be general obligations of the authority, secured by the full faith and credit of the authority and payable out of any moneys, assets, or revenues of the authority, subject only to any agreement with bondholders or noteholders pledging any particular moneys, assets or revenues. In no event shall any bonds or notes constitute an obligation, either general or special, of the state; nor shall the authority have the power to pledge the credit or taxing power of the state or to make its debts payable out of any moneys except those of the authority.

(3) Bonds and notes shall be authorized by a resolution or resolutions of the authority adopted as provided by this chapter: PROVIDED, That any such resolution authorizing the issuance of bonds or notes may delegate to an officer or officers of the authority the power to issue such bonds or notes from time to time and to fix the details of any such issues of bonds or notes by an appropriate certificate of such authorized officer.

(4) Such bonds

(a) Shall state (i) the date of issue; (ii) the series of the issue and be consecutively numbered within the series; and (iii) that the bond is payable both as to principal and interest solely out of the assets of the authority and does not constitute an obligation, either general or special, of the state; and

(b) Shall be (i) either registered, registered as to principal only, or in coupon form; (ii) issued in such denominations as the authority may prescribe; (iii) fully negotiable instruments under the laws of this state; (iv) signed on behalf of the authority with the manual or facsimile signature of the chairman or vice chairman of the board, attested by the manual or facsimile signature of the secretary of the board, have the seal of the authority impressed thereon or a facsimile of such seal printed or lithographed thereon, and the coupons attached thereto shall be signed with the facsimile signatures of such chairman or vice chairman and secretary; (v) payable as to interest at such rate or rates and at such time or times as the authority may determine; (vi) payable as to principal at such times over a period not to exceed

forty years from the date of issuance, at such place or places, and with such reserved rights of prior redemption, as the authority may prescribe; (vii) sold at such price or prices, at public or private sale, and in such manner as the authority may prescribe; and the authority may pay all expenses, premiums and commissions which it deems necessary or advantageous in connection with the issuance and sale thereof; and (viii) shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal, redemption premiums, if any, and interest and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.50.330 through 28B.50.400 and this chapter, as may be found to be necessary by the authority for the most advantageous sale thereof, which may include, but not be limited to, covenants with the holders of the bonds as to:

(A) pledging or creating a lien, to the extent provided by such resolution or resolutions, on all or any part of any moneys or property of the authority or of any moneys held in trust or otherwise by others for the payment of such bonds;

(B) otherwise providing for the custody, collection, securing, investment and payment of any moneys of or due to the authority;

(C) the setting aside of reserves or sinking funds and the regulation or disposition thereof;

(D) limitations on the purpose to which the proceeds of sale of any issue of such bonds then or thereafter to be issued may be applied;

(E) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and upon the refunding of outstanding or other bonds;

(F) the procedure, if any, by which the terms of any contract with the holders of bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;

(G) the creation of special funds into which any moneys of the authority may be deposited;

(H) vesting in a trustee or trustees such properties, rights, powers and duties in trust as the authority may determine, which may include any or all of the rights, powers and duties of the trustee appointed pursuant to RCW 28B.17.090, in which event the provisions of such section authorizing appointment of a trustee shall not apply; or limiting or abrogating the right of the holders of bonds to appoint a trustee under such section or limiting the rights, duties and powers of such trustee;

(I) defining the acts or omissions to act which shall constitute a default in the obligations and duties of the authority and providing for the rights and remedies of the holders of bonds in the

event of such default: PROVIDED, That such rights and remedies shall not be inconsistent with the general laws of this state and other provisions of this chapter; and

(J) any other matters of like or different character, which in any way affect the security and protection of the bonds and the rights of the holders thereof.

(5) The authority is authorized to provide for the issuance of its bonds for the purpose of refunding any bonds of the authority then outstanding, including the payment of any redemption premiums thereon and any interest accrued or to accrue to the redemption date next succeeding the date of delivery of such refunding bonds. The proceeds of any such bonds issued for the purpose of so refunding outstanding bonds shall be forthwith applied to the purchase or retirement of such outstanding bonds or the redemption of such outstanding bonds on the redemption date next succeeding the date of delivery of such refunding bonds and may, pending such application, be placed in escrow to be applied to such purchase or retirement or redemption on such date. Any such escrowed proceeds, pending such use, may be invested and reinvested only in obligations of or guaranteed by the state or the United States of America, maturing at such time or times as shall be appropriate to assure the prompt payment, as to principal, interest and redemption premium, if any, on the outstanding bonds to be so refunded by purchase, retirement or redemption, as the case may be. The interest, income and profits, if any, earned or realized on any such investment may also be applied to the payment of the outstanding bonds to be so refunded by purchase, retirement or redemption, as the case may be. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and interest, if any, earned or realized on the investments thereof may be returned to the authority for use by it in any lawful manner. All such bonds shall be issued and secured and shall be subject to the provisions of this chapter in the same manner and to the same extent as any other bonds issued pursuant to this chapter.

(6) The authority is authorized to issue negotiable bond anticipation notes and may renew the same from time to time but the maximum maturity of such notes, including renewals thereof, shall not exceed seven years from the date of issue of such original notes. Such notes shall be payable from any moneys of the authority available therefor and not otherwise pledged or from the proceeds of sale of the bonds of the authority in anticipation of which they were issued. The notes may be issued for any corporate purpose of the authority. The notes shall be issued in the same manner as the bonds and such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions or limitations, not

inconsistent with the provisions of this subdivision, which the bonds or a bond resolution of the authority may contain. Such notes may be sold at public or private sale. In case of default on its notes or violation of any obligations of the authority to the noteholders, the noteholders shall have all the remedies provided herein for bondholders. Such notes shall be as fully negotiable as the bonds of the authority.

(7) It is the intention of the legislature that any pledge of earnings, revenues or other moneys made by the authority shall be valid and binding from the time when the pledge is made; that the earnings, revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and that the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

(8) Neither the members of the authority nor any person executing the bonds or other obligations shall be liable personally on the bonds or other obligations or be subject to any personal liability or accountability by reason of the issuance thereof. [1973 1st ex.s. c 120 § 7.]

Reviser's note: See notes following RCW 28B.17.010.

28B.17.080 RESERVE FUNDS. The authority may create and establish one or more reserve funds to be known as debt service reserve funds and pay into any such reserve fund (a) any proceeds of sale of bonds and notes to the extent provided in the resolution of the authority authorizing the issuance thereof, (b) any moneys directed to be transferred by the authority to such debt service reserve fund, and any other moneys made available to the authority for the purposes of such fund from any other source or sources. The moneys held in or credited to any debt service reserve fund established under this subsection, except as hereinafter provided, shall be used solely for the payment of the principal of bonds of the authority secured by such debt service reserve fund, as the same mature, required payments to any sinking fund established for the amortization of such bonds (hereinafter referred to as "sinking fund payments"), the purchase or redemption of such bonds of the authority, the payment of interest on such bonds of the authority or the payment of any redemption premium required to be paid when such bonds are redeemed prior to maturity. Moneys in such fund shall not be withdrawn therefrom at any time in such amount as would reduce

the amount of such fund to less than the amount which the authority shall determine to be reasonably necessary for the purposes of such reserve fund, except for the purpose of paying principal, sinking fund payments, if any, and interest on such bonds of the authority secured by such reserve fund maturing and becoming due for the payment of which other moneys of the authority are not available. Any income or interest earned by, or increment to, any such debt service reserve fund due to the investment thereof may be transferred to any other fund or account of the authority to the extent it does not reduce the amount of such debt service reserve fund below the amount which the authority shall determine to be reasonably necessary for the purposes of such reserve fund. Moneys in any debt service reserve fund not required for immediate use or disbursement may be invested in accordance with the provisions of subsection (6) of RCW 28B.17.050. In computing the amount of any debt service reserve fund for the purposes of this section, securities in which all or a portion of such reserve fund are invested shall be valued at par or, if purchased at other than par, at their amortized cost to the authority. If the authority shall create and establish one or more debt service reserve funds as herein provided, the authority shall not issue bonds at any time if the amount of any debt service reserve fund at the time of issuance thereof does not equal or exceed the amount which the authority shall determine to be reasonably necessary for the purposes of such reserve fund, unless the authority, at the time of issuance of such bonds, shall deposit in such reserve fund from the proceeds of the bonds to be issued, or otherwise, an amount which together with the amount then in such reserve fund, shall be not less than the amount which the authority shall determine to be reasonably necessary for the purposes of such reserve fund. The authority may create and establish such other reserve funds as it shall deem advisable and necessary. [1973 1st ex.s. c 120 § 8.]

Reviser's note: See notes following RCW 28B.17.010.

28B.17.090 REMEDIES OF BONDHOLDERS AND NOTEHOLDERS. (1) In the event that the authority shall default in the payment of principal or of interest on any issue of bonds or notes after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this chapter, or shall default in any agreement made with the holders of any issue of bonds or notes, the holders of twenty-five per centum in aggregate principal amount of the bonds or notes of such

issue then outstanding, by instrument or instruments filed in the office of the clerk of the county in which the principal office of the authority is located, and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds or notes for the purposes herein provided.

(2) Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of such issue of bonds or notes then outstanding shall, in his or its own name,

(a) enforce all rights of the bondholders or noteholders, including the right to require the authority to collect interest and principal payments on the loans held by it adequate to carry out any agreement as to, or pledge of, such interest and principal payments, and to require the authority to carry out any other agreements with the holders of such bonds or notes and to perform its duties under this chapter;

(b) bring suit upon such bonds or notes;

(c) by action or suit, require the authority to account as if it were the trustee of an express trust for the holders of such bonds or notes;

(d) by action or suit, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of such bonds or notes;

(e) declare all such bonds or notes due and payable and if all defaults shall be made good, then with the consent of the holders of twenty-five per centum of the principal amount of such issue of bonds or notes then outstanding, to annul such declaration and its consequences.

(3) Such trustee shall in addition to the foregoing have and possess all the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of bondholders or noteholders in the enforcement and protection of their rights.

(4) Before declaring the principal of bonds or notes due and payable, the trustee shall first give thirty days' notice in writing to the governor, to the authority, and to the attorney general of the state.

(5) The superior court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of bondholders or noteholders. The venue of any such suit, action, or proceeding shall be laid in the county in which the principal office of the authority is located. [1973 1st ex.s. c 120 § 9.]

28B.17.100 STATE AND MUNICIPALITIES NOT LIABLE ON BONDS AND NOTES. The bonds, notes and other obligations of the authority shall not be a debt of the state of Washington or of any municipality, and neither the state nor any municipality

shall be liable thereon, nor shall they be payable out of any funds other than those of the authority. [1973 1st ex.s. c 120 § 10.]

28B.17.110 AGREEMENT OF THE STATE. The state of Washington does hereby pledge to and agree with the holders of any bonds or notes issued under this chapter that the state will not limit or alter the rights hereby vested in the authority to fulfill the terms of any agreements made with the holders thereof, or in any way impair the rights and remedies of such holders until such bonds or notes together with the interest thereon, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of such holders, are fully met and discharged. The authority is authorized to include this pledge and agreement of the state in any agreement with the holders of such bonds or notes. [1973 1st ex.s. c 120 § 11.]

28B.17.120 BONDS AND NOTES AS LEGAL INVESTMENTS FOR PUBLIC OFFICERS AND FIDUCIARIES. The bonds and notes of the authority are hereby made securities in which all public officers and bodies of this state, including without limitation the state employees' retirement fund and the public school employees' retirement fund, and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bank and trust companies, trust companies, private banks, savings banks, savings and loan associations, building and loan associations, investment companies and other persons carrying on a banking business, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them. The bonds and notes are also hereby made securities which may be deposited with and may be received by all public officers and bodies of this state and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized. [1973 1st ex.s. c 120 § 12.]

28B.17.130 TAX EXEMPTION AND DEDUCTIONS. (1) It is hereby determined that the creation of the authority is in all respects for the benefit of the people of the state, for the improvement of their health and welfare, and for the promotion of the economy, and that said purposes are public purposes and the authority will be

performing an essential governmental function in the exercise of the powers conferred upon it by this chapter, and the state covenants with the purchasers and all subsequent holders and transferees of bonds and notes issued by the authority, in consideration of the acceptance of and payment for the bonds and notes, that the bonds and notes of the authority issued pursuant to this chapter and the income therefrom shall at all times be free from taxation, except for estate or gift taxes and taxes on transfers.

(2) The property of the authority and its income and operations shall be exempt from taxation and assessments of every kind and nature, other than assessments for local improvements. The authority shall not be required to pay any recording fee or transfer tax of any kind on account of instruments recorded by it or on its behalf.

(3) Notwithstanding the provisions of any general or special law or the provisions of any certificate of incorporation, charter or other articles of organization, all domestic corporations or associations organized for the purpose of carrying on business in the state and all persons are hereby authorized to make contributions to the authority and a sum equal to any such contribution may be deducted from any tax imposed by the provisions of Title 82 RCW. [1973 1st ex.s. c 120 § 13.]

28B.17.140 MONEYS OF THE AUTHORITY. (1) All moneys of the authority from whatever source derived, except as otherwise authorized or provided in this chapter, shall be paid to the treasurer of the authority and shall be deposited forthwith in a bank or banks in the state designated by the authority. The moneys in such accounts shall be withdrawn on the order of such person or persons as the authority may authorize. All deposits of such moneys shall, if required by the authority, be secured in such manner as the authority may determine. The state auditor and his legally authorized representatives are authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other records and papers relating to its financial standing; the authority shall not be required to pay a fee for any such examination.

(2) The authority shall have power to contract with holders of any of its bonds or notes as to the custody, collection, securing, investment, and payment of any moneys of the authority, of any moneys held in trust or otherwise for the payment of bonds or notes, and to carry out such contract. Moneys held in trust or otherwise for the payment of bonds or notes or in any way to secure bonds or notes and deposits of such moneys may be secured in

the same manner as moneys of the authority, and all banks and trust companies are authorized to give such security for such deposits.

(3) Subject to the provisions of any contract with bondholders or noteholders and to the approval of the state auditor, the authority shall prescribe a system of accounts.

(4) The authority shall submit to the governor, president pro tempore of the senate, speaker of the house of representatives, and the state auditor, within thirty days of the receipt thereof by the authority, a copy of the report of every external examination of the books and accounts of the authority other than copies of the reports of such examinations made by the state auditor. [1973 1st ex.s. c 120 § 14.]

**28B.17.150 LIMITATION OF LIABILITY.** Neither the members of the authority, nor any person or persons acting in its behalf, while acting within the scope of their authority, shall be subject to any personal liability resulting from carrying out any of the powers expressly given in this chapter. [1973 1st ex.s. c 120 § 15.]

**28B.17.160 ASSISTANCE BY STATE OFFICERS, DEPARTMENTS, BOARDS AND COMMISSIONS.**

(1) The commission, council, attorney general and state treasurer, and all other state agencies may render such services to the authority within their respective functions as may be requested by the authority.

(2) Upon request of the authority, any state agency is hereby authorized and empowered to transfer to the authority such officers and employees as it may deem necessary from time to time to assist the authority in carrying out its functions and duties under this chapter. Officers and employees so transferred shall not lose their civil service status or rights. [1973 1st ex.s. c 120 § 16.]

**28B.17.170 ANNUAL REPORT.** The authority shall submit to the governor, the president pro tempore of the senate, speaker of the house of representatives and the state auditor, within six months after the end of its fiscal year, a complete and detailed report setting forth: (1) Its operations and accomplishments; (2) its receipts and expenditures during such fiscal year in accordance with the categories or classifications established by the authority for its operating and capital outlay purposes, including a listing of all private consultants engaged by the authority on a contract basis and a statement of the total amount paid to each such private consultant; (3) its assets and liabilities at the end of its fiscal year and the

status of reserve, special or other funds; and (4) a schedule of its bonds and notes outstanding at the end of its fiscal year, together with a statement of the amounts redeemed and incurred during such fiscal year. [1973 1st ex.s. c 120 § 17.]

**28B.17.180 COURT PROCEEDINGS--PREFERENCES--VENUE.** Any action or proceeding to which the authority or the people of the state of Washington may be a party, in which any question arises as to the validity of this chapter, shall be preferred over all other civil causes in all courts of the state of Washington and shall be heard and determined in preference to all other civil business pending therein irrespective of position on the calendar. The same preference shall be granted upon application of counsel to the authority in any action or proceeding questioning the validity of this chapter in which he may be allowed to intervene. The venue of any such action or proceeding shall be laid in the county in which the principal office of the authority is located. [1973 1st ex.s. c 120 § 18.]

**28B.17.190 CORPORATE EXISTENCE.** The authority and its corporate existence shall continue until terminated by law: PROVIDED, That no such law shall take effect so long as the authority shall have bonds, notes and other obligations outstanding, unless adequate provision has been made for the payment thereof. Upon termination of the existence of the authority, all its rights and properties in excess of its obligations shall pass to and be vested in the state. [1973 1st ex.s. c 120 § 19.]

**28B.17.200 INCONSISTENT PROVISIONS OF OTHER LAWS SUPERSEDED.** Insofar as the provisions of this chapter are inconsistent with the provisions of any other law, general, special or local, the provisions of this chapter shall be controlling. [1973 1st ex.s. c 120 § 20.]

**28B.17.210 CONSTRUCTION.** This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed so as to effectuate its purposes. [1973 1st ex.s. c 120 § 21.]

Chapter 28B.19  
STATE HIGHER EDUCATION ADMINISTRATIVE PROCEDURES ACT

**28B.19.040 EMERGENCY RULE OR AMENDMENT.** If the institution of higher education finds that immediate adoption or amendment of a rule is necessary for the preservation of the public health, safety,



or general welfare, and the observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest, the institution may dispense with such requirements and adopt the rule or amendment as an emergency rule or amendment. The institution's finding and a brief statement of the reasons for its finding shall accompany the emergency rule or amendment as filed with the code reviser. An emergency rule or amendment shall not remain in effect for longer than ninety days.

Emergency rules shall become effective upon filing with the code reviser unless an effective date is specified in the rule. [1973 1st ex.s. c 46 § 4; 1971 ex.s. c 57 § 4.]

Severability—1973 1st ex.s. c 46: See note following RCW 28B.10.704.

28B.19.110 CONTESTED CASES—INFORMAL PROCEDURE—FORMAL HEARING, WHEN—REQUEST FOR—CONDUCT. (1) The informal procedures heretofore established or hereafter promulgated by rule by institutions of higher education for the disposition of contested cases, may be utilized by institutions, where authorized by the governing boards of the institutions.

(2) Any person who is charged with an offense potentially punishable by suspension, or termination of his relationship with the institution and (a) who elects to waive the opportunity for an informal hearing, or (b) who by his conduct in the judgment of the hearing officer or board makes it impossible to conduct an informal hearing, or (c) who deems himself aggrieved by the disposition of any contested case following an informal proceeding undertaken pursuant to subsection (1) above, may have charges against him adjudicated in a formal hearing pursuant to RCW 28B.19.120: PROVIDED, That any request for a formal hearing is directed to the president of the institution or his designee (i) within ten days after notification of the time and place of an informal hearing, or (ii) within five days after communication of the hearing officer or board chairman ruling that it is impossible to conduct an informal hearing for whatever reason, or (iii) within ten days after conclusion of the informal proceeding and notice of the final decision to the party charged with an offense.

(3) Formal procedures established or hereafter promulgated by rule by institutions of higher education for the disposition of contested cases may be utilized by such institutions where authorized by the governing board.

(4) Where a formal hearing is conducted following conclusion or termination of an informal hearing authorized by subsection (1) above, the formal hearing shall be conducted as if the informal hearing had

not commenced or taken place. [1973 1st ex.s. c 46 § 5; 1971 ex.s. c 57 § 11.]

Severability—1973 1st ex.s. c 46: See note following RCW 28B.10.704.

28B.19.120 CONTESTED CASES—INFORMAL PROCEDURES—FORMAL HEARINGS—NOTICE—CONDUCT—RECORD—SCOPE. (1) In any contested

case where informal procedures authorized by RCW 28B.19.110 (1) are not used and where the formal procedures are invoked because of necessity or request in accordance with RCW 28B.19.110 (2), or by institutional rule in accordance with RCW 28B.19.110 (3), as in section 6, chapter 46, Laws of 1973 1st ex. sess. amended, all parties shall be afforded an opportunity for hearing after not less than ten days' notice. The notice shall include:

(a) A statement of the time, place, and nature of the proceeding;

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular rules of the institution involved;

(d) A short and plain statement of the matters asserted. If the institution or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter upon request a more definite and detailed statement shall be furnished.

(2) Hearings may be held or conducted by any officer or committee authorized by the president of any institution of higher education. The hearing officer or committee shall determine whether the hearing shall be open to the educational community in which it takes place, or whether particular persons should be permitted in attendance or excluded from attendance.

(3) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved, and to examine and cross-examine witnesses.

(4) Statements, testimony, and all other evidence given at an informal proceeding authorized pursuant to RCW 28B.19.110 (1) shall be confidential and shall not be subject to discovery or released to anyone, including the officer or committee conducting a formal hearing or the parties involved, or used for impeachment purposes, without permission of the person who divulged the information.

(5) Unless precluded by law, informal disposition may also be made of any contested case by stipulation, agreed settlement, consent order, or default, or other established informal procedure.

(6) The record in a contested case shall include:

(a) All documents, motions, and intermediate rulings;

(b) Evidence received or considered;

(c) A statement of matters officially noticed;



(d) Questions and offers of proof, objections, and rulings thereon;

(e) Proposed findings and exceptions; and

(f) Any decision, opinion, or report by the officer or committee chairman presiding at the hearing.

(7) Oral proceedings shall be transcribed if necessary for the purposes of rehearing, or court review. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the costs thereof.

(8) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(9) Each institution shall adopt appropriate rules of procedure for notice and hearing informal contested cases.

(10) Institutions, or their authorized hearing officer or committee, may:

(a) Administer oaths and affirmations, examine witnesses, and receive evidence, and no person shall be compelled to divulge information which he could not be compelled to divulge in a court of law;

(b) Issue subpoenas;

(c) Take or cause depositions to be taken pursuant to rules promulgated by the institution, and no person shall be compelled to divulge information which he could not be compelled to divulge by deposition in connection with a court proceeding;

(d) Regulate the course of the hearing;

(e) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(f) Dispose of procedural requests or similar matters;

(g) Make decisions or proposals for decisions; and

(h) Take any other action authorized by rule consistent with this chapter. [1973 1st ex.s. c 46 § 6; 1971 ex.s. c 57 § 12.]

Reviser's note: Reference to section 6, chapter 46, Laws of 1973 1st ex. sess. in first paragraph is in apparent error and a result of amendment to House Bill 234 which struck section 3 of the bill but did not change internal reference in this section, section 6, to reflect deletion of section 3.

Severability—1973 1st ex.s. c 46: See note following RCW 28B.10.704.

Chapter 28B.20  
UNIVERSITY OF WASHINGTON

28B.20.100 REGENTS—APPOINTMENT—TERMS—VACANCIES—QUORUM. The government of the University of Washington shall be vested in a board of regents to consist of seven members who shall be appointed by the governor of the state, by and with the advice and consent of the senate, and who

shall hold their offices respectively for a term of six years from the second Monday in March next succeeding their appointment and until their successors shall be appointed and shall qualify by filing their oath with the secretary of state. Four members of said board shall constitute a quorum for the transaction of business. Whenever there shall be a vacancy in the said board of regents, from any cause whatever, it shall be the duty of the governor to fill such office by appointment for the unexpired term of the incumbent whose position has become vacant. [1973 c 62 § 7; 1969 ex.s. c 223 § 28B.20.100. Prior: 1909 c 97 p 239 § 3; RRS § 4554; prior: 1897 c 118 § 184; 1895 c 101 § 1; 1890 p 396 § 3. Formerly RCW 28.77.090, 28.77.100, part.]

Savings—Severability—1973 c 62: See notes following RCW 28B.10.200.

28B.20.394 ADDITIONAL POWERS OF REGENTS AS TO OLD UNIVERSITY GROUNDS—AGREEMENTS TO PAY CITY AND COUNTY FOR GOVERNMENTAL SERVICES. (EFFECTIVE UNTIL JANUARY 1, 1974.) In addition to the powers conferred upon the board of regents of the University of Washington by RCW 28B.20.392 and 28B.20.380, said board is authorized and shall have the power to enter into an agreement or agreements with the city of Seattle and the county of King, Washington, to pay to said city and said county such sums as shall be mutually agreed upon for governmental services rendered to said university tract, as defined in RCW 28B.20.390 which sums shall not exceed the amounts that would be received pursuant to limitations imposed by RCW 84.52.042 by the said city of Seattle and county of King respectively from real and personal property taxes paid on the university tract or any leaseholds thereon if such taxes could lawfully be levied; and any such sums so agreed upon shall be paid from the proceeds and other income from said tract as an item of expense of operation and upkeep thereof: PROVIDED, That in the event that it is determined by a court of final jurisdiction that the provisions of chapter 43, Laws of 1971 first ex. sess., insofar as they affect taxes due and payable in 1972 and 1973 by any lessee of the university tract, are held unconstitutional, the sums paid pursuant to this section in such years shall be refunded in accordance with the provisions of chapter 84.69 RCW; and any provision of RCW 28B.20.392 in conflict herewith is superseded. [1973 1st ex.s. c 195 § 140; 1972 ex.s. c 107 § 1; 1969 ex.s. c 223 § 28B.20.394. Prior: 1955 c 229 § 1. Formerly RCW 28.77.361.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

28B.20.394 ADDITIONAL POWERS OF REGENTS AS TO OLD UNIVERSITY GROUNDS--AGREEMENTS TO PAY CITY AND COUNTY FOR GOVERNMENTAL SERVICES. (AMENDMENT EFFECTIVE JANUARY 1, 1974.) In addition to the powers conferred upon the board of regents of the University of Washington by RCW 28B.20.392 and 28B.20.380, said board is authorized and shall have the power to enter into an agreement or agreements with the city of Seattle and the county of King, Washington, to pay to said city and said county such sums as shall be mutually agreed upon for governmental services rendered to said university tract, as defined in RCW 28B.20.390 which sums shall not exceed the amounts that would be received pursuant to limitations imposed by RCW 84.52.043 by the said city of Seattle and county of King respectively from real and personal property taxes paid on the university tract or any leaseholds thereon if such taxes could lawfully be levied; and any such sums so agreed upon shall be paid from the proceeds and other income from said tract as an item of expense of operation and upkeep thereof: PROVIDED, That in the event that it is determined by a court of final jurisdiction that the provisions of chapter 43, Laws of 1971 first ex. sess., insofar as they affect taxes due and payable in 1972 and 1973 by any lessee of the university tract, are held unconstitutional, the sums paid pursuant to this section in such years shall be refunded in accordance with the provisions of chapter 84.69 RCW; and any provision of RCW 28B.20.392 in conflict herewith is superseded. [1973 1st ex.s. c 195 § 10; 1972 ex.s. c 107 § 1; 1969 ex.s. c 223 § 28B.20.394. Prior: 1955 c 229 § 1. Formerly RCW 28.77.361.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

28B.20.412 CHILDREN'S CENTER FOR RESEARCH AND TRAINING IN MENTAL RETARDATION--ADMINISTRATION--ADVISORY COMMITTEE. The center shall be administered by the board of regents of the University of Washington with the assistance of a non-salaried advisory committee consisting of the dean of the school of medicine of the University of Washington; the assistant secretaries for the divisions of health services, social services, service delivery, and vocational rehabilitation services of the department of social and health services; the superintendent of public instruction; and three other members approved by the president of the University of Washington. [1973 c 62 § 8; 1969 ex.s. c 223 § 28B.20.412. Prior: 1963 c 193 § 2. Formerly RCW 28.77.432.]

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.20.456 OCCUPATIONAL AND ENVIRONMENTAL RESEARCH FACILITY--ADVISORY COMMITTEE. There is hereby created an advisory committee to the environmental research facility consisting of eight members. Membership on the committee shall consist of the director of the department of labor and industries, the assistant secretary for the division of health services of the department of social and health services, the president of the Washington state labor council, the president of the association of Washington business, the dean of the school of public health and community medicine of the University of Washington, the dean of the school of engineering of the University of Washington, the president of the Washington state medical association, or their representatives, and the chairman of the department of environmental health of the University of Washington, who shall be ex officio chairman of the committee without vote. Such committee shall meet at least semiannually 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. [1973 c 62 § 9; 1969 ex.s. c 223 § 28B.20.456. Prior: 1963 c 151 § 4. Formerly RCW 28.77.416.]

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

Chapter 28B.30  
WASHINGTON STATE UNIVERSITY

28B.30.100 REGENTS--APPOINTMENT--TERMS--BOND. The seven members of the board of regents of Washington State University shall be appointed by the governor, by and with the consent of the senate: PROVIDED, That all appointments made to fill vacancies caused by death, resignation or otherwise, shall be for the unexpired term of the incumbent whose place shall have become vacant. Except as otherwise in this section provided, all appointments shall be for the term of six years and until the appointment and qualification by filing his oath with the secretary of state of a successor to each appointee.

Each regent shall, before entering upon the discharge of his respective duties as such, execute a good and sufficient bond to the state of Washington, with two or more sufficient sureties, residents of the state, or with a surety company licensed to do business within the state, in the penal sum of not less than five thousand dollars, conditioned for the faithful performance of his duties as such regent: PROVIDED, That the university shall pay

any fees incurred for any such bonds for their board members. [1973 c 62 § 10; 1969 ex.s. c 223 § 28B.30.100. Prior: 1949 c 115 § 1, part; 1909 c 97 p 245 § 5, part; Rem. Supp. 1949 § 4576, part; prior: 1897 c 118 § 194, part; 1891 c 145 § 4, part. Formerly RCW 28.80.070, part, 28.80.080, part and 28.80.130, part.]

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.30.150 REGENTS--GENERAL POWERS AND DUTIES. The regents of Washington State University, in addition to other duties prescribed by law, shall:

(1) Have full control of the university and its property of various kinds.

(2) Employ the president of the university, his assistants, members of the faculty, and employees of the university, who, except as otherwise provided by law, shall hold their positions during the pleasure of said board of regents.

(3) Establish entrance requirements for students seeking admission to the university. Completion of examinations satisfactory to the university may be a prerequisite for entrance by any applicant, at the university's discretion. Evidence of completion of public high schools and other educational institutions whose courses of study meet the approval of the university may be acceptable for entrance.

(4) Establish such colleges, schools or departments necessary to carry out the purpose of the university and not otherwise proscribed by law.

(5) With the assistance of the faculty of the university, prescribe the courses of instruction in the various colleges, schools and departments of the institution and publish the necessary catalogues thereof.

(6) Collect such information as the board deems desirable as to the schemes of technical instruction adopted in other parts of the United States and foreign countries.

(7) Provide for holding agricultural institutes including farm marketing forums.

(8) Provide that instruction given in the university, as far as practicable, be conveyed by means of laboratory work and provide in connection with the university one or more physical, chemical, and biological laboratories, and suitably furnish and equip the same.

(9) Provide training in military tactics for those students electing to participate therein.

(10) Establish a department of elementary science and in connection therewith provide instruction in elementary mathematics, including elementary trigonometry, elementary mechanics, elementary and mechanical drawing and land surveying.

(11) Establish a department of agriculture and in connection therewith provide

instruction in physics with special application of its principles to agriculture, chemistry with special application of its principles to agriculture, morphology and physiology of plants with special reference to common grown crops and fungus enemies, morphology and physiology of the lower forms of animal life, with special reference to insect pests, morphology and physiology of the higher forms of animal life and in particular of the horse, cow, sheep and swine, agriculture with special reference to the breeding and feeding of livestock and the best mode of cultivation of farm produce, and mining and metallurgy, appointing demonstrators in each of these subjects to superintend the equipment of a laboratory and to give practical instruction therein.

(12) Establish agricultural experiment stations in connection with the department of agriculture, including at least one in the western portion of the state, and appoint the officers and prescribe regulations for their management.

(13) Grant to students such certificates or degrees, as recommended for such students by the faculty.

(14) Confer honorary degrees upon persons other than graduates of the university in recognition of their learning or devotion to literature, art or science when recommended thereto by the faculty: PROVIDED, That no degree shall ever be conferred in consideration of the payment of money or the giving of property of whatsoever kind.

(15) Adopt plans and specifications for university buildings and facilities or improvements thereto and employ skilled architects and engineers to prepare such plans and specifications and supervise the construction of buildings or facilities which the board is authorized to erect, and fix the compensation for such services. The board shall enter into contracts with one or more contractors for such suitable buildings, facilities or improvements as the available funds will warrant, upon the most advantageous terms offered at a public competitive letting, pursuant to public notice under regulations established by the board. The board shall require of all persons with whom they contract for construction and improvements a good and sufficient bond for the faithful performance of the work and full protection against all liens.

(16) Except as otherwise provided by law, direct the disposition of all money appropriated to or belonging to the state university.

(17) Receive and expend the money appropriated under the act of congress approved May 8, 1914, entitled "An Act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and Acts supplemental thereto and the United States Department of Agriculture" and organize and

conduct agricultural extension work in connection with the state university in accordance with the terms and conditions expressed in the acts of congress.

(18) Except as otherwise provided by law, to enter into such contracts as the regents deem essential to university purposes.

(19) Acquire by lease, gift, or otherwise, lands necessary to further the work of the university or for experimental or demonstrational purposes.

(20) Establish and maintain at least one agricultural experiment station in an irrigation district to conduct investigational work upon the principles and practices of irrigational agriculture including the utilization of water and its relation to soil types, crops, climatic conditions, ditch and drain construction, fertility investigations, plant disease, insect pests, marketing, farm management, utilization of fruit byproducts and general development of agriculture under irrigation conditions.

(21) Supervise and control the agricultural experiment station at Puyallup.

(22) Establish and maintain at Wenatchee an agricultural experiment substation for the purpose of conducting investigational work upon the principles and practices of orchard culture, spraying, fertilization, pollenization, new fruit varieties, fruit diseases and pests, byproducts, marketing, management and general horticultural problems.

(23) Accept such gifts, grants, conveyances, devises and bequests, whether real or personal property, in trust or otherwise, for the use or benefit of the university, its colleges, schools or departments; and sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof except as limited by the terms of said gifts, grants, conveyances, bequests and devises; adopt proper rules to govern and protect the receipt and expenditure of the proceeds of all fees, and the proceeds, rents, profits and income of all gifts, grants, conveyances, bequests and devises, and make full report thereof in a biennial report to the governor and members of the legislature.

(24) Construct when the board so determines a new foundry and a mining, physical, technological building and fabrication shop at the university, or add to the present foundry and other buildings, in order that both instruction and research be expanded to include permanent molding and die casting with a section for new fabricating techniques, especially for light metals, including magnesium and aluminum; purchase equipment for the shops and laboratories in mechanical, electrical, and civil engineering; establish a pilot plant for the extraction of alumina from native clays and other possible light metal research; purchase equipment for a research laboratory for technological research generally; and purchase equipment

for research in electronics, instrumentation, energy sources, plastics, food technology, mechanics of materials, hydraulics and similar fields.

(25) Make and transmit to the governor and members of the legislature a printed report prior to the first day of January preceding each regular session of the legislature, including information on all receipts and disbursements of university moneys, an estimate of the needs of the institution, and such additional information as will be helpful to the state authorities in providing for the institution. [1973 1st ex.s. c 154 § 47; 1969 ex.s. c 223 § 28B.30.150. Prior: 1953 c 101 § 1, amending (i) 1909 c 97 p 244 § 4; 1897 c 118 § 193; 1890 p 263 § 8; RRS § 4575. (ii) 1949 c 115 § 1, part; 1909 c 97 p 245 § 5, part; 1897 c 118 § 194; 1891 c 145 § 4; Rem. Supp. 1949 § 4576, part. (iii) 1909 c 97 p 249 § 19; 1897 c 118 § 208; 1895 c 146 § 1; RRS § 4599. (iv) 1909 c 97 p 247 § 8; 1897 c 118 § 197; 1891 c 145 § 8; RRS § 4579. (v) 1909 c 97 p 247 § 9; 1897 c 118 § 198; 1891 c 145 § 9; RRS § 4580. (vi) 1915 c 125 § 1; RRS § 4583. (vii) 1909 c 97 p 250 § 20; 1897 c 118 § 209; 1891 c 145 § 17; RRS § 4600. (viii) 1909 c 97 p 250 § 21; 1897 c 118 § 210; 1891 c 145 § 18; RRS § 4601. (ix) 1909 c 228 § 1; RRS § 4588. (x) 1917 c 101 § 1; RRS § 4589. (xi) 1917 c 101 § 2; RRS § 4590. (xii) 1909 c 97 p 249 § 15; 1897 c 118 § 204; 1891 c 145 § 16; RRS § 4595. (xiii) 1909 c 97 p 244 § 3, part; 1897 c 118 § 192; 1891 c 145 § 3; RRS § 4574, part. (xiv) 1899 c 107 § 1; RRS § 4603. (xv) 1899 c 82 § 1; RRS § 4587. (xvi) 1937 c 25 § 1; RRS § 4579-1. (xvii) 1937 c 25 § 2; RRS § 4579-2. Formerly RCW 28.80.130. (ii) 1961 c 25 § 1. Formerly RCW 28.80.135.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 28B.40  
STATE COLLEGES

28B.40.100 TRUSTEES—APPOINTMENT AND TERM. The government of each of the state colleges shall be vested in a board of trustees consisting of five members. They shall be appointed by the governor with the consent of the senate and shall hold their offices for a term of six years from the second Monday in March next succeeding their appointment and until their successors are appointed and qualified. In case of a vacancy the governor shall fill the vacancy for the unexpired term of the trustee whose office has become vacant.

No more than the terms of two members will expire simultaneously on the second Monday of March in any one year. [1973 c 62 § 11; 1969 ex.s. c 223 § 28B.40.100. Prior: 1967 ex.s. c 5 § 2; 1957 c 147 § 3; prior: (i) 1909 c 97 p 251 § 1, part; 1897 c 118 § 212; 1893 c 107 § 1; RRS §

4604, part. (ii) 1909 c 97 p 251 § 2; 1897 c 118 § 213; 1893 c 107 § 2; RRS § 4605. Formerly RCW 28.81.020.]

Savings—Severability—1973 c 62: See notes following RCW 28B.10.200.

28B.40.361 EXEMPTION OF CERTAIN VETERANS FROM PAYMENT OF FEES. The boards of trustees may exempt from the payment of general tuition, operating fees, or services and activities fees, except for individual instruction fees, all veterans who served in the armed forces of the United States who have served the United States during any period of war as defined in RCW 41.04.005 and who shall have served with evidence of conduct other than undesirable, bad conduct or dishonorable upon release from active service: PROVIDED, That such person is no longer entitled to federal vocational or educational benefits conferred by virtue of his military service, and all children after the age of nineteen years of any law enforcement officer or fire fighter who lost his life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state. [1973 1st ex.s. c 191 § 3; 1971 ex.s. c 279 § 16; 1969 ex.s. c 269 § 9. Cf. 1969 ex.s. c 269 § 5. Formerly RCW 28.81.084.]

Effective date—1973 1st ex.s. c 191: See note following RCW 28B.15.380.

Cross Reference:

"Totally disabled" defined for certain purposes: RCW 28B.15.385.

#### Chapter 28B.50

#### COMMUNITY COLLEGE ACT OF 1967 (And Community Colleges Generally)

Cross Reference:

Community education programs: RCW 28A.58.247.

28B.50.030 DEFINITIONS. As used in this chapter, unless the context requires otherwise, the term:

- (1) "System" shall mean the state system of community colleges, which shall be a system of higher education;
- (2) "College board" shall mean the state board for community college education created by this chapter;
- (3) "Director" shall mean the administrative director for the state system of community colleges;
- (4) "District" shall mean any one of the community college districts created by this chapter;
- (5) "Board of trustees" shall mean the local community college board of trustees established for each community college district within the state;

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

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

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

(9) "Common school board" shall mean a public school district board of directors;

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

(11) "Adult education" shall mean all education or instruction, including academic, vocational education or training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate: PROVIDED, That "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate: PROVIDED, FURTHER, That "adult education" shall not include education or instruction provided by any four year public institution of higher education: AND PROVIDED FURTHER, That adult education shall not include education or instruction provided by a vocational-technical institute. [1973 c 62 § 12; 1969 ex.s. c 261 § 18; 1969 ex.s. c 223 § 28B.50.030. Prior: 1967 ex.s. c 8 § 3. Like section formerly RCW 28.85.030.]

Savings—Severability—1973 c 62: See notes following RCW 28B.10.200.

28B.50.040 COMMUNITY COLLEGE DISTRICTS ENUMERATED. The state of Washington is hereby divided into twenty-two community college districts as follows:

- (1) The first district shall encompass the counties of Clallam and Jefferson;
- (2) The second district shall encompass the counties of Grays Harbor and Pacific;
- (3) The third district shall encompass the counties of Kitsap and Mason;
- (4) The fourth district shall encompass the counties of San Juan, Skagit and Island;
- (5) The fifth district shall encompass Snohomish county except for the Northshore common school district;
- (6) The sixth district shall encompass the present boundaries of the common school districts of Seattle and Vashon Island, King county;
- (7) The seventh district shall encompass the present boundaries of the common school districts of Shoreline in King

county and Northshore in King and Snohomish counties;

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

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

(10) The tenth district shall encompass the present boundaries of the common school districts of Auburn, Black Diamond, Renton, Enumclaw, Kent, Lester and Tahoma, King county, and the King county portion of Puyallup common school district No. 3;

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

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

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

(14) The fourteenth district shall encompass the counties of Clark, Skamania and that portion of Klickitat county not included in the sixteenth district;

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

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

(17) The seventeenth district shall encompass the counties of Ferry, Lincoln (except consolidated school district 105-157-166J and the Lincoln county portion of common school district 167-202), Pend Oreille, Spokane, Stevens and Whitman;

(18) The eighteenth district shall encompass the counties of Adams and Grant, and that portion of Lincoln county comprising consolidated school district 105-157-166J and common school district 167-202;

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

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

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

(22) The twenty-second district shall encompass the present boundaries of the common school districts of Tacoma and Peninsula, Pierce county. [1973 1st ex.s. c 46 § 7; 1969 ex.s. c 223 § 28B.50.040. Prior: 1967 ex.s. c 8 § 4. Formerly RCW 28.85.040.]

Severability--1973 1st ex.s. c 46: See note following RCW 28B.10.704.

28B.50.050 STATE BOARD FOR COMMUNITY COLLEGE EDUCATION--CREATED--MEMBERS--APPOINTMENT--TERMS--QUALIFICATIONS--PER DIEM AND MILEAGE--REMOVAL. There is hereby created the "state board for community college education", to consist of seven members, one from each congressional district, who shall be appointed by the governor, with the consent of the senate. The successors of the members initially appointed shall be appointed for terms of four years except that any persons appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. All members shall be citizens and bona fide residents of the state. No member of the college board shall be, during his term of office, also a member of the state board of education, a member of a K-12 board, a member of the governing board of any public or private educational institution, a member of a community college board of trustees, or an employee of any of the above boards, or have any direct pecuniary interest in education within this state.

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

The members of the college board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by RCW 28B.10.500. [1973 c 62 § 13; 1969 ex.s. c 261 § 19; 1969 ex.s. c 223 § 28B.50.050. Prior: 1967 ex.s. c 8 § 5. Like section formerly RCW 28.85.050.]

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.50.060 DIRECTOR OF THE STATE SYSTEM OF COMMUNITY COLLEGES--APPOINTMENT--TERM--QUALIFICATIONS--SALARY AND EXPENSES--DUTIES. A director of the state system of community colleges shall be appointed by the college board and shall serve at the pleasure of the college board. He shall be appointed with due regard to his fitness and background in education, by his knowledge of and recent practical experience in the field of educational administration particularly in institutions beyond the high school level. The college board may also take into consideration an applicant's proven management background even though not particularly in the field of education.

The director shall devote his time to the duties of his office and shall not have any direct pecuniary interest in or any stock or bonds of any business connected with or selling supplies to the field of education within this state, in

keeping with chapter 42.18 RCW, the executive conflict of interest act.

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

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

The director shall, with the approval of the college board: (1) Employ necessary assistant directors of major staff divisions who shall serve at his pleasure on such terms and conditions as he determines, and (2) subject to the provisions of chapter 28B.16 RCW, the higher education personnel law, the director shall, with the approval of the college board, appoint and employ such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the college board and for whose services funds have been appropriated.

The board may, by written order filed in its office, delegate to the director any of the powers and duties vested in or imposed upon it by this chapter. Such delegated powers and duties may be exercised by the director in the name of the college board. [1973 1st ex.s. c 46 § 8; 1973 c 62 § 14; 1969 ex.s. c 261 § 20; 1969 ex.s. c 223 § 28B.50.060. Prior: 1967 ex.s. c 8 § 6. Like section formerly RCW 28.85.060.]

Severability--1973 1st ex.s. c 46: See note following RCW 28B.10.704.

28B.50.070 STATE BOARD FOR COMMUNITY COLLEGE EDUCATION--ORGANIZATION--MEETINGS--QUORUM--ANNUAL REPORT--FISCAL YEAR. The governor shall, within thirty days after April 3, 1967, make the appointments to the college board.

The college board shall, within thirty days after its appointment, organize, adopt a seal, and adopt bylaws for its administration, not inconsistent herewith, as it may deem expedient and may from time to time amend such bylaws. At such organizational meeting it shall elect from

among its members a chairman and a vice chairman, each to serve for one year, and annually thereafter shall elect such officers; all to serve until their successors are appointed and qualified. The college board shall at its initial meeting fix a date and place for its regular meeting. Four members shall constitute a quorum, and no meeting shall be held with less than a quorum present, and no action shall be taken by less than a majority of the college board.

Special meetings may be called as provided by its rules and regulations. Regular meetings shall be held at the college board's established offices in Olympia, but whenever the convenience of the public or of the parties may be promoted, or delay or expenses may be prevented, it may hold its meetings, hearings or proceedings at any other place designated by it. The college board shall transmit a report in writing to the governor before December 1st of each year which report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and all expenditures made by or on behalf of the college board, such other information as it may deem necessary or useful and any other additional information which may be requested by the governor. The fiscal year of the college board shall conform to the fiscal year of the state. [1973 c 62 § 15; 1969 ex.s. c 223 § 28B.50.070. Prior: 1967 ex.s. c 8 § 7. Formerly RCW 28.85.070.]

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.50.090 COLLEGE BOARD--POWERS AND DUTIES GENERALLY. The college board shall have general supervision and control over the state system of community colleges. In addition to the other powers and duties imposed upon the college board by this chapter, the college board shall be charged with the following powers, duties and responsibilities:

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

(2) Establish guidelines for the disbursement of funds; and receive and disburse such funds for adult education and maintenance and operation and capital support of the community college districts in conformance with the state and district budgets, and in conformance with chapter 43.88 RCW;

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



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

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

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

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

(6) Establish criteria and procedures for modifying district boundary lines consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended and in accordance therewith make such changes as it deems advisable;

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

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

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

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

(d) standard admission policies.

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

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

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

(11) Authorize the various community colleges to offer programs and courses in other districts when it determines that such action is consistent with the purposes set forth in RCW 28B.50.020 as now or hereafter amended;

(12) Notwithstanding any other law or statute regarding the sale of state property, sell or exchange and convey any or all interest in any community college real and personal property when it determines that such property is surplus or that such a sale or exchange is in the best interests of the community college system.

The college board shall have the power of eminent domain. [1973 c 62 § 16; 1969 ex.s. c 261 § 21; 1969 ex.s. c 223 § 28B.50.090. Prior: 1967 ex.s. c 8 § 9. Like section formerly RCW 28.85.090.]

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.50.092 COLLEGE BOARD--PROGRAM FOR MILITARY PERSONNEL--RESTRICTIONS AS TO HIGH SCHOOL COMPLETION PROGRAM. The state board for community college education may authorize any community college board of trustees to do all things necessary to conduct an education, training, and service program authorized by chapter 28B.50 RCW, as now or hereafter amended, for United States military personnel at any geographical location: PROVIDED, That any high school completion program conducted pursuant to this section shall comply with standards set forth in rules and regulations promulgated by the superintendent of public instruction and the state board of education: AND PROVIDED FURTHER, That the superintendent of public instruction shall issue the certificate or diploma in recognition of high school completion education provided pursuant to this section. [1973 c 105 § 1.]

28B.50.093 COLLEGE BOARD--PROGRAM FOR MILITARY PERSONNEL--LIMITATION. Prior to the state board granting authorization for any programs authorized under RCW 28B.50.092, the state board shall determine that such authorization will not deter from the primary functions of the community college system within the state of Washington as prescribed by chapter 28B.50 RCW. [1973 c 105 § 2.]

28B.50.094 COLLEGE BOARD--PROGRAM FOR MILITARY PERSONNEL--COSTS OF FUNDING. The costs of funding programs authorized by RCW 28B.50.092 through 28B.50.094 shall ultimately be borne by grants or fees derived from nonstate treasury sources. [1973 c 105 § 3.]

28B.50.095 COLLEGE BOARD--REGISTRATION AT MORE THAN ONE COMMUNITY COLLEGE, RULES FOR. In addition to other powers and duties, the college board may issue rules and regulations permitting a student to register at more than one community college, provided that such student shall pay tuition and fees as if he were registered at a single college, but not to exceed tuition and fees charged a full-time student as established by RCW 28B.15.500. [1973 c 129 § 1.]

28B.50.100 COMMUNITY COLLEGE BOARDS OF TRUSTEES--CREATED--MEMBERS--APPOINTMENT--TERMS--QUALIFICATIONS--RESTRICTIONS ON OTHER SERVICE--CHAIRMAN, ELECTION OF--SEAL--BYLAWS, RULES AND REGULATIONS--QUORUM--SECRETARY. There is hereby created a community college board of trustees for each community college district as set forth in this chapter. Each community college board of trustees shall be composed of five trustees, who shall be appointed by the governor. In making such appointments the governor shall give consideration to geographical exigencies, and the interests of labor, industry, agriculture, the professions and ethnic groups.

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

Every trustee shall be a resident and qualified elector of his community college district. No trustee may be an employee of the community college system, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution, or an elected officer or member of the legislative authority of any municipal corporation.

Each board of trustees shall organize itself by electing a chairman from its members. The board shall adopt a seal and may adopt such bylaws, rules and regulations as it deems necessary for its own government. Three members of the board shall constitute a quorum, but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner as prescribed in its bylaws, rules, or regulations. The district president, or if there be none, the president of the community college, shall serve as, or may designate another person to serve as, the secretary of the board, who shall not be deemed to be a member of the board. [1973 c 62 § 17; 1969 ex.s. c 261 § 22; 1969 ex.s. c 223 § 28B.50.100. Prior: 1967 ex.s. c 8 § 10. Like section formerly RCW 28.85.100.]

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.50.130 COMMUNITY COLLEGE BOARDS OF TRUSTEES--ORGANIZATION--BYLAWS, RULES AND REGULATIONS--CHAIRMAN, VICE CHAIRMAN, ELECTION AND TERM--SECRETARY--QUORUM--ANNUAL REPORT--FISCAL YEAR. Within thirty days of their appointment or July 1, 1967, whichever is sooner, the various district boards of trustees shall organize, adopt bylaws for its own government, and make such rules and regulations not inconsistent with this chapter as they deem necessary. At such organizational meeting it shall elect from among its members a chairman and a vice chairman, each to serve for one year, and annually thereafter shall elect such officers to serve until their successors are appointed or qualified. The chief executive officer of the community college district, or his designee, shall serve as secretary of the board. Three trustees shall constitute a quorum, and no action shall be taken by less than a majority of the trustees of the board. The district boards shall transmit a report in writing to the college board before October 1st of each year which report shall contain a summary of its proceedings during the preceding fiscal year, a detailed and itemized statement of all revenue and all expenditures made by or on behalf of the district boards, such other information as it may deem necessary or useful, and any other additional information which may be requested by the college board. The fiscal year of the district boards shall conform to the fiscal year of the state. [1973 c 62 § 18; 1969 ex.s. c 223 § 28B.50.130. Prior: 1967 ex.s. c 8 § 13. Formerly RCW 28.85.130.]

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.50.140 COMMUNITY COLLEGE BOARDS OF TRUSTEES--POWERS AND DUTIES. Each community college board of trustees:

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

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

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

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

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

(6) May, with the approval of the college board, borrow money and issue and sell revenue bonds or other evidences of indebtedness for the construction, reconstruction, erection, equipping with permanent fixtures, demolition and major alteration of buildings or other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances, for dormitories, food service facilities, and other self-supporting facilities connected with the operation of the community college in accordance with the provisions of RCW 28B.10.300 through 28B.10.330 where applicable;

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

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

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

(8) May receive such gifts, grants, conveyances, devises and bequests of real or personal property from private sources, as may be made from time to time, in trust

or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law and the regulations of the state college board; sell, lease or exchange, invest or expend the same or the proceeds, rents, profits and income thereof according to the terms and conditions thereof; and adopt regulations to govern the receipt and expenditure of the proceeds, rents, profits and income thereof;

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

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

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

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

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

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

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

(16) Shall be authorized to pay dues to any association of trustees that may be formed by the various boards of trustees; and

(17) Shall perform any other duties and responsibilities imposed by law or rule and regulation of the state board. [1973 c 62 § 19; 1970 ex.s. c 15 § 17. Prior: 1969 ex.s. c 283 § 30; 1969 ex.s. c 261 § 23; 1969 ex.s. c 223 § 28B.50.140; prior: 1967 ex.s. c 8 § 14. Like section formerly RCW 28.85.140.]

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.50.170 COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION--MEMBERS--APPOINTMENT--TERMS--QUALIFICATIONS AND RESTRICTIONS AS TO GOVERNOR'S APPOINTEES--PER DIEM AND MILEAGE. The coordinating council for occupational education shall consist of nine voting members. Three of the members shall be selected by the state board of education from its membership; and they shall serve at the pleasure of the state board of education. Three members shall be selected by the community college state board from its membership; and they shall serve at the pleasure of the state board for community college education. Three members shall be appointed by the governor, one of whom shall represent the field of labor, and one of whom shall represent the field of management, both of whom shall have had recent actual experience in or association with the fields of management and labor within the state to assure their familiarity with the vocational education needs of management and labor within the state. The governor's appointees shall serve at his pleasure. No member appointed by the governor shall, during the time he serves on the council, be a member of any other education board, state or local. The superintendent of public instruction and the director of the state system of community colleges or their designees shall serve as nonvoting members of the council.

The coordinating council shall review each program and program expenditure of the director of vocational education prior to commitment of same.

No voting member of the council shall receive any salary for his services, but shall receive the sum of twenty-five dollars per diem for each day actually spent in attending to his duties as a member of the council, and mileage at the rate of ten cents per mile. [1973 c 62 § 20; 1969 ex.s. c 283 § 28; 1969 ex.s. c 223 § 28B.50.170. Prior: 1967 ex.s. c 8 § 17. Like section formerly RCW 28.85.170.]

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.50.200 COORDINATING COUNCIL FOR OCCUPATIONAL EDUCATION--DIRECTOR OF VOCATIONAL EDUCATION--APPOINTMENT--TERM--QUALIFICATIONS--DUTIES--SALARY AND EXPENSES.

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

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

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

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

The director shall, subject to the approval of the coordinating council, pursuant to chapter 41.06 RCW, the state civil service law, appoint such field and office assistants, clerks and other employees as may be required and authorized for the proper discharge of the functions of the coordinating council.

The coordinating council may, by written order filed in its office, delegate to the director any of the powers and duties relating to vocational education vested in or imposed upon it by this chapter and the federal vocational education acts. Such delegated powers and duties may be exercised by the director in the name of the council. The coordinating council shall have the power to cooperate with all agencies of government, local, state, and federal, in the promulgation and conducting of public service training with particular reference to fire training and law enforcement training. [1973 c 62 § 21; 1969 ex.s. c 223 § 28B.50.200. Prior:

1967 ex.s. c 8 § 20. Formerly RCW 28.85.200.]

Savings—Severability—1973 c 62: See notes following RCW 28B.10.200.

28B.50.250 ADULT EDUCATION PROGRAMS IN COMMON SCHOOL DISTRICTS, LIMITATIONS—CERTAIN FEDERAL PROGRAMS, ADMINISTRATION.

Cross Reference:

Community education programs: RCW 28A.58.247.

28B.50.530 AGREEMENTS FOR USE OF SERVICES OR FACILITIES BETWEEN DISTRICT BOARDS OF TRUSTEES AND SCHOOL BOARDS.

Cross Reference:

Community education programs: RCW 28A.58.247.

28B.50.551 LEAVE PROVISIONS GENERALLY.

The board of trustees of each community college district shall adopt for each community college under its jurisdiction written policies on granting leaves to employees of the district and those colleges, including but not limited to leaves for attendance at official or private institutions and conferences, sabbatical leaves for academic personnel, leaves for illness, injury, bereavement and emergencies, with such compensation as the board of trustees may prescribe, except that the board shall grant to all such persons leave with full compensation for illness, injury, bereavement and emergencies as follows:

(1) For persons under contract to be employed, or otherwise employed, for at least three quarters, at least fifteen days, commencing with the first day on which work is to be performed;

(2) Such leave entitlement may be accumulated after the first three-quarter period of employment at a minimum rate of five days per quarter for full time employees up to a maximum of one hundred eighty days, and may be taken at any time;

(3) Leave for illness, injury, bereavement and emergencies heretofore accumulated pursuant to law, rule, regulation or policy by persons presently employed by community college districts and community colleges shall be added to such leave accumulated under this section;

(4) Except as otherwise provided in this section or other law, accumulated leave under this section not taken at the time such person retires or ceases to be employed by community college districts or community colleges shall not be compensable;

(5) Accumulated leave for illness, injury, bereavement and emergencies under this section shall be transferred from one community college district or community college to another, to the state board for

community college education, to the state superintendent of public instruction, to any intermediate school district, to any school district, or to any other institutions of higher learning of the state; and

(6) Leave accumulated by a person in a community college district or community college prior to leaving that district or college may, under the policy of the board of trustees, be granted to such person when he returns to the employment of that district or college. [1973 c 62 § 22; 1969 ex.s. c 283 § 7. Formerly RCW 28.85.551.]

Savings—Severability—1973 c 62: See notes following RCW 28B.10.200.

28B.50.560 HEALTH CARE SERVICE CONTRACTS OR HOSPITALIZATION CONTRACTS TO CONTINUE FOR FACULTY AND NONACADEMIC PERSONNEL—PREMIUM PAYMENTS—FUTURE CONTRACTS. [1969 ex.s. c 223 § 28B.50.560. Prior: 1967 ex.s. c 8 § 56. Formerly RCW 28.85.560.] Repealed by 1973 1st ex.s. c 46 § 10, effective June 30, 1974.

28B.50.570 PENSION PLANS TO CONTINUE FOR FACULTY AND NONACADEMIC PERSONNEL—PAYMENTS FOR—OPTION FOR NEW FACULTY.

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

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

(2) Faculty hired by the college district boards after April 3, 1967, who are members of a teachers' pension plan in operation in the state of Washington or who are members of a nation-wide teachers' pension plan, may continue to retain membership in such plan if they so elect and if the election is not inconsistent with the regulations of such retirement plan.

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

pension plan he has elected to continue and the college district boards shall pay to the pension plan any amounts required to be paid under the provisions of such plan by the employer and the employee. [1973 c 62 § 23; 1969 ex.s. c 223 § 28B.50.570. Prior: 1967 ex.s. c 8 § 57. Formerly RCW 28.85.570.]

Savings—Severability—1973 c 62: See notes following RCW 28B.10.200.

28B.50.570 PENSION PLANS TO CONTINUE FOR FACULTY AND NONACADEMIC PERSONNEL—PAYMENTS FOR—OPTION FOR NEW FACULTY—STUDY REPORT FOR PENSION PLANS FOR FACULTY. [1969 ex.s. c 223 § 28B.50.570. Prior: 1967 ex.s. c 8 § 57. Formerly RCW 28.85.570.] Repealed by 1973 1st ex.s. c 149 § 7, effective July 1, 1974.

Reviser's note: Section 7, chapter 149, Laws of 1973 1st ex.s. which repealed RCW 28B.50.570 reads in the last paragraph thereof:

"Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed; nor any rule, regulation, or order adopted pursuant thereto, nor as affecting any proceeding instituted thereunder." [1973 1st ex.s. c 149 § 7.]

28B.50.571 FACULTY, EMPLOYEE, RETIREMENT—OLD AGE ANNUITY OR RETIREMENT INCOME PLANS. RULES AND REGULATIONS. [1969 ex.s. c 283 § 46. Formerly RCW 28.85.571.] Repealed by 1973 1st ex.s. c 149 § 7, effective July 1, 1974.

Reviser's note: For rule of construction applying to the repeal of this section, see note following RCW 28B.50.570.

28B.50.572 FACULTY, EMPLOYEE, RETIREMENT—FACULTY, EMPLOYEE, CONTRIBUTIONS TOWARD PURCHASE OF ANNUITY OR RETIREMENT INCOME PLAN. [1969 ex.s. c 283 § 47. Formerly RCW 28.85.572.] Repealed by 1973 1st ex.s. c 149 § 7, effective July 1, 1974.

Reviser's note: For rule of construction applying to the repeal of this section, see note following RCW 28B.50.570.

28B.50.573 FACULTY, EMPLOYEE, RETIREMENT—MAXIMUM STATE BOARD CONTRIBUTION TOWARD PURCHASE OF ANNUITY OR RETIREMENT INCOME PLAN. [1969 ex.s. c 283 § 48. Formerly RCW 28.85.573.] Repealed by 1973 1st ex.s. c 149 § 7, effective July 1, 1974.

Reviser's note: For rule of construction applying to the repeal of this

section, see note following RCW 28B.50.570.

28B.50.574 FACULTY, EMPLOYEE, RETIREMENT—MANDATORY RETIREMENT AGE. [1969 ex.s. c 283 § 49. Formerly RCW 28.85.574.] Repealed by 1973 1st ex.s. c 149 § 7, effective July 1, 1974.

Reviser's note: For rule of construction applying to the repeal of this section, see note following RCW 28B.50.570.

28B.50.575 FACULTY, EMPLOYEE, RETIREMENT—OPTION TO PRESENT MEMBERS OF RETIREMENT SYSTEMS—RIGHTS UPON WITHDRAWAL FROM SUCH SYSTEMS—SERVICE IN PUBLIC EDUCATIONAL EMPLOYMENT UPON RETIREMENT AS AFFECTING PENSION RIGHTS. [1970 ex.s. c 79 § 2; 1969 ex.s. c 283 § 50. Formerly RCW 28.85.575.] Repealed by 1973 1st ex.s. c 149 § 7, effective July 1, 1974.

Reviser's note: For rule of construction applying to the repeal of this section, see note following RCW 28B.50.570.

28B.50.620 TRANSFER OF RECORDS, EQUIPMENT OR PROPERTY AND PENDING BUSINESS OF ABOLISHED AGENCIES OR AGENCIES WHOSE POWERS AND DUTIES TRANSFERRED—PENDING PROCEEDINGS SAVED—COMPLETION. [1969 ex.s. c 223 § 28B.50.620. Prior: 1967 ex.s. c 8 § 62. Formerly RCW 28.85.620.] Repealed by 1973 1st ex.s. c 46 § 10, effective June 30, 1974.

28B.50.630 TRANSFER OF RECORDS, EQUIPMENT OR PROPERTY AND PENDING BUSINESS OF ABOLISHED AGENCIES OR AGENCIES WHOSE POWERS AND DUTIES TRANSFERRED—ORDERS, RULES AND REGULATIONS SAVED—EFFECTIVE UNTIL REVOKED OR MODIFIED. [1969 ex.s. c 223 § 28B.50.630. Prior: 1967 ex.s. c 8 § 63. Formerly RCW 28.85.630.] Repealed by 1973 1st ex.s. c 46 § 10, effective June 30, 1974.

28B.50.650 TRANSFER OF RECORDS, EQUIPMENT OR PROPERTY AND PENDING BUSINESS OF ABOLISHED AGENCIES OR AGENCIES WHOSE POWERS AND DUTIES TRANSFERRED—REPORTS REQUIRED BY LAW TO BE MADE TO BE PERFORMED BY SUCCESSOR AGENCIES. [1969 ex.s. c 223 § 28B.50.650. Prior: 1967 ex.s. c 8 § 65. Formerly RCW 28.85.650.] Repealed by 1973 1st ex.s. c 46 § 10, effective June 30, 1974.

28B.50.670 TRANSFER OF RECORDS, EQUIPMENT OR PROPERTY AND PENDING BUSINESS OF ABOLISHED AGENCIES OR AGENCIES WHOSE POWERS AND DUTIES TRANSFERRED—TRANSFER OF

POWERS AND DUTIES, VESTING OF--LEGAL EFFECT--OBLIGATIONS, DUTIES AND RIGHTS SAME. [1969 ex.s. c 223 § 28B.50.670. Prior: 1967 ex.s. c 8 § 67. Formerly RCW 28.85.670.] Repealed by 1973 1st ex.s. c 46 § 10, effective June 30, 1974.

28B.50.680 TRANSFER OF RECORDS, EQUIPMENT OR PROPERTY AND PENDING BUSINESS OF ABOLISHED AGENCIES OR AGENCIES WHOSE POWERS AND DUTIES TRANSFERRED--TEACHERS AND OTHER EMPLOYEES TO CONTINUE PERFORMING USUAL DUTIES UNTIL REMOVED, APPOINTED TO OTHER POSITIONS, OR FURTHER TRANSFERRED. [1969 ex.s. c 223 § 28B.50.680. Prior: 1967 ex.s. c 8 § 68. Formerly RCW 28.85.680.] Repealed by 1973 1st ex.s. c 46 § 10, effective June 30, 1974.

28B.50.690 TRANSFER OF APPROPRIATIONS. [1969 ex.s. c 223 § 28B.50.690. Prior: 1967 ex.s. c 8 § 69. Formerly RCW 28.85.690.] Repealed by 1973 c 62 § 25.

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.50.700 TRANSFERS FROM STATE BOARD OF EDUCATION TO STATE BOARD FOR COMMUNITY COLLEGE EDUCATION--APPORTIONMENT PROCEDURE--CERTIFICATION OF APPORTIONMENTS. [1969 ex.s. c 223 § 28B.50.700. Prior: 1967 ex.s. c 8 § 70. Formerly RCW 28.85.700.] Repealed by 1973 c 62 § 25.

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.50.710 COMMUNITY COLLEGE SPECIAL SERVICE REVOLVING FUNDS--DISBURSEMENT OF--TRANSFER. [1969 ex.s. c 223 § 28B.50.710. Prior: 1967 ex.s. c 8 § 71. Formerly RCW 28.85.710.] Repealed by 1973 c 62 § 25.

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.50.780 FUNDS FOR COMMUNITY COLLEGES AUTHORIZED IN 1965 ACT. [1969 ex.s. c 223 § 28B.50.780. Prior: 1967 ex.s. c 8 § 78. Formerly RCW 28.85.780.] Repealed by 1973 c 62 § 25.

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.50.790 PERFORMANCE OF POWERS AND DUTIES DURING TRANSITIONAL PERIOD. [1969 ex.s. c 223 § 28B.50.790. Prior: 1967 ex.s. c 58 § 1. Formerly RCW 28.85.790.] Repealed by 1973 c 62 § 25.

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

28B.50.864 FACULTY TENURE--APPEAL FROM DECISION FOR DISMISSAL--PROCEDURE. Any faculty member dismissed pursuant to RCW 28B.50.850 through 28B.50.869 shall have a right to appeal the final decision of the appointing authority in accordance with RCW 28B.19.150 as now or hereafter amended. [1973 c 62 § 24; 1969 ex.s. c 283 § 42. Formerly RCW 28.85.864.]

Savings--Severability--1973 c 62: See notes following RCW 28B.10.200.

Chapter 28B.52  
NEGOTIATIONS BY ACADEMIC  
PERSONNEL--COMMUNITY COLLEGE DISTRICTS

28B.52.020 DEFINITIONS. As used in this chapter:

"Employee organization" means any organization which includes as members the academic employees of a community college district and which has as one of its purposes the representation of the employees in their employment relations with the community college district.

"Academic employee" means any teacher, counselor, librarian, or department head, who is employed by any community college district, with the exception of the chief administrative officer of, and any administrator in, each community college district.

"Administrator" means any person employed either full or part time by the community college district and who performs administrative functions as at least fifty percent or more of his assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be members of the bargaining unit unless a majority of such administrators and a majority of the bargaining unit elect by secret ballot for such inclusion pursuant to rules and regulations as adopted in accordance with RCW 28B.52.080. [1973 1st ex.s. c 205 § 1; 1971 ex.s. c 196 § 2.]

Severability--1973 1st ex.s. c 205: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 205 § 7.] This applies to RCW 28B.52.020, 28B.52.030, 28B.52.035, 28B.52.060, 28B.52.080 and 28B.52.200.

28B.52.030 NEGOTIATION BY REPRESENTATIVES OF EMPLOYEE ORGANIZATION--AUTHORIZED--SUBJECT MATTER. Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the academic employees within its community college district, shall have the right, after using established administrative



channels, to meet, confer and negotiate with the board of trustees of the community college district or its delegated representative(s) to communicate the considered professional judgment of the academic staff prior to the final adoption by the board of proposed community college district policies relating to, but not limited to, curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries and salary schedules and noninstructional duties. [1973 1st ex.s. c 205 § 2; 1971 ex.s. c 196 § 3.]

Severability—1973 1st ex.s. c 205: See note following RCW 28B.52.020.

28B.52.035 NEGOTIATIONS REDUCED TO WRITTEN AGREEMENTS—RESTRICTIONS. At the conclusion of any negotiation processes as provided for in RCW 28B.52.030, any matter upon which the parties have reached agreement shall be reduced to writing and acted upon in a regular or special meeting of the boards of trustees, and become part of the official proceedings of said board meeting. The length of terms within any such agreement shall be for not more than three fiscal years. These agreements will not be binding upon future actions of the legislature. [1973 1st ex.s. c 205 § 4.]

Severability—1973 1st ex.s. c 205: See note following RCW 28B.52.020.

28B.52.060 ADVISORY COMMITTEE—COMPENSATION—REPORT—RECOMMENDATIONS, EFFECT—FACT-FINDING AND MEDIATION ACTIVITIES. In addition to the authority to convene an impasse committee, the director of the state system of community colleges is authorized to conduct fact-finding and mediation activities upon the consent of both parties as a means of assisting in the settlement of unresolved matters considered under this chapter.

In the event that any matter being jointly considered by the employee organization and the board of trustees of the community college district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of its intended action to the other party, may, with the concurrence of the director, request the assistance and advice of a committee appointed by the director. This committee may make a written report with recommendations to both parties within twenty calendar days of receipt of the request for assistance. Any recommendations of the committee shall be advisory only and not binding upon the board of trustees or the employee organization.

The state board for community college education is authorized to make rules

governing the operations of impasse committees. [1973 1st ex.s. c 205 § 3; 1971 ex.s. c 196 § 5.]

Severability—1973 1st ex.s. c 205: See note following RCW 28B.52.020.

28B.52.080 BOARDS TO ADOPT RULES AND REGULATIONS—REQUEST FOR DEPARTMENT SERVICES. Boards of trustees of community college districts shall adopt reasonable rules and regulations for the administration of employer-employee relations under this chapter. The boards may request the services of the department of labor and industries to assist in the conduction of certification elections as provided for in RCW 28B.52.030. [1973 1st ex.s. c 205 § 5; 1971 ex.s. c 196 § 7.]

Severability—1973 1st ex.s. c 205: See note following RCW 28B.52.020.

28B.52.200 CHAPTER'S SCOPE LIMITED. Nothing in chapter 28B.52 RCW as now or hereafter amended shall compel either party to agree to a proposal or to make a concession, nor shall any provision in chapter 28B.52 RCW as now or hereafter amended be construed as limiting or precluding the exercise by each community college board of trustees of any powers or duties authorized or provided to it by law unless such exercise is contrary to the terms and conditions of any lawful negotiated agreement. [1973 1st ex.s. c 205 § 6.]

Severability—1973 1st ex.s. c 205: See note following RCW 28B.52.020.

Chapter 28B.56  
1972 COMMUNITY COLLEGES FACILITIES  
AID—BOND ISSUE

28B.56.070 REFERRAL TO ELECTORATE.

Reviser's note: Chapter 28B.56 was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 31). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1 (d) provides ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

Chapter 28B.80  
COUNCIL ON HIGHER EDUCATION IN THE STATE  
OF WASHINGTON

Cross Reference:

Higher education assistance authority, council may render assistance to: RCW 28B.17.160.

Chapter 28B.81  
COMMISSION ON HIGHER EDUCATION

Cross Reference:

Higher education assistance authority, commission may render assistance to: RCW 28B.17.160.

TITLE 29  
ELECTIONS

Sections added, amended, or repealed:

Chapter 29.04 General Provisions.

- 29.04.030 Prevention and correction of election frauds and errors.
- 29.04.095 Definitions for purposes of RCW 29.04.100 through 29.04.120.
- 29.04.100 Poll books, current precinct lists—As public records—Copies to voters, use restricted.
- 29.04.110 Poll books and precinct lists—Furnishing of data upon request—Cost—Use restricted.
- 29.04.120 Violations of restricted use of registered voter data—Penalties—Liabilities.

Chapter 29.07 Registration of Voters.

- 29.07.060 Oaths—Registration officers may administer, certify.
- 29.07.065 Identity of applicant for registration—Establishment—Voting age proof.
- 29.07.070 Examination of voter as to qualifications.
- 29.07.080 Oath of applicant—Registration form—Record.
- 29.07.090 Signature upon card for secretary of state's file.
- 29.07.092 New voter registration—Acknowledgment.
- 29.07.095 Registration of person temporarily residing outside county of permanent residence.
- 29.07.140 Specifications for supplies and equipment—Unified voter registration form—Cost.

Chapter 29.13 Times for Holding Elections and Primaries.

- 29.13.010 State, county, city, town, and district general elections—State-wide general election—Exceptions—Special county elections.
- 29.13.047 State to assume share of election costs when state measures voted upon—Procedure.
- 29.13.075 Elections to fill unexpired term—Primary dispensed with, when.
- 29.13.080 Opening and closing polls.

Chapter 29.18 Partisan Primaries.

- 29.18.140 Statement of expense of candidate—Penalty.

Chapter 29.21 Nonpartisan Primaries and Elections.

- 29.21.180 When no primary in certain offices—Prerequisites—Procedure.
- 29.21.210 School directors in district embracing city over one hundred thousand—Ballots—Form.
- 29.21.230 School directors in district embracing city over one hundred thousand—Names of candidates to appear on general election ballot.

Chapter 29.27 Certificates and Notices.

- 29.27.060 Certification of measures generally—Ballot titles.

Chapter 29.33 Voting Machines.

- 29.33.220 Precinct officers—Instruction in use of voting machines or voting devices—Compensation.

Chapter 29.34 Voting Devices and Vote Tallying Systems.

- 29.34.160 Vote tallying systems—Locations—Ballot cards pick up, delivery and counting center procedure.

Chapter 29.36 Absentee Voting.

- 29.36.060 How incoming absentee ballots are handled.
- 29.36.065 How incoming absentee ballots are handled—Alternate method.
- 29.36.097 List of applications for absentee ballots.

Chapter 29.39 Absentee Service Voters.

- 29.39.010 "Service voter", "armed forces", "members of the merchant marine of the United States", "dependent" defined.
- 29.39.030 "Election", "primary" defined—Absentee voters' ballots.

Chapter 29.42 Political Parties.

- 29.42.030 County central committee—Organization meetings.
- 29.42.040 Precinct committeeman, who is eligible.
- 29.42.050 Precinct committeeman—Election—Declaration of candidacy, fee—Term—Vacancy.

Chapter 29.45 Precinct Election Officers.

- 29.45.050 Two or more sets of precinct election officers, when—Counting board or boards—Receiving board.
- 29.45.060 Duties—Generally.

- 29.45.065 Application of RCW 29.45.050 and 29.45.060 to other primaries or elections.
- Chapter 29.51 Polling Place Regulations During Voting Hours.
- 29.51.170 Write-in voting—Party affiliation, when—Nominee to execute declaration of candidacy, pay fee.
- Chapter 29.54 Polling Place Regulations During Voting Hours and After Closing.
- 29.54.045 Counting ballots—Procedure when two or more sets of inspectors and judges appointed.
- 29.54.050 Rejection of ballots or parts of ballots.
- Chapter 29.64 Statutory Recount Proceedings.
- 29.64.080 State-wide measures—Mandatory recount—Cost at state expense.
- 29.64.090 State-wide measures—Claims for expenses incurred.
- Chapter 29.68 United States Congressional Elections.
- 29.68.080 Vacancy in United States house of representatives—Special election.
- 29.68.090 Vacancy in United States house of representatives—Order calling election—Requisites—Filing period.
- 29.68.100 Vacancy in United States house of representatives—Notices of special primary and special election.
- 29.68.110 Vacancy in United States house of representatives—Precinct election officers—Who to serve.
- 29.68.120 Vacancy in United States house of representatives—Canvass of primary—Certification of nominees.
- Chapter 29.79 Initiative and Referendum.
- 29.79.015 Review of initiative measures by code reviser's office—Certificate of review prerequisite to assignment of serial number.
- 29.79.040 Ballot title—Formulation by attorney general.
- 29.79.050 Ballot title—Notice to proponents.
- 29.79.080 Petitions—Paper—Size—Margins.
- Chapter 29.80 Candidates' Pamphlets.
- 29.80.010 Contents—Publication.
- Chapter 29.81 Voters' Pamphlet.
- 29.81.010 Contents, how organized.
- 29.81.020 Explanatory statement by attorney general, appeal, judicial statement—Arguments and rebuttal statements by committees.
- 29.81.030 Committee advocating approval of constitutional amendment, referendum bill—Membership—Submission of argument for printing.
- 29.81.040 Committee advocating rejection of constitutional amendment, referendum bill—Membership—Submission of argument and rebuttal statements for printing.
- 29.81.042 Time for submission of arguments to secretary of state.
- 29.81.043 Transmittal of arguments by secretary of state—Rebuttal arguments.
- 29.81.050 Committees advocating for and against initiative measures or referendum petitions—Membership—Submission of arguments and rebuttal statements for printing.
- 29.81.052 Time for submission of arguments to secretary of state.
- 29.81.053 Transmittal of arguments by secretary of state—Rebuttal arguments.
- 29.81.100 Publication of pamphlets—Arrangement of material.
- Chapter 29.83 Campaign Reporting Act.
- 29.83.010-29.83.190, 29.83.900-29.83.940.
- Chapter 29.85 Crimes and Penalties.
- 29.85.270 Political advertising—Use of assumed name. (See note.)

Chapter 29.04  
GENERAL PROVISIONS

29.04.030 PREVENTION AND CORRECTION OF ELECTION FRAUDS AND ERRORS. Any justice of the supreme court, judge of the court of appeals, or judge of the superior court in the proper county shall, by order, require any person charged with error, wrongful act or neglect to forthwith correct the error, desist from the wrongful act, or perform the duty and to do as the court orders or to show cause forthwith why the error should not be corrected, the wrongful act desisted from, or the duty or order not performed, whenever it is made to appear to such justice or judge by affidavit of an elector that:

- (1) An error or omission has occurred or is about to occur in printing the name of any candidate on official ballots; or
- (2) An error other than as provided in subsections (1) and (3) of this section has been committed or is about to be committed in printing the ballots; or

(3) The name of any person has been or is about to be wrongfully placed upon the ballots; or

(4) A wrongful act other than as provided for in subsections (1) and (3) of this section has been performed or is about to be performed by any election officer; or

(5) Any neglect of duty on the part of an election officer other than as provided for in subsections (1) and (3) of this section has occurred or is about to occur.

An affidavit of an elector under subsections (1) and (3) above when relating to a primary election must be filed with the appropriate court no later than the second Friday following the closing of the filing period for nominations for such office and shall be heard and finally disposed of by the court not later than five days after the filing thereof. [1973 1st ex.s. c 165 § 1; 1971 c 81 § 74; 1965 c 9 § 29.04.030. Prior: (i) 1907 c 209 § 25, part; RRS § 5202, part. (ii) 1889 p 407 § 19; RRS § 5276.]

29.04.095 DEFINITIONS FOR PURPOSES OF RCW 29.04.100 THROUGH 29.04.120. For purposes of RCW 29.04.100 through 29.04.120, the following words shall have the following meanings:

(1) "County auditor" means the county auditor in any noncharter county and in a charter county that county official having the overall responsibility to maintain voter registration information.

(2) "Person" means an individual, partnership, joint venture, public or private corporation, association, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(3) "Political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue; "political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support. [1973 1st ex.s. c 111 § 1.]

29.04.100 POLL BOOKS, CURRENT PRECINCT LISTS—AS PUBLIC RECORDS—COPIES TO VOTERS, USE RESTRICTED. All poll books or current precinct lists of registered voters shall be public records and be made available for inspection under such reasonable rules and regulations as the county auditor may prescribe. The county auditor shall promptly furnish copies of any poll books or current precinct list of registered voters in his possession, at actual reproduction cost, to any person requesting such copies: PROVIDED, That

such lists and books shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services or anything of value: PROVIDED, HOWEVER, That such lists and books may be used for any political purpose. [1973 1st ex.s. c 111 § 2; 1971 ex.s. c 202 § 3; 1965 ex.s. c 156 § 6.]

29.04.110 POLL BOOKS AND PRECINCT LISTS—FURNISHING OF DATA UPON REQUEST—COST—USE RESTRICTED. A reproduction of any form of data storage, in the custody of the county auditor, for poll books and precinct lists of registered voters, including magnetic tapes or discs, punched cards, and any other form of storage of such books and lists, shall at the written request of any person be furnished to him by the county auditor pursuant to such reasonable rules and regulations as the county auditor may prescribe, and at a cost equal to the county's actual cost in reproducing such form of data storage. Any data contained in a form of storage furnished under this section shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services or anything of value: PROVIDED, HOWEVER, That such data may be used for any political purpose. Whenever the county auditor furnishes any form of data storage under this section, he shall also furnish the person receiving the same with a copy of RCW 29.04.120. [1973 1st ex.s. c 111 § 3.]

29.04.120 VIOLATIONS OF RESTRICTED USE OF REGISTERED VOTER DATA—PENALTIES—LIABILITIES. (1) Any person who uses registered voter data furnished under RCW 29.04.100 or 29.04.110 for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value shall be liable to each person provided such advertisement or solicitation, without his consent, for the nuisance value of such person having to dispose of it, which value is herein established at five dollars for each item mailed or delivered to his residence: PROVIDED, That any person who mails or delivers any advertisement, offer or solicitation for a political purpose shall not be liable under this section, unless he is liable under subsection (2). For purposes of this subsection, two or more attached papers or sheets or two or more papers which are enclosed in the same envelope or container or are folded together shall be deemed to constitute one

item. Merely having a mailbox or other receptacle for mail on or near his residence shall not be any indication that such person consented to receive the advertisement or solicitation. A class action may be brought to recover damages under this section and the court may award a reasonable attorney's fee to any party recovering damages under this section.

(2) It shall be the responsibility of each person furnished data under RCW 29.04.100 or 29.04.110 to take reasonable precautions designed to assure that the data is not used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value: PROVIDED, That such data may be used for any political purpose. Where failure to exercise due care in carrying out this responsibility results in the data being used for such purposes, then such person shall be jointly and severally liable for damages under the provisions of subsection (1) of this section along with any other person liable under subsection (1) of this section for the misuse of such data. [1973 1st ex.s. c 111 § 4.]

Chapter 29.07  
REGISTRATION OF VOTERS

29.07.060 OATHS--REGISTRATION OFFICERS MAY ADMINISTER, CERTIFY. The registration officers including deputized clerks, after they themselves have taken and subscribed to the oath prescribed for them, may administer such oaths and certify to the oath on such affidavits as are required in the procedure of registration of voters. [1973 1st ex.s. c 21 § 1; 1971 ex.s. c 202 § 8; 1965 c 9 § 29.07.060. Prior: (i) 1939 c 82 § 1, part; 1933 c 1 § 4, part; RRS § 5114-4, part. (ii) 1947 c 68 § 3, part; 1933 c 1 § 11, part; Rem. Supp. 1947 § 5114-11, part; prior: 1921 c 177 § 7, part; 1915 c 16 § 8, part; 1901 c 135 § 4, part; 1893 c 45 § 3, part; 1889 p 416 § 8, part; RRS § 5126, part.]

29.07.065 IDENTITY OF APPLICANT FOR REGISTRATION--ESTABLISHMENT--VOTING AGE PROOF. In addition to other information required by this chapter, each applicant for registration shall establish his identity, unless personally known by the registration officer, by producing at least one of the following items:

(1) A social security card containing the applicant's signature. Whenever the social security record is so used, the registration officer shall enter the applicant's social security number upon the appropriate registration forms;

(2) A driver's license which contains the signature and/or a photograph of the applicant;

(3) A valid Washington state identicard;

(4) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;

(5) An identification card issued by the United States, any state or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military I.D. cards), and which contain the signature and/or the photograph of the applicant.

In addition, whenever the registration officer has a doubt as to whether the applicant is of legal voting age, such officer may require the applicant to produce a record which establishes date of birth.

Failure to produce such identification at the time of registration as set forth in this section shall not deter the act of registration: PROVIDED, That registration officials shall indicate on the registration form by checking either "identification produced" or "identification not produced". [1973 1st ex.s. c 21 § 2.]

29.07.070 EXAMINATION OF VOTER AS TO QUALIFICATIONS. The registration officer shall interrogate the applicant for registration, concerning his qualifications as a voter of the state, and of the county, city, town, and precinct in which he applies for registration, requiring him to state:

(1) The previous address of the last former registration of the applicant as a voter in the state;

(2) His full name;

(3) Date of birth;

(4) Place of residence, street and number, if any, or post office or rural mail route address;

(5) Whether he is a citizen of the United States.

Answers to all questions shall be inserted on a single registration form to be prescribed by the secretary of state. [1973 1st ex.s. c 21 § 3; 1971 ex.s. c 202 § 9; 1965 c 9 § 29.07.070. Prior: 1947 c 68 § 3, part; 1933 c 1 § 11, part; Rem. Supp. 1947 § 5114-11, part; prior: 1921 c 177 § 7, part; 1915 c 16 § 8, part; 1901 c 135 § 4, part; 1893 c 45 § 3, part; 1889 p 416 § 8, part; RRS § 5126, part.]

29.07.080 OATH OF APPLICANT--REGISTRATION FORM--RECORD. The registrar shall note the sex of the applicant on the registration form. He shall then require the applicant to sign an oath in the following form: "I, the undersigned, on oath or affirmation, do hereby declare that the facts set forth herein relating to my qualifications as a voter, recorded by the registration officer in my presence, are true. I further certify that I

am not presently denied my civil rights as a result of being convicted of an infamous crime and that I will be at least eighteen years of age at the time of voting"; and the registration officer shall sign and date such oath in verification of the fact that the same was signed and sworn to before him in the following form: "Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, \_\_\_\_\_ Registration Officer".

Otherwise the registration officer shall refuse to register the applicant. Upon receipt of the registration record, the county auditor shall note on the record all of the identifying code numbers and precinct in which the applicant resides. [1973 1st ex.s. c 21 § 4; 1971 ex.s. c 202 § 10; 1965 c 9 § 29.07.080. Prior: 1933 c 1 § 12; RRS § 5114-12.]

29.07.090 SIGNATURE UPON CARD FOR SECRETARY OF STATE'S FILE. At the time of registering any voter, each registration officer shall require him to sign his name upon a card containing spaces for his surname followed by his given name or names and the name of the county and city or town, with post office and street address, and the name or number of the precinct, in which the voter is registered. [1973 1st ex.s. c 21 § 5; 1971 ex.s. c 202 § 11; 1965 c 9 § 29.07.090. Prior: 1933 c 1 § 13, part; RRS § 5114-13, part.]

29.07.092 NEW VOTER REGISTRATION--ACKNOWLEDGMENT. The county auditor shall acknowledge each new voter registration by sending to the voter, by first class nonforwardable mail, a card identifying his current precinct and containing such other information as may be prescribed by the secretary of state. [1973 c 153 § 2.]

29.07.095 REGISTRATION OF PERSON TEMPORARILY RESIDING OUTSIDE COUNTY OF PERMANENT RESIDENCE. Any person temporarily residing outside of the county of his permanent residence, but within the state of Washington, may register with the registration officer of the place where he is temporarily residing in the usual manner as required in this chapter. The registration officer administering the oath and receiving the application and registration forms as provided in RCW 29.07.060 through 29.07.090 shall transmit the same to the county auditor of the county where the applicant permanently resides for processing in the same manner as though the applicant had personally applied directly to the registration officer of his residence.

Notwithstanding the provisions of RCW 29.07.160 the registration application shall be received and acted upon immediately by the registration officer of the

place of permanent residence of the applicant if the application was received and oath administered by the registration officer at the place of temporary residence not less than thirty days preceding the next election. [1973 1st ex.s. c 21 § 6; 1971 ex.s. c 202 § 12; 1965 c 9 § 29.07.095. Prior: 1957 c 251 § 13.]

29.07.140 SPECIFICATIONS FOR SUPPLIES AND EQUIPMENT--UNIFIED VOTER REGISTRATION FORM--COST. The secretary of state shall prescribe the specifications, including style, form, color, quality and dimensions, for the cards, records, forms, lists, binders, cabinets or other supplies to be used in recording and maintaining voter registration records.

The secretary of state shall design a unified voter registration form compatible with existing records which will allow the preparation, by the registration officer or other public officer from a single card or paper, of all the voter registration forms required by law, as of July 16, 1973, to be completed by the registering voter, so that the registering voter need sign only one form and need write out required information other than his signature no more than one time.

This form shall also contain the information necessary to permit the voter to transfer his registration as provided by RCW 29.10.020, as it now exists or is hereafter amended. All registration forms necessary to carry out the registration of voters as provided by RCW 29.07.060 through 29.07.095 shall be furnished by the state of Washington without cost to the respective county auditors.

He shall notify each county auditor what the specifications are, and they must in their procurement and use comply with them. [1973 1st ex.s. c 21 § 7; 1971 ex.s. c 202 § 18; 1965 c 9 § 29.07.140. Prior: (i) 1933 c 1 § 30; RRS § 5114-30. (ii) 1933 c 1 § 13, part; RRS § 5114-13, part.]

#### Chapter 29.13 TIMES FOR HOLDING ELECTIONS AND PRIMARIES

29.13.010 STATE, COUNTY, CITY, TOWN, AND DISTRICT GENERAL ELECTIONS--STATE-WIDE GENERAL ELECTION--EXCEPTIONS--SPECIAL COUNTY ELECTIONS. All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, district, and precinct officers, and for the submission to the voters of the state of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A state-wide general election shall be held on the first Tuesday after the first Monday of November of each year: PROVIDED, That the state-wide general

election held in odd-numbered years shall be limited to (1) city, town, and district general elections as provided for in RCW 29.13.020, or as otherwise provided by law; (2) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the congress of the United States; (3) the election of state and county officers for the remainder of any unexpired terms as provided for in Article II, section 15, Article III, section 10, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (4) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (5) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate: PROVIDED FURTHER, That this section shall not be construed as fixing the time for holding primary elections, or elections for the recall of county, city, town, or district officers: PROVIDED HOWEVER, That the board of county commissioners may, if they deem an emergency to exist, call a special county election at any time by presenting a resolution to the county auditor at least forty-five days prior to the proposed election date. Such county special election shall be noticed and conducted in the manner provided by law. [1973 2nd ex.s. c 36 § 1; 1973 c 4 § 1; 1965 c 123 § 2; 1965 c 9 § 29.13.010. Prior: 1955 c 151 § 1; prior: (i) 1923 c 53 § 1; 1921 c 61 § 1; RRS § 5143. (ii) 1921 c 61 § 3; RRS § 5145.]

29.13.047 STATE TO ASSUME SHARE OF ELECTION COSTS WHEN STATE MEASURES VOTED UPON—PROCEDURE. Whenever state measures are voted upon at a state general election held in November of an odd-numbered year as provided for in RCW 29.13.010, the state of Washington shall assume its prorated share of such election costs. The county auditor shall apportion the state's share of such expenses when prorating election costs as provided under RCW 29.04.020 and 29.13.045 and shall file such expense claims with the state auditor. The state auditor shall compile such claims for presentation to the next succeeding legislature in the same manner as other legislative relief claims. [1973 c 4 § 2.]

29.13.075 ELECTIONS TO FILL UNEXPIRED TERM—PRIMARY DISPENSED WITH, WHEN. Whenever it shall be necessary to hold a special election in an odd-numbered year to fill an unexpired term of any office which is scheduled to be voted upon for a full term in an even-numbered year, no

September primary election shall be held in the odd-numbered year if, after the last day allowed for candidates to withdraw, either of the following circumstances exist:

(1) No more than one candidate of each qualified political party has filed a declaration of candidacy for the same partisan office to be filled; or

(2) No more than two candidates have filed a declaration of candidacy for a single nonpartisan office to be filled.

In either event, the officer with whom the declarations of candidacy were filed shall immediately notify all candidates concerned and the names of the candidates that would have been printed upon the September primary ballot, but for the provisions of this section, shall be printed as nominees for the positions sought upon the November general election ballot. [1973 c 4 § 3.]

29.13.080 OPENING AND CLOSING POLLS. At all primaries and elections, general or special, in all counties the polls must be kept open from seven o'clock a.m. to eight o'clock p.m. All qualified electors who are at the polling place at eight o'clock p.m., shall be allowed to cast their votes. [1973 c 78 § 1; 1965 ex.s. c 101 § 13; 1965 c 9 § 29.13.080. Prior: (i) 1921 c 61 § 7; RRS § 5149. (ii) 1921 c 170 § 5; RRS § 5154. (iii) 1921 c 178 § 7; 1907 c 235 § 1; 1889 p 413 § 35; RRS § 5319. (iv) 1919 c 163 § 16, part; 1907 c 209 § 17, part; RRS § 5194, part.]

Chapter 29.18  
PARTISAN PRIMARIES

29.18.140 STATEMENT OF EXPENSE OF CANDIDATE—PENALTY. [1965 ex.s. c 150 § 9; 1965 c 9 § 29.18.140. Prior: 1909 c 82 § 9; 1907 c 209 § 30; RRS § 5206.] Repealed by 1973 c 1 § 50 (Initiative Measure No. 276 § 50). Effective January 1, 1973.

Reviser's note: RCW 29.18.140 was also repealed by 1972 ex.s. c 98 § 20 (Referendum Bill No. 25) which was referred to and ratified by the people at the Nov. 7, 1972 general election. Section 50 of Initiative Measure No. 276 which was approved at the same election repealed 1972 ex. sess. c 98 and Referendum Bill No. 25. See RCW 42.17.940.

Chapter 29.21  
NONPARTISAN PRIMARIES AND ELECTIONS

29.21.180 WHEN NO PRIMARY IN CERTAIN OFFICES—PREREQUISITES—PROCEDURE. No primary shall be held relating to the office of state superintendent of public instruction or, except for school districts of the first class having an



enrollment of fifty thousand pupils or more in class AA counties, officers of other first class school districts if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for each position to be filled. In such event all candidates concerned shall be notified. Names of candidates that would have been printed upon the primary ballot, but for the provisions of this section, shall be printed upon the general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates. [1973 2nd ex.s. c 21 § 7; 1970 ex.s. c 10 § 2. Prior: 1969 ex.s. c 283 § 58; 1969 c 131 § 1; 1965 c 9 § 29.21.180; prior: 1959 c 247 § 1; 1955 c 101 § 1.]

Severability—1973 2nd ex.s. c 21: See note following RCW 28A.57.312.

29.21.210 SCHOOL DIRECTORS IN DISTRICT EMBRACING CITY OVER ONE HUNDRED THOUSAND—BALLOTS—FORM. Except for school districts of the first class having an enrollment of fifty thousand pupils or more in class AA counties, the positions of school directors for school districts embracing a city of over one hundred thousand population and the candidates therefor shall appear separately on the nonpartisan ballot in substantially the following form:

SCHOOL DIRECTOR ELECTION BALLOT

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

.....to be nominated

No. 1  
Vote for One

.....  
.....  
.....

No. 2  
Vote for One

.....  
.....  
.....

To Fill Unexpired Term  
No. \_\_\_\_\_  
2 (or 4) year term  
Vote for One

.....  
.....  
.....

[1973 2nd ex.s. c 21 § 8; 1969 c 131 § 2; 1965 c 9 § 29.21.210. Prior: 1959 c 247 § 5.]

Severability—1973 2nd ex.s. c 21: See note following RCW 28A.57.312.

29.21.230 SCHOOL DIRECTORS IN DISTRICT EMBRACING CITY OVER ONE HUNDRED THOUSAND—NAMES OF CANDIDATES TO APPEAR ON GENERAL ELECTION BALLOT. Except for school districts of the first class having an enrollment of fifty thousand pupils or more in class AA counties, the name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a school district position of school director for school districts embracing a city of over one hundred thousand population shall appear on the general election ballot under the designations therefor: PROVIDED, That if any candidate for a position receives a majority vote, his name alone shall be placed on the general election ballot for that position. [1973 2nd ex.s. c 21 § 9; 1969 c 131 §3; 1965 c 9 § 29.21.230. Prior: 1959 c 247 § 7.]

Severability—1973 2nd ex.s. c 21: See note following RCW 28A.57.312.

Chapter 29.27  
CERTIFICATES AND NOTICES

29.27.060 CERTIFICATION OF MEASURES GENERALLY—BALLOT TITLES. When a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for state-wide popular vote, the attorney general shall prepare a concise statement posed as a question and not exceeding twenty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon.

Questions to be submitted to the people of a county or municipality shall also be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement posed as a question and not exceeding twenty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the city attorney for the city, and by the prosecuting attorney for the county or any other political subdivision of the state, other than cities, situated in the county.

Such concise statement shall constitute the ballot title. The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment or other state-wide question at the same time and in the same manner as the ballot titles to

initiatives and referendums. [1973 1st ex.s. c 118 § 1; 1965 c 9 § 29.27.060. Prior: 1953 c 242 § 1; 1913 c 135 § 1; 1889 p 405 § 14; RRS § 5271.]

Chapter 29.33  
VOTING MACHINES

29.33.220 PRECINCT OFFICERS--INSTRUCTION IN USE OF VOTING MACHINES OR VOTING DEVICES--COMPENSATION. Before each primary election at which voting machines or voting devices are to be used or more frequently as the custodian deems necessary, the custodian shall instruct all inspectors, judges, and clerks of election who are to serve thereat in the use of the machine or voting device and their duties in connection therewith. He shall give to each inspector and judge who has received instruction and is fully qualified to conduct the election with a machine or voting device a certificate to that effect. For the purpose of instruction, the custodian shall call such meetings of the inspectors and judges as may be necessary. Every inspector and judge shall attend the meetings and receive instruction in the proper conduct of the election with a machine or voting device. As compensation for the time spent in receiving instruction each inspector and judge who qualifies and serves in the election shall receive an additional two hours' compensation to be paid to him at the same time and in the same manner as compensation is paid him for his services on election day. No inspector or judge of election shall serve in any primary or general election at which a voting machine or voting device is used unless he has received the required instruction and is fully qualified to perform his duties in connection with the machine or voting device and has received a certificate to that effect from the custodian of the machines or voting devices: PROVIDED, That this shall not prevent the appointment of an inspector, or judge of election to fill a vacancy in an emergency. [1973 c 102 § 1; 1971 ex.s. c 124 § 1; 1965 c 9 § 29.33.220. Prior: 1955 c 168 § 3; prior: 1915 c 114 § 4, part; 1913 c 58 § 9, part; RRS § 5308, part.]

Chapter 29.34  
VOTING DEVICES AND VOTE TALLYING SYSTEMS

29.34.160 VOTE TALLYING SYSTEMS--LOCATIONS--BALLOT CARDS PICK UP, DELIVERY AND COUNTING CENTER PROCEDURE. The county auditor shall determine the location of each vote tallying system under his jurisdiction and the number of ballot card precincts assigned to each. Such facility shall be known as the "counting center"

and may be located wherever in the judgment of the county auditor best serves the voters.

The procedure for picking up voted ballot cards at the respective polling places, the delivery of same to the counting centers, and the procedure at the counting centers shall include but not be limited to the following provisions:

(1) On the day of the election and at the direction of the county auditor, a representative of each major political party shall together stop at each polling place and pick up one or more metal boxes, previously sealed by the precinct election officers, and containing the voted ballot cards for the delivery of same to the counting center. There may be as many as two such stops at each polling place provided that the first stop is not made prior to 2:00 p.m. and the second stop is made after the polls have been closed to voting.

(2) All proceedings at the counting center shall be under the direction of the county auditor and under the observation of two election officers, who shall not be of the same political party. After the polls have been closed to voting, such proceedings shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot card or ballot container. If upon breaking the seals and opening the containers, it is found that any ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. All such damaged ballots shall be kept by the county auditor until sixty days after the primary or election concerned.

The ballot cards picked up during the polling hours may subsequently be counted before the polls have closed: PROVIDED, That all such election returns must be held in secrecy in the same manner as the count of paper ballots during polling hours as provided by RCW 29.54.030. Any person revealing any election returns to unauthorized persons prior to the close of the polls shall be subject to the same penalties as provided by RCW 29.54.035;

(3) The secretary of state shall prescribe rules and regulations for the testing of the vote tallying system prior to the day of the election to ascertain that the equipment will correctly count the votes cast for all offices and on all measures. However, such test shall be observed by at least two election officers, who shall not be of the same political party, and shall be open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a pre-audited group of ballots so punched or marked as to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each

office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. The test shall be repeated immediately before the start of the official count of the ballots in the same manner as set forth above.

On the day of the election, two election officers, not of the same political party, shall be stationed at the counting center throughout the official count. Such persons, upon mutual agreement, may request that the tabulating equipment be stopped as many as three times during the official count so that the accuracy of the proceedings can be again verified at such unscheduled stops by the count of the pre-audited group of ballots.

(4) The returns printed by the automatic tabulating equipment, to which has been added the count of write-in and absentee votes, shall constitute the official returns of each precinct or election district. [1973 1st ex.s. c 70 § 1; 1967 ex.s. c 109 § 27.]

Chapter 29.36  
ABSENTEE VOTING

29.36.060 HOW INCOMING ABSENTEE BALLOTS ARE HANDLED. The opening and canvassing of absentee ballots cast at any primary or election, special or general, may begin on or after the tenth day prior to such primary or election: PROVIDED, That the opening of the inner envelopes and actual counting of such absentee ballots shall not commence until after 8:00 o'clock p.m. on the day of the primary or election 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.

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. [1973 c 140 § 1; 1965 c 9 § 29.36.060. Prior: 1963 ex.s. c 23 § 5; 1955 c 167 § 7; 1955 c 50 § 2; prior: 1933 ex.s. c 41 § 5, part; 1921 c 143 § 6, part; 1917 c 159 § 4, part; 1915 c 189 § 4, part; RRS § 5285, part.]

29.36.065 HOW INCOMING ABSENTEE BALLOTS ARE HANDLED—ALTERNATE METHOD. As an alternative to the procedure set forth in RCW 29.36.060, the county canvassing board, or its duly authorized representatives, may elect not to initial the inner envelope but instead place all such envelopes in containers that can be secured with a numbered metal seal and such sealed containers shall be stored in the most secure vault available within the courthouse until after 8:00 o'clock p.m. of the day of the primary or election: PROVIDED, That in the instance of punchcard absentee ballots, such ballots may be taken from the inner envelopes and all the normal procedural steps performed necessary to prepare punchcard ballots for computer count and then placed in said sealed containers. [1973 c 140 § 2.]

29.36.097 LIST OF APPLICATIONS FOR ABSENTEE BALLOTS. Each county auditor shall maintain in his office, open for public inspection, lists of the applications he has received for absentee ballots under the provisions of this chapter and of chapter 29.39 RCW.

Such applications shall be listed no later than twenty-four hours after their receipt and the lists thereof shall be available until the day of the election for which the absentee ballot application was made.

The lists shall be organized first according to the date of application, then by legislative district, if appropriate, and then by precinct. They shall also indicate the name of each applicant and the address to which the ballot is to be mailed.

The auditor shall make copies of such lists available to the public for the actual cost of copying such list. [1973 1st ex.s. c 61 § 1.]

Chapter 29.39  
ABSENTEE SERVICE VOTERS

29.39.010 "SERVICE VOTER", "ARMED FORCES", "MEMBERS OF THE MERCHANT MARINE OF THE UNITED STATES", "DEPENDENT" DEFINED. "Service voter" means an elector who comes within any of the following categories:

(1) Members of the armed forces while in the active service, and their spouses and dependents, including students and faculty members of the United States military academies.

(2) Members of the merchant marine of the United States, and their spouses and dependents.

(3) Civilian employees of the United States in all categories, including members of the Peace Corps, serving outside the territorial limits of the several states of the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the congress.

(4) Members of religious groups or welfare agencies assisting members of the armed forces, who are officially attached to and serving with the armed forces, and their spouses and dependents.

(5) Citizens of the United States and of the state of Washington temporarily residing outside of the state of Washington and their spouses and dependents when residing with or accompanying them.

The term "armed forces" means the uniformed services as defined in section 102 of the Career Compensation Act of 1949 (63 Stat. 804), as amended.

The term "members of the merchant marine of the United States" means persons (other than members of the armed forces) employed as officers or members of crews of vessels documented under the laws of the United States, and persons (other than members of the armed forces) enrolled with the United States for employment, or for training for employment, or maintained by the United States for emergency relief service, as officers or members of crews of any such vessels; but does not include persons so employed, or enrolled for such employment or for training for such employment, or maintained for such emergency relief service, on the Great Lakes or the inland waterways.

The term "dependent" means any person who is in fact a dependent. [1973 c 56 § 1; 1967 ex.s. c 109 § 4; 1965 c 9 § 29.39.010. Prior: 1957 c 169 § 1; 1950 ex.s. c 14 § 1.]

29.39.030 "ELECTION", "PRIMARY" DEFINED--ABSENTEE VOTERS' BALLOTS. "Election" used alone means a general election except where the context indicates that a special election is meant or included. "Election" used without qualification never means a primary.

In addition to the above, for the purpose of this chapter, the term "primary" means the primary elections held on the third Tuesday in September of each year. The term "election" means the general elections held on the first Tuesday following the first Monday in November of each year.

The purpose of this section is to authorize absentee voters qualifying as service voters as defined by RCW 29.39.010, as now existing or hereafter amended, to cast the same ballots, including those for special elections, as any registered voter would receive under the provisions of RCW 29.36-.030 for any September primary or November general election. [1973 c 4 § 4; 1967 ex.s. c 109 § 5; 1965 c 9 § 29.39.030. Prior: 1950 ex.s c 14 § 3.]

Chapter 29.42  
POLITICAL PARTIES

29.42.030 COUNTY CENTRAL COMMITTEE--ORGANIZATION MEETINGS. The county central committee of each major political party shall consist of the precinct committeemen of the party from the several voting precincts of the county. Following each state general election held in even-numbered years, this committee shall meet for the purpose of organization at an easily accessible location within the county, subsequent to the certification of precinct committeemen by the county auditor and no later than the second Saturday of the following January. The authorized officers of the retiring committee shall cause notice of the time and place of such meeting to be mailed to each precinct committeeman at least seventy-two hours prior to the date of the meeting.

At its organization meeting, the county central committee shall elect a chairman and vice chairman who must be of opposite sexes; it shall also elect a state committeeman and a state committeewoman. [1973 c 85 § 1; 1973 c 4 § 5; 1965 c 9 § 29.42.030. Prior: 1961 c 130 § 4; prior: 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1, part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part.]

29.42.040 PRECINCT COMMITTEEMAN, WHO IS ELIGIBLE. Any member of a major political party who is a registered voter in the precinct may upon payment of a fee of one dollar file his declaration of candidacy with the county auditor for the office of precinct committeeman of his party in that precinct. When elected he

shall serve so long as he remains an eligible voter in that precinct and until his successor has been elected at the next ensuing state general election in the even-numbered year. [1973 c 4 § 6; 1965 c 9 § 29.42.040. Prior: 1961 c 130 § 5; prior: 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1, part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part.]

29.42.050 PRECINCT COMMITTEEMAN—ELECTION—DECLARATION OF CANDIDACY, FEE—TERM—VACANCY. The statutory requirements for filing as a candidate at the primaries shall apply to candidates for precinct committeeman except that the filing period for this office alone shall be extended to and include the Friday immediately following the last day for political parties to fill vacancies in the ticket as provided by RCW 29.18.150, and the office shall not be voted upon at the primaries, but the names of all candidates must appear under the proper party and office designations on the ballot for the general November election for each even-numbered year and the one receiving the highest number of votes shall be declared elected: PROVIDED, That to be declared elected, a candidate must receive at least ten percent of the number of votes cast for the candidate of his party receiving the greatest number of votes in his precinct. Any person elected to the office of precinct committeeman who has not filed a declaration of candidacy shall pay the fee of one dollar to the county auditor for a certificate of election. The term of office of precinct committeeman shall be for two years, commencing upon completion of the official canvass of votes by the county canvassing board of election returns. Should any vacancy occur in this office by reason of death, resignation, or disqualification of the incumbent, or because of failure to elect, the respective county chairman of the county central committee shall be empowered to fill such vacancy by appointment: PROVIDED, HOWEVER, That in legislative districts having a majority of its precincts in a class AA county, such appointment shall be made only upon the recommendation of the legislative district chairman: PROVIDED, That the person so appointed shall have the same qualifications as candidates when filing for election to such office for such precinct: PROVIDED FURTHER, That when a vacancy in the office of precinct committeeman exists because of failure to elect at a state general election, such vacancy shall not be filled until after the organization meeting of the county central committee and the new county chairman selected as provided by RCW 29.42.030. [1973 c 4 § 7; 1967 ex.s. c 32 § 2; 1965 ex.s. c 103 § 3; 1965 c 9 § 29.42.050. Prior: 1961 c 130 § 6; prior: 1953 c 196 § 1; 1943 c 178 § 1, part; 1939 c 48 § 1, part; 1927 c 200 § 1,

part; 1925 ex.s. c 158 § 1, part; 1909 c 82 § 6, part; 1907 c 209 § 22, part; Rem. Supp. 1943 § 5198, part.]

Chapter 29.45  
PRECINCT ELECTION OFFICERS

29.45.050 TWO OR MORE SETS OF PRECINCT ELECTION OFFICERS, WHEN—COUNTING BOARD OR BOARDS—RECEIVING BOARD. There shall be but one set of election officers in each precinct except as provided in this section.

In every precinct using paper ballots having two hundred or more registered voters there shall be appointed, and in every precinct having less than two hundred registered voters there may be appointed, at a state primary or state general election, two or more sets of precinct election officers as provided in RCW 29.04.020 and 29.45.010. The officer in charge of the election may appoint one or more counting boards at his discretion, when he decides that because of a long or complicated ballot or because of the number of expected voters, there is need of additional counting board or boards to improve the speed and accuracy of the count.

In making such appointments, one or more sets of precinct election officers shall be designated as the counting board or boards, the first of which shall consist of an inspector, two judges, and a clerk and the second set, if activated, shall consist of two judges and two clerks. The duties of the counting board or boards shall be the count of ballots cast and the return of the election records and supplies to the officer having jurisdiction of the election.

One set of precinct election officers shall be designated as the receiving board which shall have all other powers and duties imposed by law for such elections. [1973 c 102 § 2; 1965 ex.s. c 101 § 4; 1965 c 9 § 29.45.050. Prior: 1955 c 148 § 2; prior: (i) 1923 c 53 § 4, part; 1921 c 61 § 6, part; RRS § 5148, part. (ii) 1921 c 170 § 4, part; RRS § 5153, part.]

29.45.060 DUTIES—GENERALLY. The inspector and judges of election in each precinct shall conduct the elections therein and receive, deposit, and count the ballots cast thereat and make returns to the proper canvassing board or officer except that when two or more sets of precinct election officers are appointed as provided in RCW 29.45.050, the ballots shall be counted by the counting board or boards as provided in RCW 29.54.030, 29.54.043, and 29.54.045. [1973 c 102 § 3; 1965 ex.s. c 101 § 5; 1965 c 9 § 29.45.060. Prior: 1955 c 148 § 3; prior: (i) 1923 c 53 § 4, part; 1921 c 61 § 6, part; RRS § 5148, part. (ii) 1921 c 170 § 4, part; RRS § 5153, part.]

29.45.065 APPLICATION OF RCW 29.45.050 AND 29.45.060 TO OTHER PRIMARIES OR ELECTIONS. All of the provisions of RCW 29.45.050 and 29.45.060 relating to counting boards may be applied on an optional basis to any other primary or election, regular or special, at the discretion of the officer in charge of the election. [1973 c 102 § 5.]

#### Chapter 29.51

#### POLLING PLACE REGULATIONS DURING VOTING HOURS

29.51.170 WRITE-IN VOTING--PARTY AFFILIATION, WHEN--NOMINEE TO EXECUTE DECLARATION OF CANDIDACY, PAY FEE. At any election or primary, any voter may write in on the ballot the name of any person for whom he desires to vote for any office and such vote shall be counted the same as if the name had been printed on the ballot and marked by the voter: PROVIDED, That no write-in vote for a partisan office at a general election shall be valid for any person who has offered himself as a candidate for such position for the nomination at the preceding primary: PROVIDED, FURTHER, That when voting machines or voting devices and ballot cards are used, no write-in vote for any candidate for a partisan office at either a state primary election or state general election shall be valid unless a political party affiliation is also written by the voter after the candidate's name: AND PROVIDED FURTHER, That in the instance of a write-in candidate for a partisan office only those write-in votes constituting the greatest number of a single political party designation shall be valid for counting purposes when the canvassing authority certifies the official election returns. The same procedure must be followed when paper ballots are used for partisan offices at a state primary election. For such write-in voting, it shall not be necessary for a voter to write the full name of the political party concerned. Any abbreviation including the first letter of the political party name shall be acceptable as long as the precinct election officers can determine to their satisfaction the person voted for and the political party intended.

Any person who is nominated at any primary election as a write-in candidate for any public office but who has not previously paid the regular filing fee shall not have his name printed on the official ballot for the general election unless, within five days after the official canvass of the primary vote, he executes a declaration of candidacy and pays the same fee required by law to be paid by candidates for filing for the office for which he has been nominated. [1973 1st ex.s. c 121 § 1; 1967 ex.s. c 101 § 28; 1965 ex.s. c 101 § 14; 1965 c 9 § 29.51.170. Prior: (i) 1931 c 14 § 1; 1909 c 82 § 12; RRS §

5213. (ii) 1933 c 85 § 2; RRS § 5213-2. (iii) 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part.]

#### Chapter 29.54

#### POLLING PLACE REGULATIONS DURING VOTING HOURS AND AFTER CLOSING

29.54.045 COUNTING BALLOTS--PROCEDURE WHEN TWO OR MORE SETS OF INSPECTORS AND JUDGES APPOINTED. When two or more sets of precinct election officers have been appointed as provided in RCW 29.45.050 the following procedure shall apply:

(1) The set or sets designated as the counting board or boards shall commence tabulation of any state primary or state general election at a time set by the officer in charge of the election.

(2) A second ballot box for receiving ballots shall be used, and the first ballot box shall be closed and delivered to the counting board or boards: PROVIDED, That there have been at least ten ballots cast. The counting board or boards shall at a time set by the officer in charge of the election proceed to the place provided for them and at once count the votes. When counted they shall return the emptied ballot box to the inspector and judges conducting the election and the latter shall then deliver to the counting board or boards the second ballot box, if there have been at least ten ballots cast, who shall then proceed as before. The counting of ballots and exchange of ballot boxes shall continue until the polls are closed after which the election board conducting the election shall conclude their duties and the counting board or boards shall continue until all ballots are counted.

(3) The receiving board conducting the election shall perform all of the duties as now provided by law except for the counting of the ballots, the posting and certification of the unofficial returns and the delivery of the official returns, together with the election supplies to the county auditor.

(4) Suitable oaths of office for all precinct election officials, when two or more sets of officials are employed, shall be prepared by the secretary of state as ex officio chief election officer. [1973 c 102 § 4; 1965 ex.s. c 101 § 10; 1965 c 9 § 29.54.045. Prior: 1955 c 148 § 5.]

29.54.050 REJECTION OF BALLOTS OR PARTS OF BALLOTS. Ballots must be rejected if:

- (1) Two are found folded together;
- (2) Marked so as to identify who the voter is: PROVIDED, That this subsection (2) shall not apply to absentee ballots;
- (3) Printed other than by the respective county auditors or other authorized election officials as provided by law.

Those parts of ballots must not be counted which:

(1) Designate more persons for an office than are to be elected to that office;

(2) Are not in compliance with RCW 29.51.170;

(3) Are not marked with sufficient definiteness to determine the voter's choice or intention: PROVIDED, That no ballot or part thereof shall be rejected for want of form or mistake in initials of names if the election board can determine to their satisfaction the person voted for and the office intended. [1973 1st ex.s. c 121 § 2; 1965 ex.s. c 101 § 11; 1965 c 9 § 29.54.050. Prior: (i) Code 1881 § 3091; 1865 p 38 § 2; RRS § 5336. (ii) 1895 c 156 § 10; 1889 p 411 § 29; RRS § 5294. (iii) 1905 c 39 § 1, part; 1889 p 405 § 15, part; RRS § 5272, part. (iv) 1895 c 156 § 11, part; 1886 p 128 § 1, part; Code 1881 § 3079, part; 1865 p 34 § 4, part; RRS § 5323, part.]

#### Chapter 29.64

#### STATUTORY RECOUNT PROCEEDINGS

29.64.080 STATE-WIDE MEASURES—MANDATORY RECOUNT—COST AT STATE EXPENSE. When the official canvass of returns of any election reveals that the difference in the number of votes cast for the approval of a state-wide measure and the number of votes cast for the rejection of such measure is not more than one-half of one percent of the total number of votes cast on such measure, the secretary of state shall direct that a recount of all votes cast on such measure be made on such measure, in the manner provided by RCW 29.64.030 and 29.64.040, and the cost of such recount shall be at state expense. [1973 c 82 § 1.]

29.64.090 STATE-WIDE MEASURES—CLAIMS FOR EXPENSES INCURRED. Each county auditor shall file with the state auditor a statement listing only the additional expenses incurred whenever a mandatory recount of the votes cast on a state measure is made as provided in RCW 29.64.080. The state auditor shall compile such claims for presentation to the next succeeding session, regular or extraordinary, of the legislature in the same manner as other legislative relief claims. [1973 c 82 § 2.]

#### Chapter 29.68

#### UNITED STATES CONGRESSIONAL ELECTIONS

29.68.080 VACANCY IN UNITED STATES HOUSE OF REPRESENTATIVES—SPECIAL ELECTION. Whenever there is a vacancy existing by death, resignation, disability or failure to qualify or impending vacancy in

the office of representative in the congress of the United States from this state or any congressional district in this state, the governor shall order a special election to fill the vacancy. Within ten days of such vacancy occurring he shall fix as the date for the special election a day not less than ninety days after the issuance of the writ. He shall fix as the date for the primary for nominating candidates for the special election, a day not less than thirty days before the day fixed for holding the special election. If the vacancy occurs between or on a date six months prior to a general state election and the second Friday following the close of the filing period, the special primary and special general elections shall be held in concert with the regular primary and regular general elections. If the vacancy occurs on or after the first day for filing specified in RCW 29.18.030 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the secretary of state and notice thereof given by notifying all media including press, radio and television within the congressional district concerned to the end that, insofar as possible, all interested persons will be aware of such filing period: PROVIDED, HOWEVER, That the last day of such filing period shall be no later than the third Tuesday prior to the primary election concerned. Such declarations of candidacy validly filed within said three day period shall appear on the approaching primary ballot as if made during the earlier filing period. If the vacancy should occur later than the second Friday following the close of the filing period, a special primary and special general election to fill such vacancy shall be held after the regular annual general election but, in any event, no later than the ninetieth day following the said November election. [1973 2nd ex.s. c 36 § 3; 1965 c 9 § 29.68.080. Prior: 1915 c 60 § 1; 1909 ex.s. c 25 § 1; RRS § 3799.]

29.68.090 VACANCY IN UNITED STATES HOUSE OF REPRESENTATIVES—ORDER CALLING ELECTION—REQUISITES—FILING PERIOD. The order shall name the district and the term or part of the term for which the vacancy exists or is about to exist as well as the dates for holding the special primary and the special election to fill it, together with naming the filing period, and if the date fixed for the special primary is the day for holding the regular primary, or if the day fixed for the special election is the day for holding the regular election, the order shall provide that the names of the candidates to fill the vacancy may be placed upon the regular ballots to be used thereat. No name shall be printed on the primary ballots that shall not have been filed with the secretary of state during the applicable filing period as set forth



in this section. [1973 2nd ex.s. c 36 § 4; 1965 c 9 § 29.68.090. Prior: (i) 1909 ex.s. c 25 § 2, part; RRS § 3800, part. (ii) 1909 ex.s. c 25 § 3, part; RRS § 3801, part.]

29.68.100 VACANCY IN UNITED STATES HOUSE OF REPRESENTATIVES--NOTICES OF SPECIAL PRIMARY AND SPECIAL ELECTION. Upon calling a special primary and special election to fill a vacancy or impending vacancy in the office of representative in the congress of the United States, the governor shall immediately notify the secretary of state who shall, in turn, immediately notify each county auditor within the district in which the vacancy exists or is about to exist.

Each county auditor in the district shall publish notices of the special primary and of the special election at least once in any legal newspaper published in the county, as provided by RCW 29.27.030 and 29.27.080 respectively. [1973 2nd ex.s. c 36 § 5; 1965 c 9 § 29.68.100. Prior: 1909 ex.s. c 25 § 2, part; RRS § 3800, part.]

29.68.110 VACANCY IN UNITED STATES HOUSE OF REPRESENTATIVES--PRECINCT ELECTION OFFICERS--WHO TO SERVE. If either the special election for the election of a United States congressman or the special primary relating thereto is held at a time other than the regular election or primary, the same election officers shall serve at both such special primary and special election. [1973 2nd ex.s. c 36 § 6; 1965 c 9 § 29.68.110. Prior: 1909 ex.s. c 25 § 3, part; RRS § 3801, part.]

29.68.120 VACANCY IN UNITED STATES HOUSE OF REPRESENTATIVES--CANVASS OF PRIMARY--CERTIFICATION OF NOMINEES. Canvass of the votes at a special primary held in relation to a special election for a United States congressman shall be made in each county within the district within ten days after the primary and the returns sent immediately to the secretary of state who shall immediately convene the state canvassing board to certify said returns in the same manner as provided by RCW 29.62.110 and as soon as possible thereafter certify the names of the successful nominees to the county auditors of the counties within the district. [1973 2nd ex.s. c 36 § 7; 1965 c 9 § 29.68.120. Prior: 1909 ex.s. c 25 § 3, part; RRS § 3801, part.]

Chapter 29.79  
INITIATIVE AND REFERENDUM

29.79.015 REVIEW OF INITIATIVE MEASURES BY CODE REVISER'S OFFICE--CERTIFICATE OF REVIEW PREREQUISITE TO ASSIGNMENT OF SERIAL NUMBER. Upon receipt of any petition proposing an initiative to the people or an initiative to the legislature, and prior to giving a serial number thereto, the secretary of state shall submit a copy thereof to the office of the code reviser and give notice to the petitioner of such transmittal. Upon receipt of the measure, the assistant code reviser to whom it has been assigned may confer with the petitioner and shall within ten working days from receipt thereof review the proposal for matters of form and style, and such matters of substantive import as may be agreeable to the petitioner, and shall recommend to the petitioner such revision or alteration of the measure as may be deemed necessary and appropriate. The recommendations of the reviser's office shall be advisory only, and the petitioner may accept or reject them in whole or in part. The code reviser shall issue a certificate of review certifying that he has reviewed the measure for form and style and that the recommendations thereon, if any, have been communicated to the petitioner, and such certificate shall issue whether or not the petitioner accepts such recommendations. Within fifteen working days after notification of submittal of the petition to the reviser's office, the petitioner, if he desires to proceed with his sponsorship, shall file the measure together with the certificate of review with the secretary of state for assignment of serial number and the secretary of state shall thereupon submit to the reviser's office a certified copy of the measure filed. Upon submitting the proposal to the secretary of state for assignment of a serial number the secretary of state shall refuse to make such assignment unless the proposal is accompanied by a certificate of review. [1973 c 122 § 2.]

Legislative finding: "The legislature finds that the initiative process reserving to the people the power to propose bills, laws and to enact or reject the same at the polls, independent of the legislature, is finding increased popularity with citizens of our state. The exercise of this power concomitant with the power of the legislature requires coordination to avoid the duplication and confusion of laws. This legislation is enacted especially to facilitate the operation of the initiative process." [1973 c 122 § 1.]

29.79.040 BALLOT TITLE—FORMULATION BY ATTORNEY GENERAL. Within ten days after the receipt of an initiative or referendum measure the attorney general shall formulate therefor and transmit to the secretary of state a concise statement posed as a question and not to exceed twenty words, bearing the serial number of the measure. The statement may be distinct from the legislative title of the measure, and shall express, and give a true and impartial statement of the purpose of the measure; it shall not be intentionally an argument, nor likely to create prejudice, either for or against the measure. Such concise statement shall constitute the ballot title. The ballot title formulated by the attorney general shall be the ballot title of the measure unless changed on appeal. [1973 1st ex.s. c 118 § 2; 1965 c 9 § 29.79.040. Prior: 1953 c 242 § 2; 1913 c 138 § 2; RRS § 5398.]

29.79.050 BALLOT TITLE—NOTICE TO PROPONENTS. Upon the filing of the ballot title for an initiative or referendum measure in his office, the secretary of state shall forthwith notify the persons proposing the measure by telephone and by mail of the exact language thereof. [1973 1st ex.s. c 118 § 3; 1965 c 9 § 29.79.050. Prior: 1913 c 138 § 3, part; RRS § 5399, part.]

29.79.080 PETITIONS—PAPER—SIZE—MARGINS. Upon the ballot title being established, the persons proposing the measure may prepare blank petitions and cause them to be printed upon single sheets of paper of good writing quality twelve inches in width and fourteen inches in length, with a margin of one and three-quarters inches at the top for binding. Each petition at the time of circulating, signing, and filing with the secretary of state shall consist of not more than one sheet with numbered lines for not more than twenty signatures on each sheet, with the prescribed warning, title and form of petition on each sheet, and a full, true and correct copy of the proposed measure referred to therein printed on the reverse side of said petition or on sheets of paper of like size and quality as the petition, firmly fastened together. [1973 1st ex.s. c 118 § 4; 1965 c 9 § 29.79.080. Prior: (i) 1913 c 138 § 4, part; RRS § 5400, part. (ii) 1913 c 138 § 9; RRS § 5405.]

Chapter 29.80  
CANDIDATES' PAMPHLETS

29.80.010 CONTENTS—PUBLICATION. As soon as possible prior to each state general election at which federal or state officials are to be elected, the secretary

of state shall publish and mail to each individual place of residence of the state a candidates' pamphlet containing photographs and campaign statements of eligible nominees who desire to participate therein: PROVIDED, That in odd-numbered years no candidate's pamphlet shall be published. [1973 c 4 § 8; 1965 c 9 § 29.80.010. Prior: 1959 c 329 § 19.]

Chapter 29.81  
VOTERS' PAMPHLET

29.81.010 CONTENTS, HOW ORGANIZED. The voters' pamphlet shall contain as to each state measure to be voted upon, the following in the order set forth in this section:

(1) Upon the top portion of the first two opposing pages relating to said measure and not exceeding one-third of the total printing area shall appear:

(a) The legal identification of the measure by serial designation and number;

(b) The official ballot title of the measure;

(c) A brief statement explaining the law as it presently exists;

(d) A brief statement explaining the effect of the proposed measure should it be approved into law;

(e) The total number of votes cast for and against the measure in both the state senate and house of representatives if the measure has been passed by the legislature;

(f) A heavy double ruled line across both pages to clearly set apart the above items from the remaining text.

(2) Upon the lower portion of the left page of the two facing pages shall appear an argument advocating the voters' approval of the measure together with any rebuttal statement of the opposing argument as provided in RCW 29.81.030, 29.81.040, or 29.81.050.

(3) Upon the lower portion of the right hand page of the two facing pages shall appear an argument advocating the voters' rejection of the measure together with any rebuttal statement of the opposing argument as provided in RCW 29.81.030, 29.81.040, or 29.81.050.

(4) Following each argument or rebuttal statement each member of the committee advocating for or against a measure shall be listed by name and address to the end that the public shall be fully apprised of the advocate's identity.

(5) At the conclusion of the pamphlet the full text of each of the measures shall appear. The text of the proposed constitutional amendments shall be set forth in the form provided for in RCW 29.81.080. [1973 1st ex.s. c 143 § 1; 1965 c 9 § 29.81.010. Prior: 1959 c 329 § 1. Formerly RCW 29.79.3502.]

29.81.020 EXPLANATORY STATEMENT BY ATTORNEY GENERAL, APPEAL, JUDICIAL STATEMENT--ARGUMENTS AND REBUTTAL STATEMENTS BY COMMITTEES. (1) The attorney general shall prepare the explanatory statements required to be presented on the top portion of the two facing pages relating to each measure. Such statements shall be prepared in clear and concise language and shall avoid the use of legal and other technical terms insofar as possible. Any person dissatisfied with the explanatory statement so prepared may at any time within ten days from the filing thereof in the office of the secretary of state appeal to the superior court of Thurston county by petition setting forth the measure, the explanatory statement prepared by the attorney general, and his objection thereto and praying for the amendment thereof. A copy of the petition and a notice of such appeal shall be served on the secretary of state and the attorney general. The court shall, upon filing of the petition, examine the measure, the explanatory statement, and the objections thereto and may hear argument thereon and shall, as soon as possible, render its decision and certify to and file with the secretary of state such explanatory statement as it determines will meet the requirements of this chapter. The decision of the superior court shall be final and its explanatory statement shall be the established explanatory statement. Such appeal shall be heard without costs to either party.

(2) Arguments and rebuttal statements advocating the voters' approval or rejection of any measure shall be prepared and submitted for printing by the committees created pursuant to RCW 29.81.030, 29.81.040 and 29.81.050. Such arguments and rebuttal statements shall be the arguments and rebuttal statements and no other arguments or rebuttal statements shall appear in the pamphlet as to such measure. Arguments may contain graphs and charts, supported by factual statistical data and pictures or other illustrations, but cartoons or caricatures shall not be permitted. [1973 1st ex.s. c 143 § 2; 1965 c 9 § 29.81.020. Prior: 1959 c 329 § 2. Formerly RCW 29.79.3506.]

29.81.030 COMMITTEE ADVOCATING APPROVAL OF CONSTITUTIONAL AMENDMENT, REFERENDUM BILL--MEMBERSHIP--SUBMISSION OF ARGUMENT FOR PRINTING. Arguments advocating voters' approval of any proposed constitutional amendment or referendum bill shall be composed and submitted for printing by a committee created as follows: The presiding officer of the state senate shall appoint one state senator known to favor the measure and the presiding officer of the house of representatives shall appoint one state representative known to favor the measure. The two persons so appointed shall appoint a third member to the committee who may or may not be a member

of the legislature. If no member of the legislature can be enlisted to serve on such committee, then a committee composed of the secretary of state, the presiding officer of the senate, and the presiding officer of the house of representatives shall appoint any persons who are, in their judgment, qualified to serve in such capacity. [1973 1st ex.s. c 143 § 3; 1965 c 9 § 29.81.030. Prior: 1959 c 329 § 3. Formerly RCW 29.79.3510.]

29.81.040 COMMITTEE ADVOCATING REJECTION OF CONSTITUTIONAL AMENDMENT, REFERENDUM BILL--MEMBERSHIP--SUBMISSION OF ARGUMENT AND REBUTTAL STATEMENTS FOR PRINTING. Arguments advocating voters' rejection of any proposed constitutional amendment or referendum bill passed by the legislature and referred to the people for final decision and rebuttal statements of arguments advocating approval of such measures shall be composed and submitted for printing by a committee created as follows: The presiding officer of the state senate shall appoint one state senator and the presiding officer of the house of representatives shall appoint one state representative. Whenever possible, the two persons so appointed shall be known to have opposed the measure and they shall appoint a third member to the committee who may or may not be a member of the legislature. If no member of the legislature can be enlisted to serve on such committee, then a committee composed of the secretary of state, the presiding officer of the house and the presiding officer of the senate shall appoint any persons who are, in their judgment, qualified to serve in such capacity. [1973 1st ex.s. c 143 § 4; 1971 ex.s. c 145 § 4; 1965 c 9 § 29.81.040. Prior: 1959 c 329 § 4. Formerly RCW 29.79.3514.]

29.81.042 TIME FOR SUBMISSION OF ARGUMENTS TO SECRETARY OF STATE. The committees appointed to compose the arguments to appear in the voters' pamphlet pursuant to RCW 29.81.030 and 29.81.040 shall submit such arguments, not to exceed two hundred fifty words in length, to the secretary of state no later than the first day of June preceding the election at which the measures will appear. In the event that a committee appointed pursuant to RCW 29.81.030 or 29.81.040 fails to submit its argument prior to the first day of June preceding the election, the secretary of state, the presiding officer of the house of representatives, and the presiding officer of the state senate shall appoint any persons who are, in their judgment, qualified to compose such an argument. Any additional committee so appointed shall have until the last day of June preceding the election on the measure to compose and submit the appropriate argument. [1973 1st ex.s. c 143 § 6.]

29.81.043 TRANSMITTAL OF ARGUMENTS BY SECRETARY OF STATE--REBUTTAL ARGUMENTS. On or before the first day of July preceding the election, the secretary of state shall transmit each argument submitted advocating approval of a constitutional amendment or referendum bill to the committee appointed to compose the argument against the same measure and transmit each argument submitted advocating rejection of a constitutional amendment or referendum bill to the committee appointed to compose the argument in favor of the same measure. The committees concerned may submit rebuttal arguments, not to exceed seventy-five words in length, addressing statements made by the opposing committee, but interjecting no new issue no later than the fifteenth day of July preceding the election at which the measure is to appear. [1973 1st ex.s. c 143 § 7.]

29.81.050 COMMITTEES ADVOCATING FOR AND AGAINST INITIATIVE MEASURES OR REFERENDUM PETITIONS--MEMBERSHIP--SUBMISSION OF ARGUMENTS AND REBUTTAL STATEMENTS FOR PRINTING. Arguments advocating voters' approval of any initiative measure or any act passed by the legislature and referred to the people by referendum petition and rebuttal statements of arguments advocating rejection of such measures shall be composed and submitted for printing by a committee created as follows:

The presiding officer of the state senate, the presiding officer of the house of representatives, and the secretary of state shall together appoint two persons known to favor the measure to serve on the committee. The two persons so appointed shall appoint a third person to the committee.

Arguments advocating voters' rejection of any initiative measure or any act passed by the legislature and referred to the people by referendum petition and rebuttal statements of arguments advocating approval of such measures shall be composed and submitted for printing by a committee created as follows:

The presiding officer of the state senate, the presiding officer of the house of representatives, and the secretary of state shall together appoint two persons to serve on the committee. Whenever possible, the two persons so appointed shall be known to have opposed the measure. The two persons so appointed shall appoint a third person to the committee. [1973 1st ex.s. c 143 § 5; 1965 c 9 § 29.81.050. Prior: 1959 c 329 § 5. Formerly RCW 29.79.3518.]

29.81.052 TIME FOR SUBMISSION OF ARGUMENTS TO SECRETARY OF STATE. The committees appointed to compose the arguments to appear in the voters' pamphlet pursuant to

RCW 29.81.050 shall submit such arguments, not to exceed two hundred fifty words in length, no later than the last day of July preceding the election at which the measures will appear. [1973 1st ex.s. c 143 § 8.]

29.81.053 TRANSMITTAL OF ARGUMENTS BY SECRETARY OF STATE--REBUTTAL ARGUMENTS. On or before the first day of August preceding the election, the secretary of state shall transmit each argument submitted advocating approval of an initiative measure or any act passed by the legislature and referred to the people by referendum petition to the committee appointed to compose the argument against the same measure and transmit each argument submitted advocating rejection of an initiative measure or any act passed by the legislature and referred to the people by referendum petition to the committee appointed to compose the argument in favor of the measure. The committees concerned may submit rebuttal arguments not to exceed seventy-five words in length addressing statements made by the opposing committee, but interjecting no new issue no later than the fifteenth day of August preceding the election at which the measure is to appear. [1973 1st ex.s. c 143 § 9.]

29.81.100 PUBLICATION OF PAMPHLETS--ARRANGEMENT OF MATERIAL. As soon as possible prior to any state general election at which any initiative measure, referendum measure, or amendment to the state Constitution is to be submitted to the people, the secretary of state shall cause to be printed in pamphlet form a true copy of the serial designation or number, the ballot title, the legislative title, if any, the full text of and the arguments for and arguments against each such measure to be submitted to the people, and such other information pertaining to elections as may be required by law or in the judgment of the secretary of state is deemed informative to the voters. [1973 c 4 § 9; 1971 ex.s. c 145 § 5; 1965 c 9 § 29.81.100. Prior: 1959 c 329 § 10; prior: 1917 c 30 § 1, part; 1913 c 138 § 27, part; RRS § 5423, part. Formerly RCW 29.79.370.]

Chapter 29.83  
CAMPAIGN REPORTING ACT  
(REFERENDUM BILL NO. 25--1972)

29.83.010 THROUGH 29.83.190, 29.83.900 THROUGH 29.83.940. [1972 ex.s. c 98 §§ 1-26. (Referendum Bill No. 25).] Repealed by 1973 c 1 § 50 (Initiative Measure No. 276 § 50).

Chapter 29.85  
CRIMES AND PENALTIES

29.85.270 POLITICAL ADVERTISING—USE OF ASSUMED NAME. [1965 ex.s. c 9 § 29.85.270. Prior: 1959 c 112 § 1; 1955 c 317 § 1.] Repealed by 1972 ex.s. c 98 § 20.

Reviser's note: The act which repealed this section [1972 ex.s. c 98] was referred to and ratified by the people at the November 7, 1972 general election [Referendum Bill No. 25]. Section 50 of Initiative Measure No. 276 which was approved at the same election repealed 1972 ex. sess. c 98 and Referendum Bill No. 25. See RCW 42.17.940.

TITLE 30  
BANKS AND TRUST COMPANIES

Sections added, amended, or repealed:

Chapter 30.04 General Provisions.

30.04.120 Loans on own stock prohibited—Shares of other corporations.  
30.04.210 Real estate holdings.  
30.04.230 Holding corporations—Restrictions—Penalty.  
30.04.240 Trust business to be kept separate—Deposit of securities with a clearing corporation authorized.  
30.04.290 Foreign companies—Authority to do business.  
30.04.380 Investment in paid-in capital stock and surplus of banks or corporations engaged in international or foreign banking.  
30.04.390 Acquisition of stock of banks organized under laws of foreign country, etc.

Chapter 30.08 Organization and Powers.

30.08.010 Incorporators—Paid-in capital requirements—Business district—Additional amount.  
30.08.020 Notice of intention to organize—Proposed articles of incorporation—Execution—Contents.  
30.08.030 Investigation.  
30.08.040 Notice to file articles—Articles approved or refused—Hearing.  
30.08.060 Certificate of authority—Issuance—Contents.  
30.08.095 Schedule of fees to be established.  
30.08.150 Corporate powers of trust companies.

Chapter 30.20 Deposits.

30.20.030 Deposits of persons under disability.

Chapter 30.24 Investment of Trust Funds.

30.24.120 Investments in policies of life insurance.  
30.24.130 Person to whom power or authority to direct or control acts of trustee or investments of a trust are conferred deemed a fiduciary—Liability.

Chapter 30.40 Branch Banks.

30.40.020 Branches authorized—Restrictions.

Chapter 30.42 Alien Banks.

30.42.010 Purpose.  
30.42.020 Definitions.  
30.42.030 Authorization and compliance with chapter required.  
30.42.040 More than one office prohibited.  
30.42.050 Acquisition or serving on board of directors or trustees of other financial institutions prohibited.  
30.42.060 Conditions to be met before opening office in state.  
30.42.070 Allocated paid-in capital—Requirements.  
30.42.080 Separate assets—Books and records—Priority as to assets.  
30.42.090 Approval of application—Criteria—Reciprocity.  
30.42.100 Notice of approval—Filing—Time period for commencing business.  
30.42.110 Powers and activities.  
30.42.120 Requirements for accepting deposits or transacting business.  
30.42.130 Taking possession by supervisor—Reasons—Disposition of deposits—Claims—Priorities.  
30.42.140 Examinations—Investigations.  
30.42.150 Loans subject to usury laws.  
30.42.160 Powers as to real estate.  
30.42.170 Advertising, status of federal insurance on deposits to be included—Gifts for new deposits.  
30.42.180 Approved agencies—Powers and activities.  
30.42.190 Bonding requirements for officers and employees.  
30.42.200 Books and accounts—English language.  
30.42.210 Bureaus—Application procedure.  
30.42.220 Bureaus—Approval—Certificate of authority—Time limit for commencing business.  
30.42.230 Bureaus—Number—Powers.  
30.42.240 Bureaus—Examinations.  
30.42.250 Temporary facilities at trade fairs, etc.  
30.42.260 Reports.  
30.42.270 Taxation.  
30.42.280 Directors, officers and employees—Duties, responsibilities and restrictions—Removal.  
30.42.290 Compliance—Violations—Penalties.

- 30.42.300 Suspension or revocation of certificate to operate—  
Grounds.
- 30.42.310 Change of location.
- 30.42.320 Rules and regulations.
- 30.42.330 Fees.
- 30.42.340 Alien banks or branches in business on or before effective date.
- 30.42.900 Severability—1973 1st ex.s. c 53.

Chapter 30.44 Insolvency and Liquidation.

- 30.44.270 Federal deposit insurance corporation as receiver or liquidator—Appointment—Powers and duties.
- 30.44.280 Payment or acquisition of deposit liabilities by federal deposit insurance corporation—Not hindered by judicial review—Liability.

Chapter 30.04  
GENERAL PROVISIONS

30.04.120 LOANS ON OWN STOCK PROHIBITED—SHARES OF OTHER CORPORATIONS. The shares of stock of every bank and trust company shall be deemed personal property. No such corporation shall hereafter make any loan or discount on the security of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; in which case the stocks so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or acquisition. Except as hereinafter provided or otherwise permitted by law, nothing herein contained shall authorize the purchase by any such bank or trust company for its own account of any shares of stock of any corporation, except a federal reserve bank of which such corporation shall become a member, and then only to the extent required by such federal reserve bank: PROVIDED, That any such bank or trust company may purchase, acquire and hold shares of stock in any other corporation which shares have been previously pledged as security to any loan or discount made in good faith and such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith and stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within two years from the time of its purchase or acquisition. Banks and trust companies are authorized to make loans on the security of the capital stock

of a bank or trust company other than the lending corporation. [1973 1st ex.s. c 104 § 1; 1955 c 33 § 30.04.120. Prior: 1943 c 187 § 1; 1933 c 42 § 9; 1929 c 73 § 5; 1917 c 80 § 36; Rem. Supp. 1943 § 3243.]

30.04.210 REAL ESTATE HOLDINGS. A bank or trust company may purchase, hold and convey real estate for the following purposes and no other:

(1) Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments in the same building to rent as a source of income: PROVIDED, That any bank or trust company shall not invest for such purposes more than the greater of: (a) Thirty percent of its capital, surplus, and undivided profits; or (b) one hundred percent of its capital stock without the approval of the supervisor.

(2) Such as shall be purchased or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of its business.

(3) Such as it shall purchase at sale under judgments, decrees, liens or mortgage foreclosures, against securities held by it.

(4) Such as a trust company receives in trust or acquires pursuant to the terms or authority of any trust.

(5) Such as it may take title to or for the purpose of investing in real estate conditional sales contracts.

No real estate specified in subdivision (4) shall be considered an asset of the bank or trust company holding the same in trust nor shall any real estate except that specified in subdivision (1) be carried as an asset on the bank's or trust company's books for a longer period than five years from the date title is acquired thereto, unless an extension of time be granted by the supervisor. [1973 1st ex.s. c 104 § 2; 1955 c 33 § 30.04.210. Prior: 1947 c 149 § 1; 1917 c 80 § 37; Rem. Supp. 1947 § 3244.]

30.04.230 HOLDING CORPORATIONS—RESTRICTIONS—PENALTY. A corporation or association organized under the laws of this state, or licensed to transact business in the state, shall not hereafter acquire any shares of stock of any bank, trust company, or national banking association which, in the aggregate, enable it to own, hold, or control more than twenty-five percent of the capital stock of more than one such bank, trust company, or national banking association: PROVIDED, HOWEVER, That the foregoing restriction shall not apply as to any legal commitments existing on February 27, 1933: AND PROVIDED, FURTHER, That the foregoing restriction shall not apply to prevent any such corporation or association which has its principal place of business in this state from acquiring additional shares of

stock in a bank, trust company, or national banking association in which such corporation or association owned twenty-five percent or more of the capital stock on January 1, 1961.

A person who does, or conspires with another or others in doing, an act in violation of this section shall be guilty of a gross misdemeanor. A corporation that violates this section, or a corporation whose stock is acquired in violation hereof, shall forfeit its charter if it be a domestic corporation, or its license to transact business if it be a foreign corporation; and the forfeiture shall be enforced in an action by the state brought by the attorney general. [1973 1st ex.s. c 92 § 1; 1961 c 69 § 1; 1955 c 33 § 30.04.230. Prior: 1933 c 42 § 10; RRS § 3243-1.]

30.04.240 TRUST BUSINESS TO BE KEPT SEPARATE--DEPOSIT OF SECURITIES WITH A CLEARING CORPORATION AUTHORIZED. (1) Every corporation doing a trust business shall maintain in its office a trust department in which it shall keep books and accounts of its trust business, separate and apart from its other business. Such books and accounts shall specify the cash, securities and other properties, real and personal, held in each trust, and such securities and properties shall be at all times segregated from all other securities and properties. Such corporation shall also cause each bond, warrant, note, mortgage, deed or other security of any nature to be labeled to indicate the trust to which it belongs. Any person connected with a bank or trust company who shall commingle any funds or securities of any kind held by such corporation in trust, for safekeeping or as agent for another, with the funds or assets of the corporation shall be guilty of a felony.

(2) Notwithstanding any other provisions of law, any fiduciary holding securities in its fiduciary capacity, any state bank, national bank, or trust company holding securities as a custodian or managing agent and any state bank, national bank, or trust company holding securities as custodian for a fiduciary is authorized to deposit or arrange for the deposit of such securities in a clearing corporation (as defined in Article 8 of the Uniform Commercial Code, chapter 62A.8). When such securities are so deposited, certificates representing securities of the same class of the same issuer may be merged and held in bulk in the name of the nominee of such clearing corporation with any other such securities deposited in such clearing corporation by any person regardless of the ownership of such securities, and certificates of small denomination may be merged into one or more certificates of larger denomination. The records of such fiduciary and the records of such state bank, national bank, or trust company acting as custodian, as managing agent, or

as custodian for a fiduciary shall at all times show the name of the party for whose account the securities are so deposited. Ownership of, and other interests in, such securities any [may] be transferred by bookkeeping entry on the books of such clearing corporation without physical delivery of certificates representing such securities. A state bank, national bank, or trust company so depositing securities pursuant to this section shall be subject to such rules and regulations as, in the case of state chartered banks and trust companies, the supervisor of banking and, in the case of national banking associations, the comptroller of the currency may from time to time issue. A state bank, national bank, or trust company acting as custodian for a fiduciary shall, on demand by the fiduciary, certify in writing to the fiduciary the securities so deposited by such state bank, national bank, or trust company in such clearing corporation for the account of such fiduciary. A fiduciary shall, on demand by any party to a judicial proceeding for the settlement of such fiduciary's account or on demand by the attorney for such party, certify in writing to such party the securities deposited by such fiduciary in such clearing corporation for its account as such fiduciary.

This subsection shall apply to any fiduciary holding securities in its fiduciary capacity, and to any state bank, national bank, or trust company holding securities as a custodian, managing agent, or custodian for a fiduciary, acting on March 14, 1973 or who thereafter may act regardless of the date of the agreement, instrument, or court order by which it is appointed and regardless of whether or not such fiduciary, custodian, managing agent, or custodian for a fiduciary owns capital stock of such clearing corporation. [1973 c 99 § 1; 1955 c 33 § 30.04.240. Prior: 1919 c 209 § 16; 1917 c 80 § 49; RRS § 3256.]

30.04.290 FOREIGN COMPANIES--AUTHORITY TO DO BUSINESS. A foreign corporation, whose name contains the words "bank," "banker," "banking," or "trust," or whose articles of incorporation empower it to do a banking or trust business and which desires to engage in the business of loaning money on mortgage securities or in buying and selling exchange, coin, bullion or securities in this state may do so, but only upon filing with the supervisor and with the secretary of state a certified copy of a resolution of its governing board to the effect that it will not engage in banking or trust business in this state, which copy shall be duly attested by its president and secretary. Such corporation shall also comply with the general corporation laws of this state relating to foreign corporations doing business herein. Nothing herein shall prevent operations by an alien bank in



this state in conformance with chapter 30.42 RCW, RCW 30.04.290 and 30.40.020; nor after July 16, 1973 authorize the transaction of business in this state by an alien bank in any manner except in accordance with the provisions of chapter 30.42 RCW, RCW 30.04.290 and 30.40.020. [1973 1st ex.s. c 53 § 36; 1961 c 20 § 1; 1955 c 33 § 30.04.290. Prior: 1919 c 209 § 14; 1917 c 80 § 40; RRS § 3247.]

Severability—1973 1st ex.s. c 53: See RCW 30.42.900.

30.04.380 INVESTMENT IN PAID-IN CAPITAL STOCK AND SURPLUS OF BANKS OR CORPORATIONS ENGAGED IN INTERNATIONAL OR FOREIGN BANKING. Any bank or trust company which is a member of the federal reserve system, may invest an amount not exceeding ten per centum of its paid-in capital stock and surplus in the stock of one or more banks or corporations chartered under the laws of the United States, or of any state thereof, and principally engaged in international or foreign banking, or banking in a dependency or insular possession of the United States, either directly or through the agency, ownership or control of local institutions in foreign countries, or in such dependencies or insular possessions. [1973 1st ex.s. c 104 § 9.]

30.04.390 ACQUISITION OF STOCK OF BANKS ORGANIZED UNDER LAWS OF FOREIGN COUNTRY, ETC. Any bank or trust company which is a member of the federal reserve system, may acquire and hold, directly or indirectly, stock or other evidence of indebtedness of ownership in one or more banks organized under the law of a foreign country or a dependency or insular possession of the United States. [1973 1st ex.s. c 104 § 10.]

Chapter 30.08  
ORGANIZATION AND POWERS

30.08.010 INCORPORATORS—PAID-IN CAPITAL REQUIREMENTS—BUSINESS DISTRICT—ADDITIONAL AMOUNT. When authorized by the supervisor, as hereinafter provided, five or more natural persons, citizens of the United States, may incorporate a bank or trust company in the manner herein prescribed. No bank or trust company shall incorporate for less amount nor commence business unless it have a paid-in capital as follows:

In cities, villages or communities having a population of less than 25,000.....	\$ 50,000.00
In cities having a population of 25,000 and less than 100,000.....	100,000.00
In cities having a population of 100,000 or more.....	200,000.00

PROVIDED, That on request of any persons desiring to incorporate a bank in a city having a population of twenty-five thousand or over, the supervisor shall make an order defining the boundaries of the central business district of such city, which shall include the district in which is carried on the principal retail, financial and office business of such city and banks may be incorporated with a paid-up capital of not less than fifty thousand dollars to be located in such city outside of the central business district of such city as defined by the order of the supervisor, which shall be stated in its articles of incorporation, but any such bank which shall be hereafter incorporated to be located outside such central business district, which shall thereafter change its location into such central business district without increasing its capital stock and surplus to the amount required by then existing laws to incorporate a bank within such central business district, shall forfeit its charter and right to do business. The supervisor may from time to time change the boundaries of said central business district, if, in his judgment, such action is proper.

In addition to the foregoing, each bank and trust company shall before commencing business have subscribed and paid into it in the same manner as is required for capital stock, an additional amount equal to at least ten percent of the capital stock above required. Such additional amount shall be carried in the undivided profit account and may be used to defray organization and operating expenses of the company deemed reasonable by the supervisor. Any sum not so used shall be transferred to the surplus fund of the company before any dividend shall be declared to the stockholders. [1973 1st ex.s. c 104 § 3; 1969 c 136 § 3; 1955 c 33 § 30.08.010. Prior: 1947 c 131 § 1; 1929 c 72 § 4; 1923 c 115 § 2; 1917 c 80 § 19; Rem. Supp. 1947 § 3226.]

30.08.020 NOTICE OF INTENTION TO ORGANIZE—PROPOSED ARTICLES OF INCORPORATION—EXECUTION—CONTENTS. Persons desiring to incorporate a bank or trust company shall file with the supervisor a notice of their intention to organize a bank or trust company in such form and containing such information as the supervisor shall prescribe by regulation, together with proposed articles of incorporation, which shall be submitted for examination to the supervisor at his office in Olympia.

The proposed articles of incorporation shall state:

- (1) The name of such bank or trust company.
- (2) The city, village or locality and county where such corporation is to be located.
- (3) The nature of its business, whether that of a commercial bank, a savings bank or both or a trust company.

(4) The amount of its capital stock, which shall be divided into shares of not less than ten dollars each, nor more than one hundred dollars each, as may be provided in the articles of incorporation.

(5) The period for which such corporation is organized, which may be for a stated number of years or perpetual.

(6) The names and places of residence of the persons who as directors are to manage the corporation until the first annual meeting of its stockholders.

(7) That for a stated number of years, which shall be not less than ten nor more than twenty years from the date of approval of the articles (a) no voting share of the corporation shall, without the prior written approval of the supervisor, be affirmatively voted for any proposal which would have the effect of sale, conversion, merger, or consolidation to or with, any other banking entity or affiliated financial interest, whether through transfer of stock ownership, sale of assets, or otherwise, (b) the corporation shall take no action to consummate any sale, conversion, merger, or consolidation in violation of this subdivision, (c) this provision of the articles shall not be revoked, altered, or amended by the shareholders without the prior written approval of the supervisor, and (d) all stock issued by the corporation shall be subject to this subdivision and a copy hereof shall be placed upon all certificates of stock issued by the corporation. [1973 1st ex.s. c 104 § 4; 1959 c 118 § 1; 1957 c 248 § 1; 1955 c 33 § 30.08.020. Prior: (i) 1923 c 115 § 3; 1917 c 80 § 20; RRS § 3227. (ii) 1929 c 174 § 1; 1923 c 115 § 4; 1917 c 80 § 21; RRS § 3228.]

30.08.030 INVESTIGATION. When the notice of intention to organize and proposed articles of incorporation complying with the foregoing requirements have been received by the supervisor, together with the fees required by law, he shall ascertain from the best source of information at his command and by such investigation as he may deem necessary, whether the character, responsibility and general fitness of the persons named in such articles are such as to command confidence and warrant belief that the business of the proposed bank or trust company will be honestly and efficiently conducted in accordance with the intent and purpose of this title, whether the resources in the neighborhood of such place and in the surrounding country afford a reasonable promise of adequate support for the proposed bank and whether the proposed bank or trust company is being formed for other than the legitimate objects covered by this title. [1973 1st ex.s. c 104 § 5; 1955 c 33 § 30.08.030. Prior: 1929 c 72 § 3, part; 1923 c 115 § 5, part, 1917 c 80 § 22, part; RRS § 3229, part.]

30.08.040 NOTICE TO FILE ARTICLES--ARTICLES APPROVED OR REFUSED--HEARING. After the supervisor shall have satisfied himself of the above facts, and, within six months of the date the notice of intention to organize has been received in his office, he shall notify the incorporators to file executed and acknowledged articles of incorporation with him in quadruplicate. Unless the supervisor otherwise consents in writing, such articles shall be in the same form and shall contain the same information as the proposed articles and shall be filed with him within ten days of such notice. Within thirty days after the receipt of such articles of incorporation, he shall endorse upon each of the quadruplicates thereof, over his official signature, the word "approved," or the word "refused," with the date of such endorsement. In case of refusal he shall forthwith return one of the quadruplicates, so endorsed, together with a statement explaining the reason for refusal to the person from whom the articles were received, which refusal shall be conclusive, unless the incorporators, within ten days of the issuance of such notice of refusal, shall request a hearing pursuant to the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended. [1973 1st ex.s. c 104 § 6; 1955 c 33 § 30.08.040. Prior: 1929 c 72 § 3, part; 1923 c 115 § 5, part; 1917 c 80 § 22, part; RRS § 3229, part.]

30.08.060 CERTIFICATE OF AUTHORITY--ISSUANCE--CONTENTS. Before any bank or trust company shall be authorized to do business, and within ninety days after approval of the articles of incorporation, it shall furnish proof satisfactory to the supervisor that such corporation has a paid-in capital in the amount fixed by its articles of incorporation and by this title, that the requisite surplus or reserve fund has been accumulated or paid in cash, and that it has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to commencing business imposed by this title. If so satisfied, and within thirty days after receipt of such proof, the supervisor shall issue under his hand and official seal, in quadruplicate, a certificate of authority for such corporation. The certificate shall state that the corporation therein named has complied with the requirements of law, that it is authorized to transact at the place designated in its articles of incorporation the business of a bank or trust company, or both, as the case may be: PROVIDED, HOWEVER, That the supervisor may make his issuance of the certificate conditional upon the granting of deposit insurance by the federal deposit insurance corporation, and in such event, shall set out such condition in a written notice which shall be delivered to the corporation.

One of the quadruplicate certificates shall be transmitted by the supervisor to the corporation and the other three shall be filed by the supervisor in the same offices where the articles of incorporation are filed and shall be attached to said articles of incorporation, and the one filed with the secretary of state shall be recorded: PROVIDED, HOWEVER, That if the issuance of the certificate is made conditional upon the granting of deposit insurance by the federal deposit insurance corporation, the supervisor shall not transmit or file the certificate until such condition is satisfied. [1973 1st ex.s. c 104 § 7; 1955 c 33 § 30.08.060. Prior: 1929 c 72 § 3, part; 1923 c 115 § 5, part; 1917 c 80 § 22, part; RRS § 3229, part.]

30.08.095 SCHEDULE OF FEES TO BE ESTABLISHED. The supervisor shall collect in advance fees for the following services:

For filing application for certificate of authority and attendant investigation as outlined in the law;

For filing application for certificate conferring trust powers upon a state or national bank;

For filing articles of incorporation, or amendments thereof, or other certificates required to be filed in his office;

For filing merger agreement and attendant investigation;

For filing application to relocate main office or branch and attendant investigation;

For issuing a certificate of increase or decrease of capital stock;

For issuing each certificate of authority;

For furnishing copies of papers filed in his office, per page.

The supervisor shall establish the amount of the fee for each of the above transactions, and for other services rendered by the division of banking by rules and regulations promulgated pursuant to the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended.

Every bank or trust company shall also pay to the secretary of state or county auditor for filing any instrument with him the same fees as are required of general corporations for filing corresponding instruments, and also the same license fees as are required of general corporations. [1973 1st ex.s. c 104 § 8; 1969 c 136 § 4; 1955 c 33 § 30.08.095. Prior: 1929 c 72 § 1; 1923 c 115 § 1; 1917 c 80 § 12; RRS § 3219.]

30.08.150 CORPORATE POWERS OF TRUST COMPANIES. Upon the issuance of a certificate of authority to a trust company, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power:

(1) To execute all the powers and possess all the privileges conferred on banks.

(2) To act as fiscal or transfer agent of the United States or of any state, municipality, body politic or corporation and in such capacity to receive and disburse money.

(3) To transfer, register and countersign certificates of stock, bonds or other evidences of indebtedness and to act as attorney in fact or agent of any corporation, foreign or domestic, for any purpose, statutory or otherwise.

(4) To act as trustee under any mortgage, or bonds, issued by any municipality, body politic, or corporation, foreign or domestic, or by any individual, firm, association or partnership, and to accept and execute any municipal or corporate trust.

(5) To receive and manage any sinking fund of any corporation upon such terms as may be agreed upon between such corporation and those dealing with it.

(6) To collect coupons on or interest upon all manner of securities, when authorized so to do, by the parties depositing the same.

(7) To accept trusts from and execute trusts for married persons in respect to their separate property and to be their agent in the management of such property and to transact any business in relation thereto.

(8) To act as receiver or trustee of the estate of any person, or to be appointed to any trust by any court, to act as assignee under any assignment for the benefit of creditors of any debtor, whether made pursuant to statute or otherwise, and to be the depository of any moneys paid into court.

(9) To be appointed and to accept the appointment of executor of, or trustee under, the last will and testament, or administrator with or without the will annexed, of the estate of any deceased person and to be appointed and to act as guardian of the estate of lunatics, idiots, persons of unsound mind, minors and habitual drunkards: PROVIDED, HOWEVER, That the power hereby granted to trust companies to act as guardian or administrator, with or without the will annexed, shall not be construed to deprive parties of the prior right to have issued to them letters of guardianship, or of administration, as such right now exists under the law of this state.

(10) To execute any trust or power of whatever nature or description that may be conferred upon or entrusted or committed to it by any person or by any court or municipality, foreign or domestic corporation and any other trust or power conferred upon or entrusted or committed to it by grant, assignment, transfer, devise, bequest or by any other authority and to receive, take, use, manage, hold and dispose of, according to the terms of such trusts or powers any property or estate,

real or personal, which may be the subject of any such trust or power.

(11) Generally to execute trusts of every description not inconsistent with law.

(12) To purchase, invest in and sell promissory notes, bills of exchange, bonds, debentures and mortgages and when moneys are borrowed or received for investment, the bonds or obligations of the company may be given therefor, but no trust company hereafter organized shall issue such bonds: PROVIDED, That no trust company which receives money for investment and issues the bonds of the company therefor shall engage in the business of banking or receiving of either savings or commercial deposits: AND PROVIDED, That it shall not issue any bond covering a period of more than ten years between the date of its issuance and its maturity date: AND PROVIDED FURTHER, That if for any cause, the holder of any such bond upon which one or more annual rate installments have been paid, shall fail to pay the subsequent annual rate installments provided in said bond such holder shall, on or before the maturity date of said bond, be paid not less than the full sum which he has paid in on account of said bond. [1973 1st ex.s. c 154 § 48; 1955 c 33 § 30.08.150. Prior: 1929 c 72 § 4, part; 1923 c 115 § 6, part; 1921 c 94 § 1, part; 1917 c 80 § 24, part; RRS § 3231, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

#### Chapter 30.20 DEPOSITS

30.20.030 DEPOSITS OF PERSONS UNDER DISABILITY. When any deposit has been or shall hereafter be made in any bank or trust company in his or her own name, by any minor, married person or person under disability, such corporation may disregard such disability and pay such money or a check or order of such person, the same as in other cases. [1973 1st ex.s. c 154 § 49; 1955 c 33 § 30.20.030. Prior: 1917 c 80 § 43; RRS § 3250.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

#### Chapter 30.24 INVESTMENT OF TRUST FUNDS

30.24.120 INVESTMENTS IN POLICIES OF LIFE INSURANCE. Within the standards of judgment and care established by law, and subject to any express provisions or limitations contained in any particular trust instrument, guardians, trustees and other fiduciaries, whether individual or corporate, are authorized to invest the

principal of trust funds to acquire and retain policies of life insurance made upon the life of any person for whose benefit the fiduciary holds property or made upon the life of another in whose life such person has an insurable interest, the policy and the proceeds or avails thereof to be the property of the fiduciary.

The purpose of this section is to affirm that certain policies of life insurance are among the investments authorized for fiduciaries, but without creating any inference that a policy of life insurance is preferable to other authorized investments in a particular instance. [1973 1st ex.s. c 89 § 1.]

#### Cross Reference:

Insurable interest, guardian, trustee or other fiduciary: RCW 48.18.030 (3) (d).

30.24.130 PERSON TO WHOM POWER OR AUTHORITY TO DIRECT OR CONTROL ACTS OF TRUSTEE OR INVESTMENTS OF A TRUST ARE CONFERRED DEEMED A FIDUCIARY—LIABILITY. Whenever power or authority to direct or control the acts of a trustee or the investments of a trust is conferred directly or indirectly upon any person other than the designated trustee of the trust, such person shall be deemed to be a fiduciary and shall be liable to the beneficiaries of said trust and to the designated trustee to the same extent as if he were a designated trustee in relation to the exercise or nonexercise of such power or authority. [1973 1st ex.s. c 89 § 2.]

#### Chapter 30.40 BRANCH BANKS

30.40.020 BRANCHES AUTHORIZED—RESTRICTIONS. A bank or trust company having a paid-in capital of not less than five hundred thousand dollars may, with the approval of the supervisor, establish and operate branches in any city or town within the state. A bank or trust company having a paid-in capital of not less than two hundred thousand dollars may, with the approval of the supervisor, establish and operate branches within the limits of the county in which its principal place of business is located. A bank having a paid-in capital of not less than one million dollars may, with the approval of the supervisor, establish and operate branches in any foreign country. The supervisor's approval of a branch within this state shall be conditioned on a finding that the resources in the neighborhood of the proposed location and in the surrounding country offer a reasonable promise of adequate support for the proposed branch and that the proposed branch is not being formed for other than the legitimate

objects covered by this title. The supervisor's approval of a branch in a foreign country shall be conditioned on a finding that the proposed location offers a reasonable promise of adequate support for the proposed branch, that the proposed branch is not being formed for other than the legitimate objects covered by this title, and that the principal purpose for establishing such branch is to aid in financing or facilitating exports and/or imports and the exchange of commodities with any foreign country or the agencies or nationals thereof.

The aggregate paid-in capital stock of every bank or trust company operating branches shall at no time be less than the aggregate of the minimum capital required by law for the establishment of an equal number of banks or trust companies in the cities or towns wherein the principal office or place of business of such bank or trust company and its branches are located.

No bank or trust company shall establish or operate any branch, except a branch in a foreign country, in any city or town outside the city or town in which its principal place of business is located in which any bank, trust company or national banking association regularly transacts a banking or trust business, except by taking over or acquiring an existing bank, trust company or national banking association or the branch of any bank, trust company or national banking association operating in such city or town. [1973 1st ex.s. c 53 § 35; 1969 c 136 § 6; 1955 c 33 § 30.40.020. Prior: 1933 c 42 § 5; RRS § 3231-1.]

Severability—1973 1st ex.s. c 53: See RCW 34.42.900.

Chapter 30.42  
ALIEN BANKS

30.42.010 PURPOSE. The purpose of this chapter is to establish a legal and regulatory framework for operation by alien banks in the state of Washington that will:

(1) Create a financial climate which will benefit the economy of the state of Washington;

(2) Provide a well regulated and supervised financial system to assist the movement of foreign capital into Washington state for the support and diversification of the local industrial base;

(3) Assist the development of the economy of the state of Washington without disrupting business relationships of state and federal financial institutions. [1973 1st ex.s. c 53 § 1.]

30.42.020 DEFINITIONS. For the purposes of this chapter, the following terms shall be defined as follows:

(1) "Alien bank" means a bank organized under the laws of a foreign country and having its principal place of business in that country, the majority of the beneficial ownership and control of which is vested in citizens of countries other than the United States of America.

(2) "Office" means a branch or agency of an alien bank carrying on business in this state pursuant to this chapter.

(3) "Branch" means an office of an alien bank that is exercising the powers authorized by RCW 30.42.110.

(4) "Agency" means an office of an alien bank that is exercising the powers authorized by RCW 30.42.180.

(5) "Bureau" means an alien bank's operation in this state exercising the powers authorized by RCW 30.42.230.

(6) "Supervisor" means the supervisor of banking of the state of Washington. [1973 1st ex.s. c 53 § 2.]

30.42.030 AUTHORIZATION AND COMPLIANCE WITH CHAPTER REQUIRED. An alien bank shall not establish and operate an office or bureau in this state unless it is authorized to do so by the supervisor and unless it first complies with all of the provisions of this chapter and then only to the extent expressly permitted by this chapter. [1973 1st ex.s. c 53 § 3.]

30.42.040 MORE THAN ONE OFFICE PROHIBITED. An alien bank shall not be permitted to have more than one office in this state. [1973 1st ex.s. c 53 § 4.]

30.42.050 ACQUISITION OR SERVING ON BOARD OF DIRECTORS OR TRUSTEES OF OTHER FINANCIAL INSTITUTIONS PROHIBITED. An alien bank shall not take over or acquire an existing federal or state-chartered bank, trust company, mutual savings bank, savings and loan association, or credit union or any branch of any such bank, trust company, mutual savings bank, savings and loan association, or credit union in this state; nor shall any designee, officer, agent or employee of an alien bank serve on the board of directors of any federal or state bank, trust company, savings and loan association, or credit union, or the board of trustees of a mutual savings bank. [1973 1st ex.s. c 53 § 5.]

30.42.060 CONDITIONS TO BE MET BEFORE OPENING OFFICE IN STATE. An alien bank shall not hereafter open an office in this state until it has met the following conditions:

(1) It has filed with the supervisor an application in such form and containing

such information as shall be prescribed by the supervisor.

(2) It has designated the supervisor by a duly executed instrument in writing, its agent, upon whom process in any action or proceeding arising out of a transaction with the Washington office may be served. Such service shall have the same force and effect as if the alien bank were a Washington corporation and had been lawfully served with process within the state. The supervisor shall forward by mail, postage prepaid, a copy of every process served upon him under the provisions of this subdivision, addressed to the manager or agent of such bank at its office in this state.

(3) It has allocated and assigned to its office within this state paid-in capital of not less than two hundred thousand dollars or such larger amounts as the supervisor in his discretion may require.

(4) It has filed with the supervisor a letter from its chief executive officer guaranteeing that the alien bank's entire capital and surplus is and shall be available for all liabilities and obligations of its office doing business in this state.

(5) It has paid the fees required by law and established by the supervisor pursuant to RCW 30.08.095.

(6) It has received from the supervisor his certificate authorizing the transaction of business in conformity with this chapter. [1973 1st ex.s. c 53 § 6.]

30.42.070 ALLOCATED PAID-IN CAPITAL--REQUIREMENTS. The capital allocated as required in RCW 30.42.060 (3) shall be maintained within this state at all times in cash or in supervisor approved interest bearing bonds, notes, debentures, or other obligations of the United States or of any agency or instrumentality thereof, or guaranteed by the United States; or of this state, or of a city, county, town, or other municipal corporation, or instrumentality of this state or guaranteed by this state. Such capital shall be deposited with a bank qualified to do business in and having its principal place of business within this state. Such bank shall issue a written receipt addressed and delivered to the supervisor reciting that such deposit is being held for the sole benefit of the United States domiciled creditors of such alien bank's Washington office and that the same is subject to his order without offset for the payment of such creditors. For the purposes of this section, the term "creditor" shall not include any other offices, branches, subsidiaries, or affiliates of such alien bank. Subject to the approval of the supervisor, reasonable arrangements may be made for substitution of securities. So long as it shall continue business in this state in conformance with this chapter and shall remain solvent, such alien bank

shall be permitted to collect all interest and/or income from the assets constituting such allocated capital.

Should any securities so depreciate in market value and/or quality as to reduce the deposit below the amount required, additional money or securities shall be deposited promptly in amounts sufficient to meet such requirements. The supervisor may make an investigation of the market value and of the quality of any security deposited at the time such security is presented for deposit or at any time thereafter. The supervisor may make such charge as may be reasonable and proper for such investigation. [1973 1st ex.s. c 53 § 7.]

30.42.080 SEPARATE ASSETS--BOOKS AND RECORDS--PRIORITY AS TO ASSETS. Every alien bank maintaining an office in this state shall keep the assets of its Washington office entirely separate and apart from the assets of its other operations as though the Washington office was conducted as a separate and distinct entity. Every such alien bank shall keep separate books of account and records for its Washington office and shall observe with respect to such office the applicable requirements of this chapter and the applicable rules and regulations of the supervisor. The United States domiciled creditors of such alien bank's Washington office shall be entitled to priority with respect to the assets of its Washington office before such assets may be used or applied for the benefit of its other creditors or transferred to its general business. [1973 1st ex.s. c 53 § 8.]

30.42.090 APPROVAL OF APPLICATION--CRITERIA--RECIPROCITY. The supervisor may give or withhold his approval of an application by an alien bank to establish an office in this state at his discretion. His decision shall be based on the information submitted to his office in the application required by RCW 30.42.060 and such additional investigation as the supervisor deems necessary or appropriate. Prior to granting approval to said application, he shall have ascertained to his satisfaction that all of the following are true:

- (1) the proposed location offers a reasonable promise of adequate support for the proposed office;
- (2) the proposed office is not being formed for other than legitimate objects;
- (3) the proposed officers of the proposed office have sufficient banking experience and ability to afford reasonable promise of successful operation;
- (4) the reputation and financial standing of the alien bank is such as to command the confidence and warrant belief that the business of the proposed office will be conducted honestly and efficiently in accordance with the intent and purpose

of this chapter, as set forth in RCW 30.42.010;

(5) the principal purpose of establishing such office shall be within the intent of this chapter.

The supervisor shall not grant an application for an office of an alien bank unless the law of the foreign country under which laws the alien bank is organized permits a bank with its principal place of business in this state to establish in that foreign country a branch, agency or similar operation. [1973 1st ex.s. c 53 § 9.]

**30.42.100 NOTICE OF APPROVAL--FILING--TIME PERIOD FOR COMMENCING BUSINESS.** If the supervisor approves the application, he shall notify the alien bank of his approval and shall file certified copies of its charter, certificate or other authorization to do business with the secretary of state and with the recording officer of the county in which the office is to be located. Upon such filing, the supervisor shall issue a certificate of authority stating that the alien bank is authorized to conduct business through a branch or agency in this state at the place designated in accordance with this chapter. Each such certificate shall be conspicuously displayed at all times in the place of business specified therein.

The office of the alien bank must commence business within six months after the issuance of the supervisor's certificate: PROVIDED, That the supervisor for good cause shown may extend such period for an additional time not to exceed three months. [1973 1st ex.s. c 53 § 10.]

**30.42.110 POWERS AND ACTIVITIES.** An approved branch of an alien bank may carry on only the following types of activities:

(1) Deposits. (a) The branch may solicit, receive, or accept money or its equivalent on deposit as a regular business from the following customers:

(i) Corporations, partnerships, or other business organizations, the majority of the beneficial ownership of which is owned by persons of a country other than the United States and who are not residents of the United States, and any subsidiary or affiliate owned or controlled by such an organization;

(ii) Corporations organized under the laws of a state other than this state which have not obtained a certificate of authority to transact business in this state pursuant to chapter 23A.32 RCW;

(iii) Natural persons who are citizens of a country other than the United States and are not residents of the United States;

(iv) Any other person, if the deposit is to be transmitted abroad, or is to provide collateral or payments for extensions of credit by the branch, or represents proceeds of collections abroad which

are to be used to pay for goods exported or imported or for other direct costs of export/import, or represents proceeds of the extension of credit by the branch;

(v) The government of the country in which the alien bank is incorporated;

(vi) Other banks;

(vii) Any other persons, provided that the aggregate of deposits from such persons shall not exceed twenty percent of the aggregate of deposits accepted pursuant to this section.

(b) A branch may accept demand deposits, time deposits, and savings deposits from the customers specified in this section only upon the same terms and conditions (including nature and extent of such deposits, withdrawal, and the payment of interest thereon) that banks organized under the laws of this state and insured by the Federal Deposit Insurance Corporation may accept such deposits. Such deposits shall be subject to RCW 30.20.010 through 30.20.035, as now or hereafter amended. The branch shall maintain reserves or minimum available funds in this state for such deposits to the same extent that reserves or minimum available funds must be maintained by banks organized under the laws of this state.

(2) Loans. A branch shall have the power to make loans and guarantee obligations subject to the following limitations:

(a) Customers. Loans or guarantees shall be restricted to the following types of customers:

(i) Corporations, partnerships or other business organizations, the majority of the beneficial ownership of which is owned by persons of a country other than the United States and who are not residents of the United States, and any subsidiary or affiliate owned or controlled by such an organization;

(ii) Corporations organized under the laws of a state other than this state which have not obtained a certificate of authority to transact business in this state pursuant to chapter 23A.32 RCW;

(iii) Natural persons who are citizens of a country other than the United States and are not residents of the United States;

(iv) Persons engaged in the international movement of goods and services.

(b) Purpose. Loans and guarantees may be made only for the following purposes:

(i) With respect to customers specified in subsection (2) (a) (i), (ii), and (iii) of this section, for the financing of the international movement of goods and services and for all operational needs including working capital and short-term operating needs and for the acquisition of fixed assets.

(ii) With respect to customers specified in subsection (2) (a) (iv) of this section, for the financing of the international movement of goods and services, and construction of facilities located and



operations conducted outside of this state.

(iii) Nothing herein shall permit a branch to make consumer loans to individuals.

(c) Amount. A branch shall be subject to the same loan limitations that apply to banks organized under the laws of this state; however, the base for computing the applicable loan limitation shall be the entire capital and surplus of the alien bank.

(3) Other activities. A branch of an alien bank in this state shall have the power to carry out these other activities:

(a) Borrow funds from banks and other financial institutions;

(b) Buy and sell foreign exchange;

(c) Receive checks, bills, drafts, acceptances, notes, bonds, coupons, and other securities for collection abroad and collect such instruments in the United States for customers abroad;

(d) Hold securities in safekeeping for, or buy and sell securities upon the order and for the risk of, customers abroad;

(e) Act as paying agent for securities issued by foreign governments or other organizations organized under foreign law and not qualified under the laws of the United States, or any state or the District of Columbia to do business in the United States;

(f) In order to prevent loss on debts previously contracted a branch may acquire shares in a corporation: PROVIDED, That the shares are disposed of as soon as practical but in no event later than two years from the date of acquisition;

(g) Issue letters of credit and create acceptances;

(h) In addition to the powers and activities expressly authorized by this section, a branch shall have the power to carry on such additional activities which are necessarily incidental to the activities expressly authorized by this section. [1973 1st ex.s. c 53 § 11.]

30.42.120 REQUIREMENTS FOR ACCEPTING DEPOSITS OR TRANSACTING BUSINESS. A branch shall not commence to transact in this state the business of accepting deposits or transact such business thereafter unless it has met the following requirements:

(1) It has obtained federal deposit insurance corporation insurance covering its eligible deposit liabilities within this state, or in lieu thereof, made arrangements satisfactory to the supervisor for maintenance within this state of additional capital equal to not less than ten percent of its deposit liabilities. Such additional capital shall be deposited in the manner provided in RCW 30.42.070.

(2) It holds in this state currency, bonds, notes, debentures, drafts, bills of exchange, or other evidences of indebtedness or other obligations payable in the United States or in United States' funds

or, with the approval of the supervisor, in funds freely convertible into United States' funds, in an amount not less than one hundred eight percent of the aggregate amount of liabilities of such alien bank payable at or through its office in this state. When calculating the value of the assets so held, credit shall be given for the amounts deposited pursuant to RCW 30.42.060 (3) and 30.42.120 (1).

If deposits are not insured by the federal deposit insurance corporation, then that fact shall be disclosed to all depositors pursuant to rules and regulations of the supervisor. [1973 1st ex.s. c 53 § 12.]

30.42.130 TAKING POSSESSION BY SUPERVISOR—REASONS—DISPOSITION OF DEPOSITS—CLAIMS—PRIORITIES. The supervisor may take possession of the office of an alien bank for the reasons stated and in the manner provided in chapter 30.44 RCW. Upon the supervisor taking such possession of a branch, no deposit liabilities of which are insured by the federal deposit insurance corporation, the amounts deposited pursuant to RCW 30.42.120 (1) shall thereupon become the property of the supervisor, free and clear of any and all liens and other claims, and shall be held by him in trust for the United States domiciled depositors of the office in this state of such alien bank. Upon obtaining the approval of the superior court of Thurston county, the supervisor shall reduce such deposited capital to cash and as soon as practicable distribute it to such depositors.

If sufficient cash is available, such distribution shall be in equal amounts to each such depositor: PROVIDED, That no such depositor receives more than the amount of his deposit or an amount equal to the maximum amount insured by the federal deposit insurance corporation, whichever is less. If sufficient cash is not available, such distribution shall be on a pro rata basis to each such depositor: PROVIDED, That no such depositor receives more than the maximum amount insured by the federal deposit insurance corporation. If any cash remains after such distribution, it shall be distributed pro rata to those depositors whose deposits have not been paid in full: PROVIDED, That no depositor receives more than the amount of his deposit. For purposes of this section, the term "depositor" shall not include any other offices, subsidiaries or affiliates of such alien bank.

The term "deposit" as used in this section shall mean the unpaid balance of money or its equivalent received or held by the branch in the usual course of its business and for which it has given or is obligated to give credit, either conditionally or unconditionally to a demand, time or savings account, or which is evidenced by its certificate of deposit, or a check or draft drawn against a

deposit account and certified by the branch, or a letter of credit or traveler's checks on which the branch is primarily liable.

Claims of depositors and creditors shall be made and disposed of in the manner provided in chapter 30.44 RCW in the event of insolvency or inability of the bank to pay its creditors in this state. The capital deposit of the bank shall be available for claims of depositors and creditors. The claims of depositors and creditors shall be paid from the capital deposit in the following order or priority:

- (1) Claims of depositors not paid from the amounts deposited pursuant to RCW 30.42.120 (1);
- (2) Claims of Washington domiciled creditors;
- (3) Other creditors domiciled in the United States; and
- (4) Creditors domiciled in foreign countries.

The supervisor shall proceed in accordance with and have all the powers granted by chapter 30.44 RCW. [1973 1st ex.s. c 53 § 13.]

**30.42.140 EXAMINATIONS—INVESTIGATIONS.** (1) Within ninety days after the end of each fiscal year, an accountant, approved by the supervisor, shall examine the books of account of the office of an alien bank and report to the supervisor his opinion of the financial condition of the office as of the last business day of the immediately previous fiscal year. In making such examination, the accountant shall follow the rules and regulations promulgated by the supervisor governing such examination.

(2) The supervisor, deputy supervisor or a bank examiner, without previous notice, shall visit the office of an alien bank doing business in this state pursuant to this chapter at least once in each year and more often if necessary, for the purpose of making a full investigation into the condition of such office, and for that purpose they are hereby empowered to administer oaths and to examine under oath any director or member of its governing body, officer, employee or agent of such alien bank or office. The supervisor shall make such other full or partial examination as he deems necessary. The supervisor shall collect from each alien bank for each examination of the conditions of its office in this state, the estimated actual cost of such examination. [1973 1st ex.s. c 53 § 14.]

**30.42.150 LOANS SUBJECT TO USURY LAWS.** Loans made by an office shall be subject to the laws of the state of Washington relating to usury. [1973 1st ex.s. c 53 § 15.]

**30.42.160 POWERS AS TO REAL ESTATE.** An alien bank may purchase, hold and convey real estate for the following purposes and no other:

(1) Such as shall be necessary for the convenient transaction of its business, including with its banking offices other apartments in the same building to rent as a source of income: PROVIDED, That not to exceed thirty percent of its capital and surplus and undivided profits may be so invested without the approval of the supervisor.

(2) Such as shall be purchased or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of business.

(3) Such as it shall purchase at sale under judgments, decrees, liens or mortgage foreclosures, against securities held by it.

(4) Such as it may take title to or for the purpose of investing in real estate conditional sales contracts.

No real estate except that specified in subsection (1) of this section may be carried as an asset on the corporation's books for a longer period than five years from the date title is acquired thereto, unless an extension of time be granted by the supervisor. [1973 1st ex.s. c 53 § 16.]

**30.42.170 ADVERTISING, STATUS OF FEDERAL INSURANCE ON DEPOSITS TO BE INCLUDED—GIFTS FOR NEW DEPOSITS.** (1) An alien bank that advertises the services of its branch in the state of Washington shall indicate on all advertising materials whether or not deposits placed with its branch are insured by the federal deposit insurance corporation.

(2) A branch shall not make gifts to a new deposit customer of a greater value than five dollars in total. The value of the gifts shall be the cost to the branch of acquiring said gift. [1973 1st ex.s. c 53 § 17.]

**30.42.180 APPROVED AGENCIES—POWERS AND ACTIVITIES.** An approved agency of an alien bank may engage in the business of making loans and guaranteeing obligations for the financing of the international movement of goods and services and for all operational needs including working capital and short-term operating needs and for the acquisition of fixed assets. Other than such activities, such agency may engage only in the following activities:

(1) Borrow funds from banks and other financial institutions;

(2) Buy and sell foreign exchange;

(3) Receive checks, bills, drafts, acceptances, notes, bonds, coupons, and other securities for collection abroad and collect such instruments in the United States for customers abroad;

(4) Hold securities in safekeeping for, or buy and sell securities upon the order and for the risk of, customers abroad;

(5) Act as paying agent for securities issued by foreign governments or other organizations organized under foreign law and not qualified under the laws of the United States, or any state or the District of Columbia to do business in the United States;

(6) In order to prevent loss on debts previously contracted, an agency may acquire shares in a corporation: PROVIDED, That the shares are disposed of as soon as practical, but in no event later than two years from the date of acquisition;

(7) Issue letters of credit and create acceptances;

(8) In addition to the powers and activities expressly authorized by this section, an agency shall have the power to carry on such additional activities which are necessarily incidental to the activities expressly authorized by this section. [1973 1st ex.s. c 53 § 18.]

30.42.190 BONDING REQUIREMENTS FOR OFFICERS AND EMPLOYEES. All officers and employees of an office shall be subject to the same bonding requirements as are officers and employees of banks incorporated under the laws of this state. [1973 1st ex.s. c 53 § 19.]

30.42.200 BOOKS AND ACCOUNTS--ENGLISH LANGUAGE. The books and accounts of an office and a bureau shall be kept in words and figures of the English language. [1973 1st ex.s. c 53 § 20.]

30.42.210 BUREAUS--APPLICATION PROCEDURE. (1) Application procedure. An alien bank shall not establish and operate a bureau in this state unless it is authorized to do so and unless it has met the following conditions:

(a) It has filed with the supervisor an application in such form and containing such information as shall be prescribed by the supervisor;

(b) It has paid the fee required by law and established by the supervisor pursuant to RCW 30.08.095;

(c) It has received from the supervisor his certificate authorizing the applicant bank to establish and operate a bureau in conformity herewith.

(2) Upon receipt of the bank's application, and the conducting of such examination or investigation as the supervisor deems necessary and appropriate and being satisfied that the opening of such bureau will be consistent with the purposes of this chapter, the supervisor may grant approval for the bureau and issue his certificate authorizing the alien bank to establish and operate a bureau in the state of Washington. [1973 1st ex.s. c 53 § 21.]

30.42.220 BUREAUS--APPROVAL--CERTIFICATE OF AUTHORITY--TIME LIMIT FOR COMMENCING BUSINESS. If the supervisor approves the application, he shall notify the alien bank of his approval and shall file certified copies of its charter, certificate, or other authorization to do business with the secretary of state and with the recording officer of the county in which the bureau is to be located. Upon such filing, the supervisor shall issue a certificate of authority stating that the alien bank is authorized to operate a bureau in this state at the place designated in accordance with this chapter. No such certificate shall be transferable or assignable. Such certificate shall be conspicuously displayed at all times in the place of business specified therein.

A bureau of an alien bank must commence business within six months after the issuance of the supervisor's certificate: PROVIDED, That the supervisor for good cause shown may extend such period for an additional time not to exceed three months. [1973 1st ex.s. c 53 § 22.]

30.42.230 BUREAUS--NUMBER--POWERS. An alien bank may have as many bureaus in this state as the supervisor will authorize. A bureau in this state may provide information about services offered by the alien bank, its subsidiaries and affiliates and may gather and provide business and economic information. A bureau may not take deposits, make loans or transact other commercial or banking business in this state. [1973 1st ex.s. c 53 § 23.]

30.42.240 BUREAUS--EXAMINATIONS. The supervisor is empowered to examine the bureau operations of an alien bank whenever he deems it necessary. The supervisor shall collect from such alien bank the estimated actual cost of such examination. [1973 1st ex.s. c 53 § 24.]

30.42.250 TEMPORARY FACILITIES AT TRADE FAIRS, ETC. An alien bank may operate temporary facilities at trade fairs or other commercial events of short duration without first obtaining the approval of the supervisor: PROVIDED, That the activities of such temporary facility are limited solely to the dissemination of information: AND PROVIDED FURTHER, If an alien bank engages in such activity, it shall notify the supervisor in writing prior to opening of the nature and location of such facility. The supervisor is empowered to investigate the operation of such temporary facility if he deems it necessary, and to collect from the alien bank the estimated actual cost thereof. [1973 1st ex.s. c 53 § 25.]

30.42.260 REPORTS. (1) An office of an alien bank shall file the following reports with the supervisor within such times and in such form as the supervisor shall prescribe by rule or regulation:

(a) A statement of condition of the office;

(b) A capital position report of the office;

(c) A consolidated statement of condition of an alien bank.

(2) An office of an alien bank shall publish such reports as the supervisor by regulation may prescribe.

(3) An alien bank operating a bureau in this state shall file a copy of the alien bank's annual financial report with the supervisor as soon as possible following the end of each fiscal year and shall file such other material as the supervisor may prescribe by rule or regulation. [1973 1st ex.s. c 53 § 26.]

30.42.270 TAXATION. An office of an alien bank shall be taxed on the same basis as are banks incorporated under the laws of this state. [1973 1st ex.s. c 53 § 27.]

30.42.280 DIRECTORS, OFFICERS AND EMPLOYEES—DUTIES, RESPONSIBILITIES AND RESTRICTIONS—REMOVAL. The directors or other governing body of an alien bank and the officers and employees of its office in this state shall be subject to all of the duties, responsibilities and restrictions to which the directors, officers and employees of a bank organized under the laws of this state are subject insofar as such duties, responsibilities and restrictions are not inconsistent with the intent of this chapter. An officer or employee of the office of an alien bank doing business in this state pursuant to this chapter may be removed for the reasons stated and in the manner provided in RCW 30.12.040, as now or hereafter amended. [1973 1st ex.s. c 53 § 28.]

30.42.290 COMPLIANCE—VIOLATIONS—PENALTIES. (1) The supervisor shall have the responsibility for assuring compliance with the provisions of this chapter. An alien bank that conducts business in this state in violation of any provisions of this chapter shall be guilty of a misdemeanor and in addition thereto shall be liable in the sum of one hundred dollars per day that each such offense continues, such sum to be recovered by the attorney general in a civil action in the name of the state.

(2) Every person who shall knowingly subscribe to or make or cause to be made any false entry in the books of any alien bank office or bureau doing business in this state pursuant to this chapter or shall knowingly subscribe to or exhibit any false or fictitious paper or security,

instrument or paper, with the intent to deceive any person authorized to examine into the affairs of any such office or bureau or shall make, state or publish any false statement of the amount of the assets or liabilities of any such office or bureau shall be guilty of a felony.

(3) Every director or member of the governing body, officer, employee or agent of such alien bank operating an office or bureau in this state who conceals or destroys any fact or otherwise suppresses any evidence relating to a violation of this chapter is guilty of a felony.

(4) Any person who transacts business in this state on behalf of an alien bank which is subject to the provisions of this chapter, but which is not authorized to transact such business pursuant to this chapter is guilty of a misdemeanor and in addition thereto shall be liable in the sum of one hundred dollars per day for each day that such offense continues, such sum to be recovered by the attorney general in a civil action in the name of the state. [1973 1st ex.s. c 53 § 29.]

30.42.300 SUSPENSION OR REVOCATION OF CERTIFICATE TO OPERATE—GROUNDS. If the supervisor finds that any alien bank to which he has issued a certificate to operate an office or bureau in this state pursuant to this chapter has violated any law, rule or regulation, or has conducted its affairs in an unauthorized manner, or has been unresponsive to the supervisor's lawful orders or directions, or is in an unsound or unsafe condition, or cannot with safety and expediency continue business, or if he finds that the alien bank's country is unjustifiably refusing to allow banks qualified to do business in and having their principal office within this state to operate offices or similar operations in such country, the supervisor may suspend or revoke the certificate of such alien bank and notify it of such suspension or revocation. [1973 1st ex.s. c 53 § 30.]

30.42.310 CHANGE OF LOCATION. An alien bank licensed to maintain an office or bureau in this state pursuant to this chapter may apply to the supervisor for leave to change the location of its office or bureau. Such applications shall be accompanied by an investigation fee as established in accordance with RCW 30.42-.330. Leave for a change of location shall be granted if the supervisor finds that the proposed new location offers reasonable promise of adequate support for the office. [1973 1st ex.s. c 53 § 31.]

30.42.320 RULES AND REGULATIONS. The supervisor shall have power to adopt uniform rules and regulations to govern examination and reports of alien bank offices and bureaus doing business in this

state pursuant to this chapter and the form in which they shall report their assets, liabilities, and reserves, charge off bad debts and otherwise keep their records and accounts and otherwise to govern the administration of this chapter. [1973 1st ex.s. c 53 § 32.]

30.42.330 FEES. The supervisor shall collect in advance from an alien bank for filing its application for an office or a bureau and the attendant investigation, and for such other applications, approvals or certificates provided herein, such fee as shall be established by rules and regulations promulgated pursuant to the administrative procedure act, chapter 34-.04 RCW, as now or hereafter amended. The alien bank shall also pay to the secretary of state and the county recording officer for filing instruments as required by this chapter the same fees as are charged general corporations for the filing of similar instruments and also the same license fees as are required of foreign corporations doing business in this state. [1973 1st ex.s. c 53 § 33.]

30.42.340 ALIEN BANKS OR BRANCHES IN BUSINESS ON OR BEFORE EFFECTIVE DATE. (1) Any branch of an alien bank that is conducting business in this state on July 16, 1973 pursuant to RCW 30.04.300 shall not be subject to the provisions of this chapter, and shall continue to conduct its business pursuant to RCW 30.04.300.

(2) Except as provided in subsection (1) of this section, any alien bank that is conducting business in this state on July 16, 1973 shall be subject to the provisions of this chapter: PROVIDED, That any such alien bank which has operated an agency or similar operation in this state for at least the five years immediately preceding such effective date shall not be denied a certificate to operate an agency. [1973 1st ex.s. c 53 § 34.]

30.42.900 SEVERABILITY--1973 1ST EX.S. C 53. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1973 amendatory act, or the application of the provisions to other persons or circumstances shall not be affected. [1973 1st ex.s. c 53 § 38.]

Chapter 30.44  
INSOLVENCY AND LIQUIDATION

30.44.270 FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OR LIQUIDATOR--APPOINTMENT--POWERS AND DUTIES. The federal deposit insurance corporation is hereby authorized and empowered to be and act without bond as receiver or liquidator of any bank or trust company the deposits

in which are to any extent insured by that corporation and which shall have been closed on account of inability to meet the demands of its depositors. In the event of such closing, the supervisor of banking may appoint the federal deposit insurance corporation as receiver or liquidator of such bank or trust company. If the corporation accepts such appointment, it shall have and possess all the powers and privileges provided by the laws of this state with respect to a liquidator of a bank or trust company, its depositors and other creditors, and be subject to all the duties of such liquidator, except insofar as such powers, privileges, or duties are in conflict with the provisions of the federal deposit insurance act, as now or hereafter amended. [1973 1st ex.s. c 54 § 1.]

30.44.280 PAYMENT OR ACQUISITION OF DEPOSIT LIABILITIES BY FEDERAL DEPOSIT INSURANCE CORPORATION--NOT HINDERED BY JUDICIAL REVIEW--LIABILITY. The pendency of any proceedings for judicial review of the supervisor's actions in taking possession and control of a bank or trust company and its assets for the purpose of liquidation shall not operate to defer, delay, impede, or prevent the payment or acquisition by the federal deposit insurance corporation of the deposit liabilities of the bank or trust company which are insured by the corporation. During the pendency of any proceedings for judicial review, the supervisor of banking shall make available to the federal deposit insurance corporation such facilities in or of the bank or trust company and such books, records, and other relevant data of the bank or trust company as may be necessary or appropriate to enable the corporation to pay out or to acquire the insured deposit liabilities of the bank or trust company. The federal deposit insurance corporation and its directors, officers, agents, and employees, the supervisor of banking, and his agents and employees shall be free from liability to the bank or trust company, its directors, stockholders, and creditors for or on account of any action taken in connection herewith. [1973 1st ex.s. c 54 § 2.]

TITLE 31  
MISCELLANEOUS LOAN AGENCIES

Sections added, amended, or repealed:

Chapter 31.12 Credit Unions.

- 31.12.020 Declaration of policy--Maximum interest rate--Defaults.
- 31.12.160 Meetings--Voting rights.
- 31.12.180 Officers--Bonds--Credit and investment committees.
- 31.12.190 Powers and duties of directors.

- 31.12.205 Investment committee—Meetings—Authority.
- 31.12.210 Compensation of directors and treasurer—Loans to directors.
- 31.12.220 Guaranty fund.
- 31.12.240 Credit committee—Powers and duties.
- 31.12.245 Loan officer—Powers.
- 31.12.260 Funds to be loaned, surplus to be deposited or invested—Banking prohibited.
- 31.12.270 Classes of loans—Preference—Term.
- 31.12.280 Limits and conditions of personal loans.
- 31.12.290 Loans secured by real estate mortgages or contracts.
- 31.12.320 Reports—Examinations—Suspension of business—Communications.
- 31.12.440 Suspension or revocation of articles—Involuntary liquidation—Grounds.
- 31.12.450 Suspension or revocation of articles—Involuntary liquidation—Notice—Procedure.
- 31.12.460 Involuntary liquidation—Procedure.
- 31.12.470 Involuntary liquidation—Cancellation of articles.
- 31.12.900 Severability—1973 1st ex.s. c 8.

Chapter 31.24 Industrial Development Corporations.

- 31.24.050 Membership by financial institutions—Loans to corporation by members—Limitations—Interest.
- 31.24.190 Formation of industrial development corporation for purpose of preservation of historic buildings or areas.

Chapter 31.12  
CREDIT UNIONS

31.12.020 DECLARATION OF POLICY—MAXIMUM INTEREST RATE—DEFAULTS. A credit union is a cooperative society incorporated for the two-fold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest not to exceed one percent per month on the unpaid balance or the equivalent thereto, for provident, productive, and educational purposes. Credit unions, in the event of default of such credit, may impose financing and reasonable late charges in accordance with their bylaws and may recover reasonable costs and expenses incurred in the collection of any sums due if provided for in the note or agreement signed by the borrower. [1973 1st ex.s. c 8 § 1; 1967 c 180 § 2; 1957 c 23 § 3. Prior: 1943 c 131 § 1, part; 1933 c 173 § 1, part; Rem. Supp. 1943 § 3923-1, part.]

31.12.160 MEETINGS—VOTING RIGHTS. The annual meeting of the corporation shall be held at such time and place as the bylaws prescribe, but not later than ninety days after the close of the fiscal year. Special meetings may be called at any time by a majority of the directors, and shall be called by the secretary upon written application of ten percent or more of the voting members of the corporation. Notice of all meetings of the corporation and of all meetings of the directors and of committees shall be given as provided in the bylaws. No member may vote by proxy or have more than one vote, and after a credit union has been incorporated for one year, no member may vote until he has been a member for three months. Ballot voting by mail may be authorized by the board of directors as prescribed in the bylaws. To be eligible to vote a member must have not less than one fully paid share. A fraternal organization, voluntary association, partnership, or corporation having a membership in a credit union may cast one vote at any of its meetings by its authorized agent. [1973 1st ex.s. c 8 § 2; 1967 c 180 § 4; 1953 c 48 § 2; 1943 c 131 § 10; 1933 c 173 § 12; Rem. Supp. 1943 § 3923-12.]

31.12.180 OFFICERS—BONDS—CREDIT AND INVESTMENT COMMITTEES. The directors at their first meeting after the annual meeting shall elect from their own number a president, one or more vice presidents, a secretary, a treasurer, and such other officers as may be necessary for the transaction of the business of the credit union, who shall be the officers of the corporation and who shall hold office until their successors are elected and qualified unless sooner removed as hereinafter provided: PROVIDED, That the treasurer need not be a director. The board shall select a credit committee composed of three or more members of the credit union, who need not be board members. The offices of secretary and treasurer may be held by the same person. No director shall be a member of both the credit and auditing committee, and no more than one director shall serve on the auditing committee. The board may select an investment committee of not less than three members of the credit union, who need not be board members. No director shall be a member of both the investment and auditing committee. Each officer and employee handling funds of the credit union shall give bond to the directors in such amount and with such surety and conditions as the supervisor may prescribe. [1973 1st ex.s. c 8 § 3; 1967 c 180 § 6; 1959 c 138 § 2; 1953 c 48 § 3; 1939 c 65 § 2; 1933 c 173 § 14; RRS § 3923-14.]

31.12.190 POWERS AND DUTIES OF DIRECTORS. The board shall have the general direction of the affairs of the corporation and shall meet as often as may be necessary, but not less than once in each month. It shall act upon all applications for membership and upon the expulsion of members, except that a membership officer may be authorized by the board to approve applications for membership under such conditions as the board may prescribe which are consistent with the provisions of this chapter, and such membership officers so authorized shall submit to the board at each monthly meeting a list of approved or pending applications for membership received since the previous monthly meeting, together with such other related information as the bylaws or the board may require. The board shall determine the rate of interest on loans subject to the limitations herein, determine the rate of interest to be paid on deposits, which shall not be greater than one-half of one percent less than the rate at which dividends have been declared during the immediately preceding period, determine the types of security which shall be acceptable on loans subject to the limitations herein, and fill vacancies in the board and in such committees for which provision as to filling of vacancies is not made herein, until the next election. The board shall make recommendations to the members relative to matters upon which it deems the members should act at any regular or special meeting. The board from time to time shall set the amount of shares and deposits which any one member may hold in the credit union, and set the amount which may be loaned, secured or unsecured, to any one member, all subject to the limitations contained in this chapter. At each annual, semiannual, or quarterly period the board may declare a dividend from net earnings, which shall be paid on all shares outstanding at the time of declaration, and which may be paid to members on shares withdrawn during the period. Shares which become paid up during the year shall be entitled to a proportional part of the dividend calculated from the first day of the month following such payment in full: PROVIDED, That the board may compute such full shares if purchased on or before the tenth day of any month, as of the first day of the month. The board may borrow money in behalf of the credit union, for the purpose of making loans, and the payment of debts or withdrawals. The aggregate amount of such loans shall not exceed thirty-three and one-third percent of the credit union's paid-in and unimpaired capital and surplus except with the approval of the supervisor. It may, by a two-thirds vote, remove from office any officer for cause; or suspend any member of the board, credit committee, investment committee, or audit committee, for cause, until the next membership meeting, which meeting shall be held within fifteen days

of the suspension, and at which meeting the suspension shall be acted upon by the members. The board shall make a written report to the members at each annual meeting. [1973 1st ex.s. c 8 § 5; 1969 c 65 § 3; 1967 c 180 § 7; 1959 c 138 § 3; 1957 c 23 § 5; 1953 c 48 § 4; 1943 c 131 § 12; 1933 c 173 § 15; Rem. Supp. 1943 § 3923-15.]

31.12.205 INVESTMENT COMMITTEE---MEETINGS---AUTHORITY. The investment committee shall hold such meetings as are necessary to accomplish its work. The investment committee shall have the authority to make those investments permitted by RCW 31.12-.260 as now or hereafter amended, but the actions of the committee shall be subject to the supervision of the board. [1973 1st ex.s. c 8 § 4.]

31.12.210 COMPENSATION OF DIRECTORS AND TREASURER---LOANS TO DIRECTORS. No director shall receive compensation for his services as such or as a member of a committee, nor shall he borrow from the corporation to an amount in excess of his shares and deposits in the credit union and the accumulated earnings standing to his credit on the books of the corporation except by written approval of three-fourths of the members of the board. The treasurer elected by the board may receive such compensation as the board may authorize. [1973 1st ex.s. c 8 § 6; 1957 c 23 § 6; 1943 c 131 § 14; 1933 c 173 § 17; Rem. Supp. 1943 § 3923-17.]

31.12.220 GUARANTY FUND. Before the payment of any dividend there shall be set apart as a guaranty fund not less than twenty percent of the net income which has accumulated during the next preceding dividend period, except as hereinafter provided, until such time as said guaranty fund and undivided profits shall equal ten percent of the outstanding loans not fully covered by shares of the said credit union and thereafter there shall be added to the guaranty fund at the end of each such period such percentage of the net income which has accumulated during that period as will result in at least maintaining such guaranty fund and undivided profits at such amount: PROVIDED, That credit unions with shares insured by the administrator, National Credit Union Administration, may in the alternative comply with reserve requirements and regulations promulgated by the National Credit Union Administration. All entrance fees shall be added to the guaranty fund at the close of the dividend period, and shall never exceed twenty-five cents for each member. The guaranty fund and the investments thereof shall be held to meet contingencies or losses in the business of the credit union, and shall not be distributed to its members, except in the case of



dissolution. [1973 1st ex.s. c 8 § 7; 1969 c 65 § 5; 1967 c 180 § 8; 1943 c 131 § 15; 1933 c 173 § 18; Rem. Supp. 1943 § 3923-18.]

31.12.240 CREDIT COMMITTEE—POWERS AND DUTIES. The credit committee shall hold meetings at least once a month; act on all applications for loans; and approve in writing all personal loans granted and any security pledged therefor.

No personal loans shall be made unless all the members of the credit committee who are present when the application is considered, which number shall constitute at least two-thirds of the members of the committee, approve such loan, except as provided in RCW 31.12.245. The credit committee may be established in such numbers and at such places as is necessary to serve member needs, with a minimum of two members needed for loan approval: PROVIDED, That such extension of service is approved by the supervisor. No loan shall be granted unless it promises to be of benefit to the borrower. A borrower shall have not less than one fully paid share. [1973 1st ex.s. c 8 § 8; 1969 c 65 § 6; 1957 c 23 § 7; 1943 c 131 § 17; 1933 c 173 § 21; Rem. Supp. 1943 § 3923-21.]

31.12.245 LOAN OFFICER—POWERS. The board of any credit union organized under this chapter whose assets are in excess of two hundred thousand dollars may appoint such loan officers as it deems advisable for the purpose of approving certain types of loans without further authorization from the credit committee. Credit unions with assets of two hundred thousand dollars or less may appoint such loan officers: PROVIDED, That the supervisor has given his prior approval thereto.

All loans not approved by a loan officer shall be acted upon by the credit committee. [1973 1st ex.s. c 8 § 9; 1969 c 65 § 7; 1967 c 180 § 10; 1959 c 138 § 5; 1957 c 23 § 8.]

31.12.260 FUNDS TO BE LOANED, SURPLUS TO BE DEPOSITED OR INVESTED—BANKING PROHIBITED. The capital, deposits, and surplus of a credit union shall be invested in loans to members, with the approval of the credit committee or the loan officer where permitted herein, and also when required herein, of the board of directors or of the investment committee. Any capital, deposits, or surplus funds in excess of the amount for which loans may be approved, may be deposited or invested:

(a) In banks or trust companies or in state or national banks located in this state;

(b) In any bond or securities or other investments which are at the time legal investments for savings and loan associations in this state, except first mortgage real estate loans, or which are fully

guaranteed as to payment of principal and interest by the United States government, and general obligations of this state and general obligations of counties, municipalities, or public purpose districts of this state;

(c) In obligations issued by banks for cooperatives, federal land banks, federal intermediate credit banks, federal home loan banks, the Federal Home Loan Bank Board, or any corporation designated in section 846 of Title 31 U.S.C. as a wholly owned government corporation; or in obligations, participations, or other instruments of or issued by, or fully guaranteed as to principal and interest by the Federal National Mortgage Association or the Government National Mortgage Association;

(d) In participation certificates evidencing beneficial interests in obligations, or in the right to receive interest and principal collections therefrom, which obligations have been subjected by one or more government agencies to a trust or trusts for which any executive department, agency or instrumentality of the United States (or the head thereof) has been named to act as trustee;

(e) In the shares, share certificates or share deposits of other credit unions or savings and loan associations organized or authorized to do business under the laws of this state or the United States, or in the notes of such credit unions in the process of liquidation;

(f) In the ICU government securities program of ICU Services Corporation owned by CUNA, Incorporated, or up to two percent thereof in a corporation owned by the Washington Credit Union League;

(g) In such other investments authorized in accordance with rules and regulations prescribed by the supervisor consistent with chapter 31.12 RCW as now or hereafter amended:

PROVIDED, That any such securities shall not be eligible for investment if they have been in default either as to principal or interest within five years prior to date of purchase.

No credit union shall carry on a banking business or carry any demand, commercial, or checking accounts, nor issue any time or demand certificates of deposit. Investments other than loans to members shall be made only with the approval of the board or of the investment committee. [1973 1st ex.s. c 8 § 10; 1969 c 65 § 8; 1959 c 138 § 6; 1957 c 23 § 9; 1947 c 213 § 2; 1933 c 173 § 20; Rem. Supp. 1947 § 3923-20.]

31.12.270 CLASSES OF LOANS—PREFERENCE—TERM. A credit union may make:

(1) Personal loans to its members secured by the note of the borrower or other collateral satisfactory to the credit committee, including but not limited to interests in real estate and security interests in mobile homes, travel trailers

and motor homes as defined by RCW 82.50.010;

(2) Loans to its members under the act of congress known as the "Higher Education Act of 1965", Nov. 8, 1965, Pub. L. 89-329 (20 USC sections 1001 to 1144 inc.);

(3) Loans to its members secured by a first security interest in a mobile home, travel trailer and motor home, as defined by RCW 82.50.010, owned by the member. All such loans must be amortized by weekly, semimonthly, or monthly payments, which payments, including interest, shall be at the rate of not less than fifteen percent per year of the original principal. Such loans shall not exceed seventy-five percent of the purchase price or of the appraised value thereof, whichever is the lesser;

(4) Loans to its members secured by first mortgages or real estate contracts in which members are buyers if such mortgage or contract relates to real estate which is situated within the state; such real estate must be within fifty miles of the principal office of the credit union unless with prior approval of the supervisor; and

(5) Loans to other credit unions upon a two-thirds majority vote of the board: PROVIDED, That the total amount of such loans does not exceed twenty-five percent of the paid-in and unimpaired capital and surplus of the lending credit union.

Personal loans shall be given preference, and in the event there are not sufficient funds available to satisfy all loan applicants approved by the credit committee, further preference shall be given to the smaller loan. Each personal loan shall be payable within four years from the date thereof: PROVIDED, That loans with satisfactory security may be made payable within eight years from the date thereof. [1973 1st ex.s. c 8 § 11; 1969 c 65 § 9; 1967 c 180 § 11; 1965 ex.s. c 38 § 1; 1957 c 23 § 11. Prior: 1953 c 48 § 6; 1947 c 213 § 4, part; 1943 c 131 § 18, part; 1933 c 173 § 23, part; Rem. Supp. 1947 § 3923-23, part.]

31.12.280 LIMITS AND CONDITIONS OF PERSONAL LOANS. No loan which is not adequately secured may be made to any member, if, upon the making of that loan, the member would be indebted to the credit union upon loans made to him in an aggregate amount which, in the case of a credit union whose unimpaired capital and surplus is less than eight thousand dollars would exceed five hundred dollars, or which, in the case of any other credit union, would exceed two thousand five hundred dollars or two and one-half percentum of its unimpaired capital and surplus, whichever is less. No loan may be made to any member if, upon the making of that loan, the member would be indebted to the credit union upon loans made to him in an aggregate amount which would exceed five hundred dollars or ten percent of the

credit union's unimpaired capital and surplus, whichever is greater: PROVIDED, That loans which are not secured totally by share deposits to any family community shall not exceed ten thousand dollars without the permission of the supervisor. [1973 1st ex.s. c 8 § 12; 1969 c 65 § 10; 1967 c 180 § 12; 1965 ex.s. c 38 § 2; 1959 c 138 § 7; 1957 c 23 § 12. Prior: 1953 c 48 § 7; 1947 c 213 § 4, part; 1943 c 131 § 18, part; 1933 c 173 § 23, part; Rem. Supp. 1947 § 3923-23, part.]

31.12.290 LOANS SECURED BY REAL ESTATE MORTGAGES OR CONTRACTS. The total amount which a credit union may lend on the security of mortgages on, or contracts relating to, real estate shall not exceed the following limits:

(a) Ten percent of its total assets if its assets are under one hundred thousand dollars.

(b) Twenty percent of its total assets if its assets are over one hundred thousand dollars but under one million dollars.

(c) Thirty percent of its total assets if its assets are in excess of one million dollars.

All loans secured by mortgages or contracts on real estate shall be subject to the following restrictions:

(1) Loans secured by first mortgages shall be only on real estate improved by a home, a combination home and business building, or a two unit residential building in which the owner-borrower is the occupant of one unit; loans may be made for the construction of any such improvements. Additional parcels of noncontiguous, improved, habitable, residential real estate may be included in the same loan as such security together with the principal property.

(2) Any loans made on a real estate contract must be through warranty deed and assignment of the seller's interest, and the principal amount of the purchase price must have been reduced by twenty-five percent; the monthly payments must not be delinquent at time of the loan and the real estate must be such as would qualify for a mortgage loan under paragraph (1) hereof.

(3) The total amount which may be loaned on any one property or to any one family community borrower shall not exceed two and one-half percent of the assets of the credit union, or ten thousand dollars, whichever is greater, except with the prior approval of the supervisor. Such loan shall not exceed seventy-five percent of the appraised value of the real estate if there is located thereon a home or if the loan is made for the construction or completion of improvements.

All taxes and assessments must be paid currently, and all such loans must be amortized within a maximum period of twenty years by weekly, semimonthly or

monthly payments, which payments, including interest, shall be at the rate of not less than seven and one-half percent per year of the original principal.

The real estate covered by any such mortgage or contract must be inspected and appraised by an appraiser who has had two or more years experience in appraising real estate for loan purposes within the area in which the property is located. The credit union must have a policy of title insurance issued concurrently by an insurance company licensed to do business in the state of Washington, insuring the interest of the credit union in the real estate in the full amount of the loan, or must have an abstract brought up to date of the loan and certified by a practicing attorney; also with fire insurance covering at least the interest of the credit union. [1973 1st ex.s. c 8 § 13; 1967 c 180 § 13; 1959 c 138 § 8; 1957 c 23 § 13. Prior: 1953 c 48 § 8; 1947 c 213 § 4, part; 1943 c 131 § 18, part; 1933 c 173 § 23, part; Rem. Supp. 1947 § 3923-23, part.]

**31.12.320 REPORTS--EXAMINATIONS--SUSPENSION OF BUSINESS--COMMUNICATIONS.** Within thirty days after the first business day of January in each year, the auditing committee of each credit union shall make to the supervisor a report in such form as he may prescribe, and shall make oath that the report is true and correct. Any credit union neglecting to make said report within the time herein prescribed and such other requested reports within thirty days after notification shall forfeit to the state one dollar for each day during which neglect continues. The penalty for any single delinquency shall not exceed twenty-five dollars.

The supervisor shall make or cause to be made an examination and full investigation into the affairs of each credit union at least once each calendar year. The actual cost of examination and supervision shall be paid by the credit union examined: PROVIDED, That the supervisor may accept in lieu of an examination the report of any competent accountant, satisfactory to the supervisor, who has made and submitted a report of the condition of the affairs of such credit union, and if approved, shall have the same force and effect as though the examination were made by the supervisor or one of his appointees. Examination costs shall not be payable by a credit union with respect to the first examination following approval of its articles of incorporation by the supervisor, and the supervisor may adjust examination costs payable for succeeding examinations giving due consideration to the time and expense incident to such examinations, and to the ability of the credit unions to pay such costs.

If it is found that the capital of a credit union be impaired or that business

is being conducted contrary to law the supervisor may require said credit union to suspend operations until such condition is corrected.

Any communications from the supervisor to the board of directors must be read before said board at its next meeting and the reading noted in the minutes of the meeting. [1973 1st ex.s. c 8 § 14; 1947 c 213 § 5; 1943 c 131 § 20; 1933 c 173 § 26; Rem. Supp. 1947 § 3923-26.]

**31.12.440 SUSPENSION OR REVOCATION OF ARTICLES--INVOLUNTARY LIQUIDATION--GROUNDS.** The articles of incorporation of any state chartered credit union may be suspended or revoked, the credit union placed in involuntary liquidation and a liquidating agent therefor appointed upon the finding by the supervisor that the organization is bankrupt, or insolvent. [1973 1st ex.s. c 8 § 15.]

**31.12.450 SUSPENSION OR REVOCATION OF ARTICLES--INVOLUNTARY LIQUIDATION--NOTICE--PROCEDURE.** Except as otherwise provided in this chapter, the supervisor, before suspending or revoking the articles of incorporation of a credit union and placing the credit union in liquidation, shall cause to be served on the credit union concerned a notice of intention to suspend or revoke the articles, a statement of the reasons for such proposed action and an order directing the credit union concerned to show cause why its articles of incorporation should not be suspended or revoked. Service of the order to show cause shall be either (1) by mail addressed to the credit union concerned at the last address of its office as shown by the records of the division of savings and loan or (2) by personal delivery to any of the officers or members of the board of directors of the credit union. The order shall be returned to the division of savings and loan. No oral hearing shall be held on such order to show cause, but the credit union concerned may file with the division of savings and loan, within the period of time specified in the order to show cause, a statement in writing setting forth the grounds and reasons why its articles of incorporation should not be suspended or revoked. This statement shall be accompanied by a certified copy of a resolution of the board of directors of the credit union concerned authorizing the filing of the statement. If no statement is received within the period of time specified in the order, or if the proffered reasons why the articles of incorporation should not be suspended or revoked are found to be insufficient by the supervisor, he may order the articles of incorporation be suspended or revoked and may order the credit union placed in involuntary liquidation. If the credit union is ordered to be liquidated the supervisor shall designate the liquidating

agent in the order directing the liquidation. A copy of the order directing the suspension or revocation and where proper, of the order directing the involuntary liquidation and of the appointment of a liquidating agent, and a statement of the findings on which the order is based, shall be served on the credit union concerned. Such service shall be either (1) by mail addressed to the credit union concerned at the last address of its office as shown by the records of the division of savings and loan or (2) by personal delivery to any officer or member of the board of directors of the credit union concerned. [1973 1st ex.s. c 8 § 16.]

31.12.460 INVOLUNTARY LIQUIDATION--PROCEDURE. On receipt of a copy of the order placing the credit union in involuntary liquidation, the officers and directors of the credit union concerned shall deliver to the liquidating agent possession and control of all books, records, assets, and property of every description of the credit union, and the liquidating agent shall proceed to convert said assets to cash, collect all debts due to said credit union and to wind up its affairs in accordance with the instructions and procedures issued to said liquidating agent by the supervisor. [1973 1st ex.s. c 8 § 17.]

31.12.470 INVOLUNTARY LIQUIDATION--CANCELLATION OF ARTICLES. On the completion of the liquidation and certification by the liquidating agent that the distribution of assets of the credit union has been completed, the supervisor shall cancel the articles of incorporation of the credit union concerned. [1973 1st ex.s. c 8 § 18.]

31.12.900 SEVERABILITY--1973 1ST EX.S. C 8. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1973 1st ex.s. c 8 § 19.]

Chapter 31.24  
INDUSTRIAL DEVELOPMENT CORPORATIONS

31.24.050 MEMBERSHIP BY FINANCIAL INSTITUTIONS--LOANS TO CORPORATION BY MEMBERS--LIMITATIONS--INTEREST. 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.

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) Thirty 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 companies, 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. [1973 1st ex.s. c 90 § 1; 1963 c 162 § 5.]

31.24.190 FORMATION OF INDUSTRIAL DEVELOPMENT CORPORATION FOR PURPOSE OF PRESERVATION OF HISTORIC BUILDINGS OR AREAS. In addition to the purposes specified in RCW 31.24.020 (2) [(3)] an industrial development corporation may be formed to encourage and stimulate the preservation of historic buildings or areas by returning them to economically productive uses which are compatible with or enhance the historic character of such buildings or areas; to stimulate and assist in the development of business or other activities which have an impact upon the preservation of historic buildings or areas; to cooperate and act in conjunction with other organizations, public or private, in the promotion and advancement of historical preservation activities; and to provide financing through loans, investments of other business transactions for the promotion, development, and conduct of all kinds of business activity which encourages or relates to historic preservation. An industrial development corporation created to carry out the purposes of this section shall not engage in the broad economic and business promotion activities permitted by RCW 31.24.020 (3) which are not related to the purposes of this section. Any such industrial development corporation shall in all other respects be subject to the provisions of this chapter. [1973 1st ex.s. c 90 § 2.]

TITLE 32  
MUTUAL SAVINGS BANKS

Sections added, amended, or repealed:

Chapter 32.20 Investments.

32.20.280 Investments in real estate.  
32.20.330 Obligations of industrial corporations.  
32.20.450 Low-cost housing—Legislative finding.  
32.20.460 Low-cost housing—Factory built housing—Mobile homes.  
32.20.470 Improvement of private land for public parks and recreation areas.  
32.20.480 Loans or investments to provide adequate housing and environmental improvements—Criteria—Restrictions.  
32.20.490 Single family residences—First mortgages—Insured loans.  
32.20.500 Construction—1973 1st ex.s. c 31.

Chapter 32.24 Insolvency and Liquidation.

32.24.090 Federal deposit insurance corporation as receiver or liquidator—Appointment—Powers and duties.  
32.24.100 Payment or acquisition of deposit liabilities by federal deposit insurance corporation—Not hindered by judicial review—Liability.

Chapter 32.20  
INVESTMENTS

32.20.280 INVESTMENTS IN REAL ESTATE. A mutual savings bank may invest its funds in real estate as follows:

(1) A tract of land whereon there is or may be erected a building or buildings suitable for the convenient transaction of the business of the savings bank, from portions of which not required for its own use revenue may be derived: PROVIDED, That the cost of the land and building or buildings for the transaction of the business of the savings bank shall in no case exceed fifty percent of the guaranty fund, undivided profits, reserves, and subordinated securities of the savings bank, except with the approval of the supervisor; and before the purchase of such property is made, or the erection of a building or buildings is commenced, the estimate of the cost thereof, and the cost of the completion of the building or buildings, shall be submitted to and approved by the supervisor. "The cost of the land and building or buildings" means the amounts paid or expended therefor less the reasonable depreciation thereof taken by the bank against such improvements during the time they were held by the bank.

(2) Such lands as shall be conveyed to the savings bank in satisfaction of debts previously contracted in the course of its business.

(3) Such lands as the savings bank shall purchase at sales under judgments, decrees, or mortgages held by it.

All real estate purchased by any such savings bank, or taken by it in satisfaction of debts due it, under this section, shall be conveyed to it directly by name, and the conveyance shall be immediately recorded in the office of the proper recording officer of the county in which such real estate is situated.

Every parcel of real estate purchased or acquired by a savings bank under this section, shall be sold by it within five years from the date on which it was purchased or acquired, or in case it was acquired subject to a right of redemption, within five years from the date on which the right of redemption expires, unless:

(1) There is a building thereon occupied by the savings bank and its offices, or

(2) The supervisor, on application of the board of trustees of the savings bank, extends the time within which such sale shall be made. [1973 1st ex.s. c 31 § 6; 1969 c 55 § 7; 1955 c 13 § 32.20.280. Prior: 1929 c 74 § 22; 1921 c 156 § 110; 1915 c 175 § 12; RRS § 3381-22.]

Construction--1973 1st ex.s. c 31: See RCW 32.20.500.

32.20.330 OBLIGATIONS OF INDUSTRIAL CORPORATIONS. A mutual savings bank may invest not to exceed fifteen percent of its funds in such interest bearing obligations issued, guaranteed or assumed by corporations commonly accepted as industrial corporations or engaged in communications, transportation, furnishing utility or telephone services, manufacturing, mining, merchandising or commercial financing, incorporated under the laws of the United States, or any state thereof, or the District of Columbia, or the Dominion of Canada, or any province thereof, as mature within thirty years from the time of the investment, subject to the following conditions:

(1) Not more than two percent of said bank's funds shall be invested in such obligations of any one such corporation, pursuant to this section or otherwise.

(2) Such obligations at the time of purchase are rated among the three highest classifications of one or more nationally recognized investment rating services. [1973 1st ex.s. c 31 § 7; 1971 ex.s. c 222 § 6; 1955 c 80 § 6.]

Construction--1973 1st ex.s. c 31: See RCW 32.20.500.

32.20.450 LOW-COST HOUSING--LEGISLATIVE FINDING. The legislature finds there is a shortage of adequate housing in a suitable environment in many parts of this state for people of modest means, which shortage adversely affects the public in general and the mutual savings banks of this state and their depositors. The legislature further finds that the making of loans or investments to alleviate this problem which may provide a less than market rate of return and entail a higher degree of risk than might otherwise be acceptable, will benefit this state, the banks, and their depositors. [1973 1st ex.s. c 31 § 1.]

Construction--1973 1st ex.s. c 31: See RCW 32.20.500.

32.20.460 LOW-COST HOUSING--FACTORY BUILT HOUSING--MOBILE HOMES. In addition to the portions of its funds permitted to be invested in real estate loans under RCW 32.20.250 as limited by RCW 32.20.410 and in loans for home or property repairs,

alterations, appliances, improvements, or additions, home furnishings, for installation of underground utilities, for educational purposes, for mobile homes used or to be used for permanent or semipermanent housing, or for nonbusiness family purposes under RCW 32.20.400, a mutual savings bank may invest not to exceed five percent of its funds in loans and investments made after July 16, 1973 as follows:

(1) Loans for the rehabilitation, remodeling, or expansion of existing housing, if it is arranged that the loan proceeds will be used for such purpose. Such loans may be secured by second mortgages, shall 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 fifteen years, and shall be in a principal amount not to exceed nine thousand five hundred dollars per living unit for single family housing or seven thousand five hundred dollars per living unit for multi-family housing.

(2) Loans in connection with, or participation in:

(a) Housing programs of any agency of federal, state or local government; and

(b) Housing programs of any nonprofit, union, community, public, or quasi-public corporation or entity.

Such housing must be made available to all without regard to race, creed, sex, color, or national origin.

(3) Loans for purchasing or constructing factory built housing, including but not limited to mobile homes used or to be used for permanent or semipermanent housing, where the principal balance of any such loan does not exceed in the case of a new mobile home one hundred percent of the manufacturer's invoice price of such mobile home (including any equipment installed by the manufacturer, or installed or to be installed by the dealer); or in the case of a used mobile home, one hundred percent of the wholesale value of such used mobile home (including any installed equipment) as established in the dealer's market. The loan shall be secured by a first mortgage on the real estate, except that no real estate mortgage need be obtained if provision satisfactory to the bank is made for removal of the mobile home or other housing in the event of default and realization on the security.

(4) In mobile home chattel paper which finances the acquisition of inventory by a mobile home dealer if the inventory is to be held for sale in the ordinary course of business by the mobile home dealer, the monetary obligation evidenced by such chattel paper is the obligation of the mobile home dealer and the amount thereof does not exceed the amount allowed to be loaned on such mobile homes under subsection (3) of this section. [1973 1st ex.s. c 31 § 2.]

Construction--1973 1st ex.s. c 31: See RCW 32.20.500.

(2) Construction--1973 1st ex.s. c 31: See RCW 32.20.500.

32.20.470 IMPROVEMENT OF PRIVATE LAND FOR PUBLIC PARKS AND RECREATION AREAS. Subject to the limits hereinafter set forth, a mutual savings bank may expend its funds for the improvement for public use of privately owned land as parks or recreation areas, including but not limited to "vest pocket" parks, provided that the owner of such land will:

(1) Permit public use thereof for a period of at least eighteen months or for such longer period and subject to such other requirements as the bank may impose; and

(2) At or before the end of public use, permit the removal of all such improvements which in the bank's judgment reasonably may be accomplished.

As used in this section, "public use" means use without regard to race, creed, sex, color, or national origin. The amount expended hereunder and under RCW 32.12.070 (2) (d) in any calendar year shall not exceed one-half of one percent of the net earnings of bank for the preceding year. [1973 1st ex.s. c 31 § 3.]

Construction--1973 1st ex.s. c 31: See RCW 32.20.500.

32.20.480 LOANS OR INVESTMENTS TO PROVIDE ADEQUATE HOUSING AND ENVIRONMENTAL IMPROVEMENTS--CRITERIA--RESTRICTIONS. Loans or investments made under \*this 1973 amendatory act may provide a less than market rate of return and entail a higher degree of risk than might otherwise be acceptable to the general market, so long as the board of trustees of the bank determines the loan or investment may be beneficial to the community where made, without the need to show a direct corporate benefit, and so long as any private individual who benefits is not, and is not related to any person who is, an officer, employee, or trustee of the bank. It is hereby recognized that the mutual savings banks of the state of Washington and their depositors are affected adversely by the absence of adequate low-cost housing and environmental developments and improvements within the communities they serve and the state of Washington.

The amount a mutual savings bank may invest under \*this 1973 amendatory act during any twelve month period at less than a market rate of return shall not exceed two percent of the total principal amount of all real estate loans made by the bank during the preceding twelve months. [1973 1st ex.s. c 31 § 4.]

\*Reviser's note: (1) "this 1973 amendatory act" consists of RCW 32.20.450-32.20.500 and the amendments to RCW 32.20.280 and 32.20.330 by 1973 1st ex.s. c 31.

32.20.490 SINGLE FAMILY RESIDENCES--FIRST MORTGAGES--INSURED LOANS. A mutual savings bank may invest its funds in first mortgages on single family residences, which loans are insured in whole or in part by an insurance company authorized to do business in the state of Washington and in the business of insuring real estate mortgages. Except as provided in subsections (1) and (2) of this section, the provisions of RCW 32.20.250 shall apply to such loans:

(1) Any loan so insured may exceed ninety percent of the value of the real estate, including improvements, but shall not exceed ninety-five percent of such value.

(2) The terms of payment and the ultimate maturity of such loan may exceed the limits as set forth in RCW 32.20.250. [1973 1st ex.s. c 31 § 5.]

Construction--1973 1st ex.s. c 31: See RCW 32.20.500.

32.20.500 CONSTRUCTION--1973 1ST EX.S. C 31. The powers granted by \*this 1973 amendatory act are in addition to and not in limitation of the powers conferred upon a mutual savings bank by other provisions of law. [1973 1st ex.s. c 31 § 8.]

\*Reviser's note: "this 1973 amendatory act", see note following RCW 32.20.480.

#### Chapter 32.24 INSOLVENCY AND LIQUIDATION

32.24.090 FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OR LIQUIDATOR--APPOINTMENT--POWERS AND DUTIES. The federal deposit insurance corporation is hereby authorized and empowered to be and act without bond as receiver or liquidator of any mutual savings bank the deposits in which are to any extent insured by that corporation and which shall have been closed on account of inability to meet the demands of its depositors. In the event of such closing, the supervisor of banking may appoint the federal deposit insurance corporation as receiver or liquidator of such mutual savings bank. If the corporation accepts such appointment, it shall have and possess all the powers and privileges provided by the laws of this state with respect to a liquidator of a mutual savings bank, its depositors and other creditors, and be subject to all the duties of such liquidator, except insofar as such powers, privileges, or duties are in conflict with the provisions of the federal deposit insurance act, as now or hereafter amended. [1973 1st ex.s. c 54 § 3.]



32.24.100 PAYMENT OR ACQUISITION OF DEPOSIT LIABILITIES BY FEDERAL DEPOSIT INSURANCE CORPORATION--NOT HINDERED BY JUDICIAL REVIEW--LIABILITY. The pendency of any proceedings for judicial review of the supervisor's actions in taking possession and control of a mutual savings bank and its assets for the purpose of liquidation shall not operate to defer, delay, impede, or prevent the payment or acquisition by the federal deposit insurance corporation of the deposit liabilities of the mutual savings bank which are insured by the corporation. During the pendency of any proceedings for judicial review, the supervisor of banking shall make available to the federal deposit insurance corporation such facilities in or of the mutual savings bank and such books, records, and other relevant data of the mutual savings bank as may be necessary or appropriate to enable the corporation to pay out or to acquire the insured deposit liabilities of the mutual savings bank. The federal deposit insurance corporation and its directors, officers, agents, and employees, the supervisor of banking, and his agents and employees shall be free from liability to the mutual savings bank, its directors, stockholders, and creditors for or on account of any action taken in connection herewith. [1973 1st ex.s. c 54 § 4.]

TITLE 33  
SAVINGS AND LOAN ASSOCIATIONS

Sections added, amended, or repealed:

Chapter 33.04 General Provisions.

- 33.04.011 "Mortgage" includes deed of trust.
- 33.04.020 Supervisor--Powers and duties.
- 33.04.025 Rules and regulations.

Chapter 33.12 Powers and Restrictions.

- 33.12.180 Trustee of retirement plan established under federal act entitled "Self-employed Individuals Tax Retirement Act of 1962".

Chapter 33.16 Directors, Officers and Employees.

- 33.16.040 Removal of director, officer or employee on objection of supervisor.
- 33.16.110 Budget--Limit of expenses.
- 33.16.120 Statement of assets and liabilities--Reports.

Chapter 33.20 Members--Savings.

- 33.20.050 Married persons as members.

Chapter 33.24 Loans and Investments.

- 33.24.005 "Mortgage" includes deed of trust.
- 33.24.120 Appraisal for mortgage loans.
- 33.24.230 Mobile dwellings.
- 33.24.270 Stock in small business investment companies.
- 33.24.280 Capital stock, capital debentures and bonds issued by corporations.
- 33.24.295 Loans for nonbusiness family purposes.
- 33.24.350 Acquisition of control of savings and loan association--Definitions.
- 33.24.360 Acquisition of control of savings and loan association--Application--Contents.
- 33.24.370 Acquisition of control of savings and loan association--Preventive action or proceeding to prevent--Grounds.
- 33.24.380 Acquisition of control of savings and loan association--Penalty.

Chapter 33.40 Insolvency, Liquidation, Merger.

- 33.40.050 Involuntary liquidation--Procedure.

Chapter 33.48 Guaranty Stock Savings and Loan Associations.

- 33.48.150 Organizing permit--Required.
- 33.48.160 Organizing permit--Application.
- 33.48.170 Organizing permit--Conditions.
- 33.48.180 Permit authorizing sale of guaranty stock--Required prior to sale or issuance of stock.
- 33.48.190 Permit authorizing sale of guaranty stock--Required prior to sale of issued or outstanding stock.
- 33.48.200 Permit authorizing sale of guaranty stock--Application.
- 33.48.210 Permit authorizing sale of guaranty stock--Examination and investigation.
- 33.48.220 Permit authorizing sale of guaranty stock--Recitation.
- 33.48.230 Sales of guaranty stock--Imposition of conditions.
- 33.48.240 Amendment, alteration or revocation of permits--Grounds.
- 33.48.250 Purchase by association of stock issued by it.
- 33.48.260 Reduction of guaranty stock.
- 33.48.270 Surplus from reduction of stock.
- 33.48.280 Paid-in or contributed surplus or surplus created by reduction of stock--Application and uses.
- 33.48.290 RCW 33.48.150 through 33.48.290 inapplicable to foreign associations.

Chapter 33.04  
GENERAL PROVISIONS

33.04.011 "MORTGAGE" INCLUDES DEED OF TRUST. See RCW 33.24.005.

33.04.020 SUPERVISOR—POWERS AND DUTIES. The supervisor (1) shall be charged with the administration and enforcement of this title and shall have and exercise all powers necessary or convenient thereunto;

(2) shall issue to each association doing business hereunder, when it shall have paid its annual license fee and be duly qualified otherwise, a certificate of authority authorizing it to transact business;

(3) shall require of each association an annual statement and such other reports and statements as he may deem desirable, on forms to be furnished by him;

(4) shall require each association to conduct its business in compliance with the provisions of this title;

(5) shall visit and examine into the affairs of every association, at least once in each biennium; may appraise and revalue its investments and securities; and shall have full access to all the books, records, papers, securities, correspondence, bank accounts, and other papers of such association for such purposes;

(6) may accept or exchange any information or reports with the examining division of the federal savings and loan insurance corporation or other like agency which may insure the accounts in an association or to which an association may belong;

(7) shall have power to administer oaths to and to examine any person under oath concerning the affairs of any association and, in connection therewith, to issue subpoenas and require the attendance and testimony of any person or persons at any place within this state, and to require witnesses to produce any books, papers, documents, or other things under their control material to such examination; and

(8) shall have any and all other powers incidental to the purposes of such examination and administration. [1973 c 130 § 22; 1945 c 235 § 95; Rem. Supp. 1945 § 3717-214. Prior: 1933 c 183 §§ 79, 94, 95; 1919 c 169 § 12; 1913 c 110 § 19; 1890 p 56 § 19.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.04.025 RULES AND REGULATIONS. The supervisor shall adopt uniform rules and regulations in accordance with the administrative procedure act, chapter 34.04 RCW, to govern examinations and reports of

savings and loan associations and the form in which they shall report their assets, liabilities, and reserves, charge off bad debts and otherwise keep their records and accounts, and otherwise to govern the administration of this title. He shall mail a copy of the rules and regulations to each savings and loan association at its principal place of business, and they shall be effective thirty days after the mailing thereof. The person doing the mailing shall make and file his affidavit thereof in the office of the supervisor. [1973 c 130 § 20.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

Chapter 33.12  
POWERS AND RESTRICTIONS

33.12.180 TRUSTEE OF RETIREMENT PLAN ESTABLISHED UNDER FEDERAL ACT ENTITLED "SELF-EMPLOYED INDIVIDUALS TAX RETIREMENT ACT OF 1962". A savings and loan association shall have the power to act as trustee under:

A retirement plan established pursuant to the provisions of the act of congress entitled "Self-Employed Individuals Tax Retirement Act of 1962" (76 Stat. 809, 26 U.S.C. Sec. 37), as now constituted or hereafter amended. If a retirement plan, which in the judgment of the savings and loan association, constituted a qualified plan under the provisions of that act at the time accepted by the savings and loan association, is subsequently determined not to be a qualified plan or subsequently ceases to be a qualified plan in whole or in part, the savings and loan association may, nevertheless, continue to act as trustee of any deposits theretofore made under the plan and to dispose of the same in accordance with the directions of the trustor and the beneficiaries thereof. [1973 1st ex.s. c 93 § 1.]

Chapter 33.16  
DIRECTORS, OFFICERS AND EMPLOYEES

33.16.040 REMOVAL OF DIRECTOR, OFFICER OR EMPLOYEE ON OBJECTION OF SUPERVISOR. If the supervisor shall notify the board of directors of any association in writing, that he has information that any director, officer, or employee of such association is dishonest, reckless, or incompetent or is failing to perform any duty of his office, the board shall meet and consider such matter forthwith and the supervisor shall have notice of the time and place of such meeting. If the board shall find the supervisor's objection to be well founded, such director, officer,

or employee shall be removed immediately. If the board does not remove the director, officer, or employee against whom the objections have been filed, or if the board fails to meet, consider or act upon the objections within twenty days after receiving the same, the supervisor may forthwith or within twenty days thereafter, remove such individual by complying with the administrative procedure act, Title 34 RCW. If the supervisor feels that the public interest or safety of the association, requires the immediate removal of such individual, he may petition the superior court for a temporary injunction removing such individual pending the administrative procedure hearing. [1973 c 130 § 21; 1945 c 235 § 17; Rem. Supp. 1945 § 3717-136. Prior: 1933 c 183 § 18.]

Severability--1973 c 130: See note following RCW 33.24.350.

Definitions--1973 c 130: See RCW 33.24.350.

33.16.110 BUDGET--LIMIT OF EXPENSES. The board of directors, not later than at the regular meeting in January of each year, shall adopt a budget of expenses for the ensuing calendar year, which budget may be revised at any regular monthly meeting by a two-thirds vote of the entire board of directors.

The officers shall maintain the expenses of the association within the budget so adopted.

The secretary shall transmit forthwith to the supervisor a copy of the budget, and of each amendment thereof, upon adoption. [1973 c 130 § 25; 1945 c 235 § 25; Rem. Supp. 1945 § 3717-144. Prior: 1941 c 222 § 5; 1933 c 183 §§ 19, 66; 1919 c 169 § 9; 1913 c 110 § 15.]

Severability--1973 c 130: See note following RCW 33.24.350.

Definitions--1973 c 130: See RCW 33.24.350.

33.16.120 STATEMENT OF ASSETS AND LIABILITIES--REPORTS. The board of directors shall cause to be prepared, from the books of the association, a statement of assets and of liabilities, as of December 31st in each year, which statement shall be published on or before the 15th day of January of each year, in a newspaper of general circulation in the county where the principal office of the association is located.

The board shall also cause to be prepared, certified, and filed with the supervisor, upon blanks to be furnished by him, such reports and statements as he, from time to time, may require. [1973 c 130 § 23; 1945 c 235 § 27; Rem. Supp. 1945 § 3717-146. Prior: 1933 c 183 § 79; 1919

c 169 §§ 11, 12; 1913 c 110 §§ 18, 19; 1890 p 56 §§ 18, 36.]

Severability--1973 c 130: See note following RCW 33.24.350.

Definitions--1973 c 130: See RCW 33.24.350.

Chapter 33.20  
MEMBERS--SAVINGS

33.20.050 MARRIED PERSONS AS MEMBERS. Married persons may become members of an association and all contracts entered into between a married person and an association, with respect to such person's membership or such person's savings therein, shall be valid and enforceable and, unless notice shall be given to the association that the same are community funds, all savings accounts of a married person shall be held for the exclusive right and benefit of such married person and free from the control or lien of all other persons, except creditors, and shall be paid, together with dividends thereon, to such member, and such person's receipt or acquittance shall be a valid discharge of the obligation. [1973 1st ex.s. c 154 § 50; 1945 c 235 § 43; Rem. Supp. 1945 § 3717-162. Prior: 1933 c 183 § 42.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 33.24  
LOANS AND INVESTMENTS

33.24.005 "MORTGAGE" INCLUDES DEED OF TRUST. The word "mortgage" as used in this title includes deed of trust. [1973 c 130 § 28.]

Severability--1973 c 130: See note following RCW 33.24.350.

Definitions--1973 c 130: See RCW 33.24.350.

33.24.120 APPRAISAL FOR MORTGAGE LOANS. For every mortgage loan, the borrower shall execute a note and a mortgage which shall constitute a first lien upon a fee estate in improved real property. For such loan, the appraised value shall be the value of the land and the permanent improvements thereon. Appraisals for loan purposes shall be made by two appraisers appointed by the board of directors, either or both of whom, if qualified, may be directors of the association: PROVIDED, That the directors of an association may by resolution authorize the reduction in the number of appraisers on every type loan to one qualified appraiser. In cases of loans insured or

guaranteed in whole or in part by a government agency, the appraisal made by the government agency shall be sufficient.

Every appraisal shall be made in writing, shall state that each appraiser has personally examined said property, has no personal interest therein, the conservative value of the property as so determined, and shall be signed by the appraiser. Such appraisal shall be filed with the association, before any mortgage loan shall be made.

Every mortgage loan, before making, shall be approved by the directors of the association or by a loan committee appointed by the directors for that purpose. [1973 c 130 § 26; 1959 c 280 § 4; 1949 c 20 § 7; 1945 c 235 § 69; Rem. Supp. 1949 § 3717-188. Prior: 1939 c 98 § 11; 1933 c 183 §§ 56, 58; 1925 ex.s. c 144 § 5; 1913 c 110 §§ 8, 9; 1903 c 116 § 2; 1890 p 56 § 4.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.24.230 MOBILE DWELLINGS. An association may invest its funds in loans upon the security of mobile dwellings used as semi-permanent or permanent housing. Loans made pursuant to this section shall not exceed ten percent of the association's assets, except with the written approval of the supervisor. [1973 c 130 § 24; 1967 c 49 § 7.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.24.270 STOCK IN SMALL BUSINESS INVESTMENT COMPANIES. A savings and loan association may purchase and hold for its own investment accounts stock in small business investment companies licensed and regulated by the United States as authorized by the small business act, Public Law 85-536, as amended and now in force, in an amount not to exceed one percent of its assets. [1973 c 130 § 30; 1969 c 107 § 13.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.24.280 CAPITAL STOCK, CAPITAL DEBENTURES AND BONDS ISSUED BY CORPORATIONS. An association may invest in capital stock, capital debentures and bonds issued by any corporation organized under the laws of the United States or any state,

subject to the further limitations and conditions that at the time of such investment the aggregate of the reserves, surplus, undivided profits and guaranty stock, if any, of the association is at least equal to five percent of the assets of the association and that immediately upon the making of any investment under authority of this paragraph, the aggregate amount of all investments then held by the association under authority of this paragraph does not exceed fifty percent of its guaranty stock, reserves, surplus, and undivided profits. [1973 c 130 § 31; 1969 c 107 § 14.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.24.295 LOANS FOR NONBUSINESS FAMILY PURPOSES. An association may also invest not to exceed five percent of its assets in secured or unsecured loans for any nonbusiness family purposes: PROVIDED, That the principal amount of any such loan shall not exceed five thousand dollars and shall be repayable in monthly, quarterly, or semiannual installments commencing not more than sixty days after the date of such loan and extending over a payment period of not to exceed seven years. [1973 c 130 § 27.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.24.350 ACQUISITION OF CONTROL OF SAVINGS AND LOAN ASSOCIATION—DEFINITIONS. As used in \*this 1973 amendatory act the following words, unless differently defined shall have the meanings and references as follows:

(1) "Subsidiary" of a person or company for purposes of \*this 1973 amendatory act, means any person or company which is controlled by such person or company.

(2) "Control" means directly or indirectly or acting in concert with one or more other persons or companies, or through one or more subsidiaries, owning, controlling, or holding with the power to vote twenty-five percent or more of the outstanding guaranty stock of a savings and loan association.

(3) "Acquiring party" means the person, company, or subsidiary acquiring control of a savings and loan association. [1973 c 130 § 1.]

\*Reviser's note: "this 1973 amendatory act" [1973 c 130] is codified as RCW 33.04.020, 33.04.025, 33.16.040, 33.16.110, 33.16.120, 33.24.005, 33.24.120,

33.24.230, 33.24.270, 33.24.280, 33.24-.295, 33.24.350-33.24.380, 33.40.050 and 33.48.150-33.48.290.

Severability--1973 c 130: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.. [1973 c 130 § 32.]

33.24.360 ACQUISITION OF CONTROL OF SAVINGS AND LOAN ASSOCIATION--APPLICATION--CONTENTS. It is unlawful for any acquiring party to acquire control of a savings and loan association until thirty days after the date of filing with the supervisor an application containing substantially all of the following information and any additional information that the supervisor may prescribe as necessary or appropriate in the public interest or for the protection of savings account holders, borrowers or stockholders:

(1) The identity, character and experience of each acquiring party by whom or on whose behalf acquisition is to be made;

(2) The financial and managerial resources and future prospects of each acquiring party involved in the acquisition;

(3) The terms and conditions of any proposed acquisition and the manner in which such acquisition is to be made;

(4) The source and amount of the funds or other consideration used or to be used in making the acquisition and, if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition, a description of the transaction and the names of the parties, however, where a source of funds is a loan made in the lender's ordinary course of business, if the person filing such statement so requests, the commissioner shall not disclose the name of the lender to the public;

(5) Any plans or proposals which any acquiring party making the acquisition may have to liquidate such savings and loan association to sell its assets, to merge it with any company, or to make any other major changes in its business or corporate structure or management;

(6) The identification of any persons employed, retained or to be compensated by the acquiring party, or by any person on his behalf, who makes solicitations or recommendations to stockholders for the purpose of assisting in the acquisition, and brief description of the terms of such employment, retainer or arrangements for compensation;

(7) Copies of all invitations for tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition: PROVIDED, That when an unincorporated company is required

to file the statements under subsections (1), (2) and (6) of this section, the supervisor may require that the information be given with respect to each partner of a partnership or limited partnership, by each member of a syndicate or group, and by each person who controls a partner or member. When an incorporated company is required to file the statements under subsections (1), (2) and (6) of this section, the supervisor may require that the information be given for the corporation and for each officer and director of the corporation and for each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the corporation: PROVIDED FURTHER, That if any tender offer, request or invitation for tenders or other agreement to acquire control is proposed to be made by means of a registration statement under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C. Sec. 77a), as amended, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934 (48 Stat. 881; 15 U.S.C. Sec. 77b), as amended, or in an application filed with the federal home loan bank board requiring similar disclosure, such registration statement or application may be filed with the supervisor in lieu of the requirements of this section. [1973 c 130 § 2.]

Severability--1973 c 130: See note following RCW 33.24.350.

Definitions--1973 c 130: See RCW 33.24.350.

33.24.370 ACQUISITION OF CONTROL OF SAVINGS AND LOAN ASSOCIATION--PREVENTIVE ACTION OR PROCEEDING TO PREVENT--GROUNDS. The supervisor may within thirty days after the date of filing of the application referred to in RCW 33.24.360, file an action or proceeding in the superior court to prevent the pending acquisition of control if he finds any of the following:

(1) The acquisition would substantially lessen competition or would in any manner be in restraint of trade or would result in a monopoly, or would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the savings and loan business in any part of the state of Washington, unless he also finds that the anticompetitive effects of the proposed acquisition are clearly outweighed in the public interest by the probable effect of the acquisition in meeting the convenience and needs of the community to be served;

(2) The poor financial condition of any acquiring party might jeopardize the financial stability of the savings and loan association being acquired or might prejudice the interests of the savings account holders, borrowers, or stockholders of the

savings and loan association or is not in the public interest;

(3) The plan or proposal under which the acquiring party intends to liquidate the savings and loan association, to sell its assets, or to merge it with any person or company, or to make any other major change in its business or corporate structure or management, is not fair and reasonable to the association's savings account holders, borrowers, or stockholders or is not in the public interest; or

(4) The competence, experience and integrity of any acquiring party who would control the operation of the savings and loan association indicates that approval would not be in the interest of the association's savings account holders, borrowers, or stockholders or in the public interest. [1973 c 130 § 3.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.24.380 ACQUISITION OF CONTROL OF SAVINGS AND LOAN ASSOCIATION—PENALTY. Any person who wilfully violates any provision of RCW 33.24.360, or any regulation or order thereunder, is guilty of a misdemeanor and shall upon conviction be fined not more than one thousand dollars for each day during which the violation continues. [1973 c 130 § 4.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

#### Chapter 33.40 INSOLVENCY, LIQUIDATION, MERGER

33.40.050 INVOLUNTARY LIQUIDATION—PROCEDURE. Whenever the supervisor shall determine to liquidate the affairs of an association, he shall cause the attorney general to present to the superior court of the county in which such association has its principal place of business a written petition setting forth the date of his taking possession, the reasons therefor, and other material facts concerning the affairs of the association and, if the court shall determine that said association should be liquidated, it shall appoint the supervisor, and no other person, as the liquidator of such association and fix and require a bond to be given by the liquidator conditioned for the faithful performance of his duties as such liquidator, but if the association has the insurance protection provided by Title IV of the National Housing Act, as now or hereafter amended, the court upon the request of the supervisor may tender to

the federal savings and loan insurance corporation the appointment as liquidator.

Upon the filing with and approval by the court of such bond, the supervisor shall enter upon his duties as liquidator of the affairs of the association, and, under the direction of the court, shall administer and liquidate the assets thereof and apply the same to the payment of the expenses of liquidation and the debts of the association, and distribute the remainder to the savings members, first paying juvenile and school savings accounts in full, and distributing the then remainder to the remaining savings accounts proportionately.

If the court tenders the appointment as liquidator to the federal savings and loan insurance corporation, and if the insurance corporation accepts such appointment, it shall have and possess all the powers and privileges provided by the laws of this state with respect to a liquidator of a savings and loan association, its depositors and other creditors, and be subject to all the duties of such liquidator, except insofar as such powers, privileges, or duties are in conflict with the provisions of Title IV of the National Housing Act, as now or hereafter amended. In any liquidation proceeding in which the insurance corporation is the liquidator, it may proceed to liquidate without being subject to the control of the court and without bond. [1973 c 130 § 29; 1945 c 235 § 106; Rem. Supp. 1945 § 3717-225. Prior: 1935 c 171 § 4; 1933 c 183 §§ 70, 72, 73, 74, 76, 77, 78; 1919 c 169 § 13; 1913 c 110 § 20.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

#### Chapter 33.48 GUARANTY STOCK SAVINGS AND LOAN ASSOCIATIONS

33.48.150 ORGANIZING PERMIT—REQUIRED. No subscriptions or funds from proposed stockholders of any proposed association, prior to its incorporation and prior to a decision by the supervisor on its application for approval of its articles of incorporation, may be solicited or taken until a verified application for an organizing permit has been filed and a permit has been issued by the supervisor authorizing such subscription or collection of funds and then, only in accordance with the terms of such permit. [1973 c 130 § 6.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.160 ORGANIZING PERMIT--APPLICATION. The application for an organizing permit under RCW 33.48.150 shall be in writing, verified as provided by law for the verification of pleadings and shall be filed in the office of the supervisor. Such application shall be signed by the proposed incorporators and shall include the following:

- (1) The names and addresses of its proposed directors, officers and incorporators, to the extent known;
- (2) The proposed location of its office;
- (3) A copy of any contract proposed to be used for the solicitation of stock subscriptions and funds for its preincorporation expenses;
- (4) A copy of any advertisement, circular, or other written matter proposed to be used for soliciting stock subscriptions and funds for its preincorporation expenses;
- (5) A statement of the total funds proposed to be solicited and collected prior to incorporation and an itemized estimate of the preincorporation expenses proposed to be paid;
- (6) A list of the names and addresses and amounts of each of the known proposed stockholders and contributors to the fund for preincorporation expenses; and
- (7) Such additional information as the supervisor may require. [1973 c 130 § 7.]

Severability--1973 c 130: See note following RCW 33.24.350.

Definitions--1973 c 130: See RCW 33.24.350.

33.48.170 ORGANIZING PERMIT--CONDITIONS. The supervisor may impose conditions in his organizing permit issued under RCW 33.48.150 concerning the deposit in escrow of funds collected pursuant to said permit, the manner of expenditure of such funds and such other conditions as he deems reasonable and necessary or advisable for the protection of the public and the subscribers to such stock or funds for preincorporation expenses. [1973 c 130 § 8.]

Severability--1973 c 130: See note following RCW 33.24.350.

Definitions--1973 c 130: See RCW 33.24.350.

33.48.180 PERMIT AUTHORIZING SALE OF GUARANTY STOCK--REQUIRED PRIOR TO SALE OR ISSUANCE OF STOCK. No association shall sell, offer for sale, negotiate for the sale of, take subscriptions for, or issue any of its stock until the association applies for and secures from the supervisor a permit authorizing it to sell guaranty stock. [1973 c 130 § 5.]

Severability--1973 c 130: See note following RCW 33.24.350.

Definitions--1973 c 130: See RCW 33.24.350.

33.48.190 PERMIT AUTHORIZING SALE OF GUARANTY STOCK--REQUIRED PRIOR TO SALE OF ISSUED OR OUTSTANDING STOCK. No issued and outstanding stock of an association shall be sold or offered for sale to the public, nor shall subscriptions be solicited or taken for such sales until the association or the selling stockholders have applied for and secured from the supervisor a permit authorizing the sale of the guaranty stock.

This section shall not apply to an offering involving less than ten percent of the issued and outstanding guaranty stock of an association and less than five hundred thousand dollars nor to an offering made under a registration statement filed under the Securities Act of 1933 (48 Stat. 74; 15 U.S.C. Sec. 77a). [1973 c 130 § 9.]

Severability--1973 c 130: See note following RCW 33.24.350.

Definitions--1973 c 130: See RCW 33.24.350.

33.48.200 PERMIT AUTHORIZING SALE OF GUARANTY STOCK--APPLICATION. An application for a permit to sell guaranty stock shall be in writing, verified as provided by law for the verification of pleadings and shall be filed in the office of the supervisor by the association or the selling stockholders.

The application shall include the following:

- (1) Regarding the association:
  - (a) The names and addresses of its officers;
  - (b) The location of its office;
  - (c) An itemized account of its financial condition within ninety days of the filing date; and
  - (d) A copy of all minutes of any proceedings of its directors, shareholders, or stockholders relating to or affecting the issue of such stock;
- (2) Regarding the offering:
  - (a) The names and addresses of the selling stockholders and of the officers of any selling corporation and the partners of any selling partnership;
  - (b) A copy of any contract concerning the sale of the stock;
  - (c) A copy of a prospectus or advertisement or other description of the stock prepared for distribution or publication in accordance with requirements prescribed by the supervisor;
  - (d) A brief description of the method by which the stock is to be offered for sale including the offering price and the



underwriting commissions and expense, if any; and

(3) Such additional information as the supervisor may require. [1973 c 130 § 10.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.210 PERMIT AUTHORIZING SALE OF GUARANTY STOCK—EXAMINATION AND INVESTIGATION. Upon the filing of the application for a permit to sell guaranty stock, the supervisor shall examine the application and other papers and documents filed therewith and he may make a detailed examination, audit, and investigation of the association and its affairs. If the supervisor finds that the proposed plan for the issue and sale of such stock is fair, just and equitable, the supervisor shall issue to the applicant a permit authorizing it to issue and dispose of its stock in such amounts and for such considerations and upon such terms and conditions as the supervisor may provide in the permit. If the supervisor does not so find he shall deny the application and notify the applicant in writing of his decision. [1973 c 130 § 11.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.220 PERMIT AUTHORIZING SALE OF GUARANTY STOCK—RECITATION. Every permit to sell guaranty stock shall recite in bold face type that the issuance thereof is permissive only and does not constitute a recommendation or endorsement of the stock permitted to be issued. [1973 c 130 § 12.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.230 SALES OF GUARANTY STOCK—IMPOSITION OF CONDITIONS. With respect to sales of guaranty stock by an association, the supervisor may impose conditions requiring the impoundment of the proceeds from the sale of guaranty stock, limiting the expense in connection with the sale of such stock, and other conditions as he deems reasonable and necessary or advisable to insure the disposition of the proceeds from the sale of such stock in the manner and for the purposes provided in the permit. [1973 c 130 § 13.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.240 AMENDMENT, ALTERATION OR REVOCATION OF PERMITS—GROUNDS. The supervisor may amend, alter, or revoke any permit issued to [by] him or temporarily suspend the rights of the association under such permit, if there is a violation of the terms and conditions of the permit or if he determines that the issue and sale is no longer fair, just and equitable. [1973 c 130 § 14.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.250 PURCHASE BY ASSOCIATION OF STOCK ISSUED BY IT. An association may purchase stock issued by it in an amount not to exceed the amount of earned surplus or undivided profits available for dividends on its stock if either: the stock so purchased is included for federal estate tax purposes in determining the gross estate of a decedent, and the amount paid for such purchase is entitled to be treated under section 303 of the Internal Revenue Code of 1954 (68A Stat. 3; 26 U.S.C. Sec. 1), or other applicable federal statute or the corresponding provision of any future federal revenue law, as a distribution in full payment in exchange for the stock so purchased, or such purchase is with the prior consent of the supervisor. Stock so purchased until sold shall be carried as treasury stock. Upon the purchase of any stock issued by the association, an amount equal to the purchase price shall be set aside from earned surplus or undivided profits available for dividends to a specific reserve account established for this purpose. Upon sale of any of such stock, the amount relating thereto in the specific reserve account shall be returned to the surplus or undivided profits account (as the case may be) and shall be available for dividends. Reacquired stock shall not be resold at less than its reacquisition cost, without the specific approval of the supervisor, and shall not be resold or reissued except in accordance with RCW 33.48.190 through 33.48.240. [1973 c 130 § 15.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.260 REDUCTION OF GUARANTY STOCK. With the prior consent of the supervisor the guaranty stock of an association may be reduced by resolution of the board of directors approved by the vote or written consent of the holders of a majority in amount of the outstanding stock of such association to such amount as the supervisor approves. [1973 c 130 § 16.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.270 SURPLUS FROM REDUCTION OF STOCK. Any surplus resulting from reduction of stock shall not be available for dividends or other distribution to stockholders or shareholders except upon liquidation. [1973 c 130 § 17.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.280 PAID-IN OR CONTRIBUTED SURPLUS OR SURPLUS CREATED BY REDUCTION OF STOCK—APPLICATION AND USES. An association may, by action of its board of directors and with the prior approval of the supervisor, apply any part or all of any paid-in or contributed surplus or any surplus created by reduction of stock to the reduction or writing off of any deficit arising from losses or diminution in value of its assets, or may transfer to or designate as a part of its federal insurance reserve account or any other reserve account irrevocably established for the sole purpose of absorbing losses, any part or all of any paid-in or contributed surplus or any surplus created by reduction of stock. [1973 c 130 § 18.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.290 RCW 33.48.150 THROUGH 33.48-.290 INAPPLICABLE TO FOREIGN ASSOCIATIONS. RCW 33.48.150 through 33.48.290 shall not apply to foreign associations doing business in this state pursuant to the provisions of chapter 33.32 RCW. [1973 c 130 § 19.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

TITLE 34  
ADMINISTRATIVE LAW

Chapter 34.04  
ADMINISTRATIVE PROCEDURE ACT  
Cross References:  
Hearing as provided by chapter 34.04 RCW—Gambling commission: RCW 9.46.140.  
Interpreters—Legal proceedings: Chapter 2.42 RCW.  
Procedure of various agencies to accord Administrative Procedure Act—Gambling commission: RCW 9.46.070(11), 9.46.140.

TITLE 35  
CITIES AND TOWNS

Sections added, amended, or repealed:

Chapter 35.02 Incorporation Proceedings.

35.02.150 Pending final disposition of petition no other petition for incorporation and petition or resolution for annexation to be acted upon—Withdrawal or substitution.

Chapter 35.07 Disincorporation.

35.07.180 Receiver—Power to levy taxes.

Chapter 35.10 Consolidation and Annexation of Cities and Towns.

35.10.240 Canvass of votes—Joint convention—Statement of votes—Contents, filing.  
35.10.315 Adoption of final budget and levy of property taxes.

Chapter 35.13 Annexation of Unincorporated Areas.

35.13.015 Election method—Resolution for election—Contents of resolution.  
35.13.020 Election method—Petition for election—Signers—Rate of assessment in annexed area—Comprehensive plan—Community municipal corporation—Filing and approval—Costs.  
35.13.040 Election method—Hearing—Notice.  
35.13.050 Election method—Petition or resolution for election—Others covering same area barred from consideration, withdrawal.  
35.13.060 Election method—Fixing date of election.  
35.13.080 Election method—Notice of election.  
35.13.090 Election method—Canvass—Vote required for annexation or annexation and comprehensive plan or for or against creation of community municipal corporation—Proposition for assumption of indebtedness—Certification.

33.48.260 REDUCTION OF GUARANTY STOCK. With the prior consent of the supervisor the guaranty stock of an association may be reduced by resolution of the board of directors approved by the vote or written consent of the holders of a majority in amount of the outstanding stock of such association to such amount as the supervisor approves. [1973 c 130 § 16.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.270 SURPLUS FROM REDUCTION OF STOCK. Any surplus resulting from reduction of stock shall not be available for dividends or other distribution to stockholders or shareholders except upon liquidation. [1973 c 130 § 17.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.280 PAID-IN OR CONTRIBUTED SURPLUS OR SURPLUS CREATED BY REDUCTION OF STOCK—APPLICATION AND USES. An association may, by action of its board of directors and with the prior approval of the supervisor, apply any part or all of any paid-in or contributed surplus or any surplus created by reduction of stock to the reduction or writing off of any deficit arising from losses or diminution in value of its assets, or may transfer to or designate as a part of its federal insurance reserve account or any other reserve account irrevocably established for the sole purpose of absorbing losses, any part or all of any paid-in or contributed surplus or any surplus created by reduction of stock. [1973 c 130 § 18.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

33.48.290 RCW 33.48.150 THROUGH 33.48-.290 INAPPLICABLE TO FOREIGN ASSOCIATIONS. RCW 33.48.150 through 33.48.290 shall not apply to foreign associations doing business in this state pursuant to the provisions of chapter 33.32 RCW. [1973 c 130 § 19.]

Severability—1973 c 130: See note following RCW 33.24.350.

Definitions—1973 c 130: See RCW 33.24.350.

TITLE 34  
ADMINISTRATIVE LAW

Chapter 34.04  
ADMINISTRATIVE PROCEDURE ACT

Cross References:

Hearing as provided by chapter 34.04 RCW—Gambling commission: RCW 9.46.140.

Interpreters—Legal proceedings: Chapter 2.42 RCW.

Procedure of various agencies to accord Administrative Procedure Act—Gambling commission: RCW 9.46.070(11), 9.46.140.

TITLE 35  
CITIES AND TOWNS

Sections added, amended, or repealed:

Chapter 35.02 Incorporation Proceedings.

35.02.150 Pending final disposition of petition no other petition for incorporation and petition or resolution for annexation to be acted upon—Withdrawal or substitution.

Chapter 35.07 Disincorporation.

35.07.180 Receiver—Power to levy taxes.

Chapter 35.10 Consolidation and Annexation of Cities and Towns.

35.10.240 Canvass of votes—Joint convention—Statement of votes—Contents, filing.

35.10.315 Adoption of final budget and levy of property taxes.

Chapter 35.13 Annexation of Unincorporated Areas.

35.13.015 Election method—Resolution for election—Contents of resolution.

35.13.020 Election method—Petition for election—Signers—Rate of assessment in annexed area—Comprehensive plan—Community municipal corporation—Filing and approval—Costs.

35.13.040 Election method—Hearing—Notice.

35.13.050 Election method—Petition or resolution for election—Others covering same area barred from consideration, withdrawal.

35.13.060 Election method—Fixing date of election.

35.13.080 Election method—Notice of election.

35.13.090 Election method—Canvass—Vote required for annexation or annexation and comprehensive plan or for or against creation of community municipal corporation—Proposition for assumption of indebtedness—Certification.

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- 35.58.273 Mass public transit system—Motor vehicle excise tax—Public hearing on route and design. (Amendment effective June 30, 1981.)
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Chapter 35.61 Metropolitan Park Districts.

- 35.61.210 Park district tax levy—"Park district fund".

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- 35.66.050 Persons under arrest—Separate quarters.

Chapter 35.68 Sidewalks, Gutters, Curbs, and Driveways—All Cities and Towns.

- 35.68.075 Curb ramps for physically handicapped required.

Chapter 35.80 Unfit Dwellings, Buildings and Structures.

- 35.80.030 Permissible ordinances—Appeal.

Chapter 35.82 Housing Authorities Law.

- 35.82.285 Group homes or halfway houses for released juveniles or developmentally disabled.

Chapter 35.94 Sale or Lease of Municipal Utilities.

- 35.94.040 Lease or sale of land or property originally acquired for public utility purposes.

Cross References:

Gambling activities, cities or towns, as affecting: Chapter 9.46 RCW.

Pollution control—Municipal bonding authority: Chapter 70.95A RCW.

Chapter 35.02  
INCORPORATION PROCEEDINGS

35.02.150 PENDING FINAL DISPOSITION OF PETITION NO OTHER PETITION FOR INCORPORATION AND PETITION OR RESOLUTION FOR ANNEXATION TO BE ACTED UPON—WITHDRAWAL OR SUBSTITUTION. After the filing of any petition for incorporation with the county auditor, and pending its final disposition as provided for in this chapter, no other petition for incorporation and no petition or resolution for annexation which embraces any of the territory included therein shall be acted upon by the county auditor or the board of county commissioners, or by any city or town clerk, city or town council, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition: PROVIDED, That any petition for incorporation may be withdrawn, or a new petition embracing other or different boundaries may be substituted therefor, by a majority of the signers thereof, at any time before such petition has been certified by the county auditor to the board of county commissioners, in which case the same proceedings shall be taken as in the case of an original petition. [1973 1st ex.s. c 164 § 1; 1965 c 7 § 35.02.150. Prior: 1961 c 200 § 1.]

Chapter 35.07  
DISINCORPORATION

35.07.180 RECEIVER—POWER TO LEVY TAXES. In the same manner and to the same extent as the proper authorities of the former city or town could have done had it not been disincorporated, the receiver shall be authorized to levy taxes on all taxable property, to receive the taxes when collected and to apply them together with the proceeds arising from sales to the extinguishment of the obligations of the former city or town.

After all the lawful claims against the former city or town have been paid excepting bonds not yet due, no levy greater than fifty cents per thousand dollars of assessed value shall be made; nor shall the levy be greater than sufficient to meet the accruing interest until the bonds mature. [1973 1st ex.s. c 195 § 11; 1965 c 7 § 35.07.180. Prior: 1897 c 69 § 10, part; RRS § 8923, part.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 35.10  
CONSOLIDATION AND ANNEXATION OF CITIES AND TOWNS

35.10.240 CANVASS OF VOTES—JOINT CONVENTION—STATEMENT OF VOTES—CONTENTS, FILING. In all cases of consolidation or annexation, the county canvassing board or boards shall canvass the votes cast thereat.

In an election on the question of consolidation the votes cast in each of such corporations shall be canvassed separately, and a statement shall be prepared showing the whole number of votes cast, the number of votes cast for consolidation and the number of votes cast against consolidation, the number of votes cast for creation of a community municipal corporation and the number of votes cast against creation of a community municipal corporation, or both, as the case may be, in each of such corporations. In case the question of the form of government of the new corporation shall have been submitted at such election, the votes thereon and on the name of the new corporation shall be canvassed, and the result of such canvass shall be included in the statement, showing the total number of votes cast in all of the corporations for each form of government submitted. A certified copy of such statement shall be filed with the legislative body of each of the corporations affected.

If it shall appear upon such statement of canvass that a majority of the votes cast in each of such corporations were in favor of consolidation or consolidation and creation of a community municipal corporation, the legislative bodies of each of such corporations shall meet in joint convention at the usual place of meeting of the legislative body of that one of the corporations having the largest population as shown by the last United States census or the determination of the planning and community affairs agency on or before the second Monday next succeeding the receipt of the statement of canvass to prepare a statement of votes cast and declaring the consolidation adopted or consolidation adopted and a community municipal corporation created, and if such issue were submitted, declaring the form of government to be that form for which a majority of all the votes on that issue were cast and the name of the consolidated city to be that name for which the greatest number of votes were cast.

In an election on the question of the annexation of all or a part of a city or town to another city or town, the votes cast in the city or town or portion

thereof to be annexed shall be canvassed, and if a majority of the votes cast be in favor of annexation, the results shall be included in a statement indicating the total number of votes cast.

Both with respect to consolidation and annexation, a proposition for the assumption of indebtedness outside the constitutional and/or statutory limits by the other corporation(s) in which the indebtedness did not originate shall be deemed approved if a majority of at least three-fifths of the electors of the corporation in which the indebtedness did not originate votes in favor thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such corporations in which indebtedness did not originate at the last preceding general election: PROVIDED, HOWEVER, That if general obligation bond indebtedness was incurred by action by the city legislative body, a proposition for the assumption of such indebtedness by the other corporation(s) in which such indebtedness did not originate shall be deemed approved if a majority of the electors of the corporation in which such indebtedness did not originate votes in favor thereof.

A duly certified copy of such statement of either a consolidation or annexation election shall be filed with the legislative body of each of the corporations affected and recorded upon its minutes, and it shall be the duty of the clerk, or other officer performing the duties of clerk, of each of such legislative bodies, to transmit to the secretary of state and the planning and community affairs agency a duly certified copy of the record of such statement. [1973 1st ex.s. c 195 § 12; 1969 ex.s. c 89 § 7; 1967 c 73 § 17; 1965 c 7 § 35.10.240. Prior: 1929 c 64 § 5; RRS § 8909-5. Formerly RCW 35.10.070.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

35.10.315 ADOPTION OF FINAL BUDGET AND LEVY OF PROPERTY TAXES. Upon the consolidation of two or more corporations, or the annexation of any city or town after March 1st and prior to the date of adopting the final budget and levying the property tax dollar rate on the first Monday in October for the next calendar year, the legislative body of the consolidated city or the annexing city is authorized to adopt the final budget and to levy the property tax dollar rate for the consolidated cities or towns and any city or town annexed. [1973 1st ex.s. c 195 § 13; 1969 ex.s. c 89 § 14.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 35.13  
ANNEXATION OF UNINCORPORATED AREAS

§ 6; 1967 c 73 § 7; 1965 ex.s. c 88 § 3;  
1965 c 7 § 35.13.015. Prior: 1961 c 282  
§ 1.]

35.13.015 ELECTION METHOD--RESOLUTION FOR ELECTION--CONTENTS OF RESOLUTION. In addition to the method prescribed by RCW 35.13.020 for the commencement of annexation proceedings, the legislative body of any city or town may, whenever it shall determine by resolution that the best interests and general welfare of such city or town would be served by the annexation of unincorporated territory contiguous to such city or town, file a certified copy of the resolution with the board of county commissioners of the county in which said territory is located. The resolution of the city or town initiating such election shall describe the boundaries of the area to be annexed, as nearly as may be state the number of voters residing therein, pray for the calling of an election to be held among the qualified voters therein upon the question of annexation, and provide that said city or town will pay the cost of the annexation election. The resolution may require that there also be submitted to the electorate of the territory sought to be annexed a proposition that all property within the area annexed shall, upon annexation, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. Whenever a city or town has prepared and filed a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the resolution initiating the election may also provide for the simultaneous adoption of the comprehensive plan upon approval of annexation by the electorate of the area to be annexed. The resolution initiating the election may also provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in RCW 35.14.010 through 35.14.060 upon approval of annexation by the electorate of the area to be annexed. In cities under the optional municipal code the resolution initiating the election may also provide for the simultaneous inclusion of the annexed area into a named existing community municipal corporation. The proposition for the creation of a community municipal corporation may be submitted as part of the annexation proposition or may be submitted as a separate proposition. The proposition for inclusion within a named existing community municipal corporation shall be submitted as part of the annexation proposition. [1973 1st ex.s. c 164 § 2; 1970 ex.s. c 52

35.13.020 ELECTION METHOD--PETITION FOR ELECTION--SIGNERS--RATE OF ASSESSMENT IN ANNEXED AREA--COMPREHENSIVE PLAN--COMMUNITY MUNICIPAL CORPORATION--FILING AND APPROVAL--COSTS. A petition for an election to vote upon the annexation of a portion of a county to a contiguous city or town signed by qualified voters resident in the area equal in number to twenty percent of the votes cast at the last election may be filed in the office of the board of county commissioners: PROVIDED, That any such petition shall first be filed with the legislative body of the city or town to which the annexation is proposed, and such legislative body shall, by resolution entered within sixty days from the date of presentation, notify the petitioners, either by mail or by publication in the same manner notice of hearing is required by RCW 35.13.040 to be published, of its approval or rejection of the proposed action. The petition may also provide for the simultaneous creation of a community municipal corporation and election of community council members as provided for in RCW 35.14.010 through 35.14.060. In approving the proposed action, the legislative body may require that there also be submitted to the electorate of the territory to be annexed, a proposition that all property within the area to be annexed shall, upon annexation be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. Whenever the legislative body has prepared and filed a comprehensive plan for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, the legislative body in approving the proposed action, may require that the comprehensive plan be simultaneously adopted upon approval of annexation by the electorate of the area to be annexed. The approval of the legislative body shall be a condition precedent to the filing of such petition with the board of county commissioners as hereinafter provided. The costs of conducting such election shall be a charge against the city or town concerned. The proposition or questions provided for in this section may be submitted to the voters either separately or as a single proposition. [1973 1st ex.s. c 164 § 3; 1967 c 73 § 8; 1965 ex.s. c 88 § 4; 1965 c 7 § 35.13.020. Prior: 1961 c 282 § 7; prior: 1951 c 248 § 6; 1907 c 245 § 2, part; RRS § 8897, part.]



35.13.040 ELECTION METHOD--HEARING--NOTICE. Upon the filing of approval by the review board of a twenty percent annexation petition under the election method to call an annexation election, the board of county commissioners at its next meeting shall fix a date for hearing thereon to be held not less than two weeks nor more than four weeks thereafter, of which hearing the petitioners must give notice by publication once each week at least two weeks prior thereto in some newspaper of general circulation in the area proposed to be annexed. Upon the day fixed, the board shall hear the petition, and if it complies with the requirements of law and has been approved by the review board, shall grant it. The hearing may be continued from time to time for an aggregate period not exceeding two weeks. [1973 1st ex.s. c 164 § 4; 1965 c 7 § 35.13.040. Prior: 1961 c 282 § 9; prior: 1907 c 245 § 2, part; RRS § 8897, part.]

35.13.050 ELECTION METHOD--PETITION OR RESOLUTION FOR ELECTION--OTHERS COVERING SAME AREA BARRED FROM CONSIDERATION, WITHDRAWAL. After the filing with the board of county commissioners of a petition or resolution pursuant to RCW 35.13.015 to call an annexation election, pending the hearing under the twenty percent annexation petition under the election method and pending the election to be called thereunder, the board of county commissioners shall not consider any other petition or resolution involving any portion of the territory embraced therein: PROVIDED, That the petition or resolution may be withdrawn or a new petition or resolution embracing other or different boundaries substituted therefor by a majority of the signers thereof, or in the case of a resolution, by the legislative body of the city or town, and the same proceeding shall be taken as in the case of an original petition or resolution. [1973 1st ex.s. c 164 § 5; 1965 c 7 § 35.13.050. Prior: 1961 c 282 § 10; prior: 1907 c 245 § 2, part; RRS § 8897, part.]

35.13.060 ELECTION METHOD--FIXING DATE OF ELECTION. Upon granting the petition under the twenty percent annexation petition under the election method, the board of county commissioners shall fix a date for the annexation election, which must be not less than thirty nor more than sixty days thereafter. [1973 1st ex.s. c 164 § 6; 1965 c 7 § 35.13.060. Prior: 1961 c 282 § 12; prior: 1907 c 245 § 3, part; RRS § 8898, part.]

35.13.080 ELECTION METHOD--NOTICE OF ELECTION. Notice of an annexation election shall particularly describe the boundaries of the area proposed to be

annexed, describe the boundaries of the proposed service area if the simultaneous creation of a community municipal corporation is provided for, state the objects of the election as prayed in the petition or as stated in the resolution and require the voters to cast ballots which shall contain the words "For annexation" and "Against annexation" or words equivalent thereto, or contain the words "For annexation and adoption of comprehensive plan" and "Against annexation and adoption of comprehensive plan" or words equivalent thereto in case the simultaneous adoption of a comprehensive plan is proposed, and, if appropriate, the words "For creation of community municipal corporation" and "Against creation of community municipal corporation" or words equivalent thereto, or contain the words "For annexation and creation of community municipal corporation" and "Against annexation and creation of community municipal corporation" or words equivalent thereto in case the simultaneous creation of a community municipal corporation is proposed, and which in case the assumption of indebtedness is proposed, shall contain as a separate proposition, the words "For assumption of indebtedness" and "Against assumption of indebtedness" or words equivalent thereto and if only a portion of the indebtedness of the annexing city or town is to be assumed, an appropriate separate proposition for and against the assumption of such portion of the indebtedness shall be submitted to the voters. If the creation of a community municipal corporation and election of community council members is provided for, the notice shall also require the voters within the service area to cast ballots for candidates for positions on such council. The notice shall be posted for at least two weeks prior to the date of election in four public places within the area proposed to be annexed and published in accordance with the notice required by RCW 29.27.080 prior to the date of election in a newspaper of general circulation in the area proposed to be annexed. [1973 1st ex.s c 164 § 7; 1967 c 73 § 10; 1965 ex.s. c 88 § 6; 1965 c 7 § 35.13.080. Prior: 1961 c 282 § 13; prior: 1907 c 245 § 3, part; RRS § 8898, part.]

35.13.090 ELECTION METHOD--CANVASS--VOTE REQUIRED FOR ANNEXATION OR ANNEXATION AND COMPREHENSIVE PLAN OR FOR OR AGAINST CREATION OF COMMUNITY MUNICIPAL CORPORATION--PROPOSITION FOR ASSUMPTION OF INDEBTEDNESS--CERTIFICATION. On the Monday next succeeding the annexation election, the county canvassing board shall proceed to canvass the returns thereof and shall submit the statement of canvass to the board of county commissioners.

The proposition for or against annexation or for or against annexation and adoption of the comprehensive plan, or for

or against creation of a community municipal corporation, or any combination thereof, as the case may be, shall be deemed approved if a majority of the votes cast on that proposition are cast in favor of annexation or in favor of annexation and adoption of the comprehensive plan, or for creation of the community municipal corporation, or any combination thereof, as the case may be. If a proposition for or against assumption of all or any portion of indebtedness was submitted to the electorate, it shall be deemed approved if a majority of at least three-fifths of the electors of the territory proposed to be annexed voting on such proposition vote in favor thereof, and the number of persons voting on such proposition constitutes not less than forty percent of the total number of votes cast in such territory at the last preceding general election. If either or both propositions were approved by the electors, the board shall enter a finding to that effect on its minutes, a certified copy of which shall be forthwith transmitted to and filed with the clerk of the city or town to which annexation is proposed, together with a certified abstract of the vote showing the whole number who voted at the election, the number of votes cast for annexation and the number cast against annexation or for annexation and adoption of the comprehensive plan and the number cast against annexation and adoption of the comprehensive plan or for creation of a community municipal corporation and the number cast against creation of a community municipal corporation, or any combination thereof, as the case may be, and if a proposition for assumption of all or of any portion of indebtedness was submitted to the electorate, the abstract shall include the number of votes cast for assumption of indebtedness and the number of votes cast against assumption of indebtedness, together with a statement of the total number of votes cast in such territory at the last preceding general election. If the proposition for creation of a community municipal corporation was submitted and approved, the abstract shall include the number of votes cast for the candidates for community council positions and certificates of election shall be issued to the successful candidates who shall assume office within ten days after the election. [1973 1st ex.s. c 164 § 8; 1967 c 73 § 11; 1965 ex.s. c 88 § 7; 1965 c 7 § 35.13.090. Prior: 1961 c 282 § 16; prior: 1907 c 245 § 4, part; RRS § 8899, part.]

35.13.100 ELECTION METHOD—ORDINANCE PROVIDING FOR ANNEXATION OR ANNEXATION AND ADOPTION OF COMPREHENSIVE PLAN OR ANNEXATION AND CREATION OF COMMUNITY MUNICIPAL CORPORATION—ASSUMPTION OF INDEBTEDNESS. Upon filing of the certified copy of the finding of the board of county commissioners, the clerk shall transmit it to the legislative body of the city or town at

the next regular meeting or as soon thereafter as practicable. If a proposition relating to annexation or annexation and adoption of the comprehensive plan or creation of a community municipal corporation, or both, as the case may be was submitted to the voters and such proposition was approved, the legislative body shall adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the comprehensive plan, or adopt an ordinance providing for the annexation and creation of a community municipal corporation, as the case may be. If a proposition for annexation or annexation and adoption of the comprehensive plan or creation of a community municipal corporation, as the case may be, and a proposition for assumption of all or of any portion of indebtedness were both submitted, and were approved, the legislative body shall adopt an ordinance providing for the annexation or annexation and adoption of the comprehensive plan or annexation and creation of a community municipal corporation including the assumption of all or of any portion of indebtedness. If the propositions were submitted and only the annexation or annexation and adoption of the comprehensive plan or annexation and creation of a community municipal corporation proposition was approved, the legislative body may, if it deems it wise or expedient, adopt an ordinance providing for the annexation or adopt ordinances providing for the annexation and adoption of the comprehensive plan, or adopt ordinances providing for the annexation and creation of a community municipal corporation, as the case may be. [1973 1st ex.s. c 164 § 9; 1967 c 73 § 12; 1965 ex.s. c 88 § 8; 1965 c 7 § 35.13.100. Prior: 1961 c 282 § 17; 1957 c 239 § 2; prior: 1907 c 245 § 5, part; RRS § 8900, part.]

35.13.110 ELECTION METHOD—EFFECTIVE DATE OF ANNEXATION OR ANNEXATION AND COMPREHENSIVE PLAN OR ANNEXATION AND CREATION OF COMMUNITY MUNICIPAL CORPORATION, TAXATION OF AREA ANNEXED. Upon the date fixed in the ordinance of annexation, the area annexed shall become a part of the city or town. Upon the date fixed in the ordinances of annexation and adoption of the comprehensive plan, the area annexed shall become a part of the city or town and property in the annexed area shall be subject to and a part of the comprehensive plan, as prepared and filed as provided for in RCW 35.13.177 and 35.13.178. Upon the date fixed in the ordinances of annexation and creation of a community municipal corporation, the area annexed shall become a part of the city or town, the community municipal corporation shall be deemed organized, and property in the service area shall be deemed subject to the powers granted to such corporation as provided for in this 1967 amendatory act.

All property within the territory hereafter annexed shall, if the proposition approved by the people so provides after June 12, 1957, be assessed and taxed at the same rate and on the same basis as the property of such annexing city is assessed and taxed to pay for all or any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. [1973 1st ex.s. c 164 § 10; 1967 c 73 § 13; 1965 ex.s. c 88 § 9; 1965 c 7 § 35.13.110. Prior: 1957 c 239 § 3; prior: 1907 c 245 § 5, part; RRS § 8900, part.]

35.13.125 PETITION METHOD—COMMENCEMENT OF PROCEEDINGS—NOTICE TO LEGISLATIVE BODY—MEETING—ASSUMPTION OF INDEBTEDNESS—COMPREHENSIVE PLAN. Proceedings for the annexation of territory pursuant to RCW 35.13.130, 35.13.140, 35.13.150, 35.13.160 and 35.13.170 shall be commenced as provided in this section. Prior to the circulation of a petition for annexation, the initiating party or parties who, except as provided in RCW 28A.58.044, shall be either not less than ten percent of the residents of the area to be annexed or the owners of not less than ten percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned, shall notify the legislative body of the city or town in writing of their intention to commence annexation proceedings. The legislative body shall set a date, not later than sixty days after the filing of the request, for a meeting with the initiating parties to determine whether the city or town will accept the proposed annexation, whether it shall require the simultaneous adoption of the comprehensive plan if such plan has been prepared and filed for the area to be annexed as provided for in RCW 35.13.177 and 35.13.178, and whether it shall require the assumption of all or of any portion of existing city or town indebtedness by the area to be annexed. If the legislative body requires the assumption [of] all or of any portion of indebtedness and/or the adoption of a comprehensive plan, it shall record this action in its minutes and the petition for annexation shall be so drawn as to clearly indicate this fact. There shall be no appeal from the decision of the legislative body. [1973 1st ex.s. c 164 § 11; 1971 c 69 § 1; 1965 ex.s. c 88 § 10; 1965 c 7 § 35.13.125. Prior: 1961 c 282 § 18.]

35.13.130 PETITION METHOD—PETITION—SIGNERS—CONTENT. A petition for annexation of an area contiguous to a city or town may be made in writing addressed to and filed with the legislative body of the municipality to which annexation is desired. Except where all the property

sought to be annexed is property of a school district, and the school directors thereof file the petition for annexation as in RCW 28A.58.044 authorized, the petition must be signed by the owners of not less than seventy-five percent in value, according to the assessed valuation for general taxation of the property for which annexation is petitioned. The petition shall set forth a description of the property according to government legal subdivisions or legal plats and shall be accompanied by a plat which outlines the boundaries of the property sought to be annexed. If the legislative body has required the assumption of all or of any portion of city or town indebtedness by the area annexed, and/or the adoption of a comprehensive plan for the area to be annexed, these facts, together with a quotation of the minute entry of such requirement or requirements shall be set forth in the petition. [1973 1st ex.s. c 164 § 12; 1971 c 69 § 2; 1965 ex.s. c 88 § 11; 1965 c 7 § 35.13.130. Prior: 1961 c 282 § 19; 1945 c 128 § 3; Rem. Supp. 1945 § 8908-12.]

35.13.160 PETITION METHOD—EFFECTIVE DATE OF ANNEXATION OR ANNEKATION AND COMPREHENSIVE PLAN—ASSESSMENT, TAXATION OF TERRITORY ANNEXED. Upon the date fixed in the ordinance of annexation the area annexed shall become part of the city or town. All property within the territory hereafter annexed shall, if the annexation petition so provided, be assessed and taxed at the same rate and on the same basis as the property of such annexing city or town is assessed and taxed to pay for all or of any portion of the then outstanding indebtedness of the city or town to which said area is annexed, approved by the voters, contracted, or incurred prior to, or existing at, the date of annexation. If the annexation petition so provided, all property in the annexed area shall be subject to and a part of the comprehensive plan as prepared and filed as provided for in RCW 35.13.177 and 35.13.178. [1973 1st ex.s. c 164 § 13; 1965 ex.s. c 88 § 12; 1965 c 7 § 35.13.160. Prior: 1961 c 282 § 20; 1957 c 239 § 6; prior: (i) 1945 c 128 § 4, part; Rem. Supp. 1945 § 8908-13, part. (ii) 1945 c 128 § 5; Rem. Supp. 1945 § 8908-14.]

35.13.171 REVIEW BOARD—CONVENING—COMPOSITION. Within thirty days after the filing of a city's or town's annexation resolution pursuant to RCW 35.13.015 with the board of county commissioners or within thirty days after filing with the county commissioners a petition calling for an election on annexation, as provided in RCW 35.13.020, or within thirty days after approval by the legislative body of a city or town of a petition of property owners calling for annexation, as provided

in RCW 35.13.130, the mayor of the city or town concerned that is not subject to the jurisdiction of a boundary review board under chapter 36.93 RCW, shall convene a review board composed of the following persons:

(1) The mayor of the city or town initiating the annexation by resolution, or the mayor in the event of a twenty percent annexation petition pursuant to RCW 35.13.020, or an alternate designated by him;

(2) The chairman of the board of county commissioners of the county wherein the property to be annexed is situated, or an alternate designated by him;

(3) The director of the planning and community affairs agency or any agency successor to the community affairs duties of such agency, or an alternate designated by him;

Two additional members to be designated, one by the mayor of the annexing city, which member shall be a resident property owner of the city, and one by the chairman of the county legislative authority, which member shall be a resident of and a property owner or a resident or a property owner if there be no resident property owner in the area proposed to be annexed, shall be added to the original membership and the full board thereafter convened upon call of the mayor: PROVIDED FURTHER, That three members of the board shall constitute a quorum. [1973 1st ex.s. c 164 § 14; 1965 c 7 § 35.13.171. Prior: 1961 c 282 § 2.]

35.13.172 WHEN REVIEW PROCEDURE MAY BE DISPENSED WITH (AS AMENDED BY 1973 1ST EX.S. C 164 § 15) Whenever a petition is filed as provided in RCW 35.13.020 or a resolution is adopted by the city or town council, as provided in RCW 35.13.015, and the area proposed for annexation is less than ten acres and less than two hundred thousand dollars in assessed valuation, such review procedures shall be dispensed with. [1973 1st ex.s. c 164 § 15; 1965 c 7 § 35.13.172. Prior: 1961 c 282 § 3.]

Reviser's note: RCW 35.13.172 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

35.13.172 WHEN REVIEW PROCEDURE MAY BE DISPENSED WITH (AS AMENDED BY 1973 1ST EX.S. C 195 § 14). (AMENDMENT EFFECTIVE JANUARY 1, 1974..) Whenever a petition is filed by either of the methods provided in RCW 35.13.020 and 35.13.130, or a resolution is adopted by the city council, as provided in RCW 35.13.015, and the area proposed for annexation is less than ten acres and less than eight hundred thousand dollars in assessed valuation, the mayor

of the city or town to which the area is proposed to be annexed and the chairman of the board of county commissioners and county superintendent of schools can agree by majority that a review proceeding, as provided herein, is not necessary for the protection of the interest of the various parties, in which case such review procedures shall be dispensed with. [1973 1st ex.s. c 195 § 14; 1965 c 7 § 35.13.172. Prior: 1961 c 282 § 3.]

Reviser's note: RCW 35.13.172 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

35.13.173 DETERMINATION BY REVIEW BOARD--FACTORS CONSIDERED--FILING OF FINDINGS. The review board shall by majority action, within three months, determine whether the property proposed to be annexed is of such character that such annexation would be in the public interest and for the public welfare, and in the best interest of the city, county, and other political subdivisions affected. The governing officials of the city, county, and other political subdivisions of the state shall assist the review board insofar as their offices can, and all relevant information and records shall be furnished by such offices to the review board. In making their determination the review board shall be guided, but not limited, by their findings with respect to the following factors:

(1) The immediate and prospective populations of the area to be annexed;

(2) The assessed valuation of the area to be annexed, and its relationship to population;

(3) The history of and prospects for construction of improvements in the area to be annexed;

(4) The needs and possibilities for geographical expansion of the city;

(5) The present and anticipated need for governmental services in the area proposed to be annexed, including but not limited to water supply, sewage and garbage disposal, zoning, streets and alleys, curbs, sidewalks, police and fire protection, playgrounds, parks, and other municipal services, and transportation and drainage;

(6) The relative capabilities of the city, county, and other political subdivisions to provide governmental services when the need arises;

(7) The existence of special districts except school districts within the area proposed to be annexed, and the impact of annexation upon such districts;

(8) The elimination of isolated unincorporated areas existing without adequate economical governmental services;

(9) The immediate and potential revenues that would be derived by the city as a result of annexation, and their relation to the cost of providing service to the area.

Whether the review board determines for or against annexation, its reasons therefor, along with its findings on the specified factors and other material considerations shall:

(1) In the case of a petition signed by registered voters calling for an election on annexation, be filed with the board of county commissioners;

(2) In the case of a resolution of a city or town initiating annexation proceedings pursuant to RCW 35.13.015, be filed with the board of county commissioners.

Such findings need not include specific data on every point listed, but shall indicate that all factors were considered.

A favorable determination by the review board is an essential condition precedent to the annexation of territory to a city or town under either the resolution method pursuant to RCW 35.13.015, or under the twenty percent annexation petition under the election method. [1973 1st ex.s. c 164 § 16; 1965 c 7 § 35.13.173. Prior: 1961 c 282 § 4.]

35.13.174 DATE FOR ANNEXATION ELECTION IF REVIEW BOARD'S DETERMINATION FAVORABLE. Upon receipt by the board of county commissioners of a determination by a majority of the review board favoring annexation of the proposed area that has been initiated by resolution pursuant to RCW 35.13.015 by the city or town legislative body, the board of county commissioners shall fix a date on which an annexation election shall be held, which date will be not less than thirty days nor more than sixty days thereafter. [1973 1st ex.s. c 164 § 17; 1965 c 7 § 35.13.174. Prior: 1961 c 282 § 5.]

35.13.175 PENDING FINAL DISPOSITION OF PETITION NO OTHER PETITION OR RESOLUTION FOR ANNEXATION OR PETITION FOR INCORPORATION SHALL BE ACTED UPON. After the filing of any petition or resolution for annexation with the board of county commissioners, or city or town council, and pending its final disposition as provided for in this chapter, no other petition or resolution for annexation or petition for incorporation which embraces any of the territory included therein shall be acted upon by the county auditor or the board of county commissioners, or by any city or town clerk, city or town council, or by any other public official or body that might otherwise be empowered to receive or act upon such a petition. [1973 1st ex.s.

c 164 § 18; 1965 c 7 § 35.13.175. Prior: 1961 c 200 § 2.]

Chapter 35.21  
MISCELLANEOUS PROVISIONS AFFECTING ALL  
CITIES AND TOWNS

35.21.205 LIABILITY INSURANCE FOR OFFICIALS AND EMPLOYEES. Each city or town may purchase liability insurance with such limits as it may deem reasonable for the purpose of protecting its officials and employees against liability for personal or bodily injuries and property damage arising from their acts or omissions while performing or in good faith purporting to perform their official duties. [1973 c 125 § 2.]

35.21.430 UTILITIES--CITY MAY PAY TAXING DISTRICTS INVOLVED AFTER ACQUISITION OF PRIVATE POWER FACILITIES. On and after January 1, 1951, whenever a city or town shall acquire electric generation, transmission and/or distribution properties which at the time of acquisition were in private ownership, the legislative body thereof may each year order payments made to all taxing districts within which any part of the acquired properties are located, in amounts not greater than the taxes, exclusive of excess levies voted by the people and/or levies made for the payment of bonded indebtedness pursuant to the provisions of Article VII, section 2 of the Constitution of this state, as now or hereafter amended, and/or by statutory provision, imposed on such properties in the last tax year in which said properties were in private ownership. [1973 1st ex.s. c 195 § 15; 1965 c 7 § 35.21.430. Prior: 1951 c 217 § 1.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 35.23  
SECOND CLASS CITIES

35.23.170 PARK COMMISSIONERS. City councils of cities of the second, third and fourth class may provide by ordinance, for a board of park commissioners, not to exceed seven in number, to be appointed by the mayor, with the consent of the city council, from citizens of recognized fitness for such position. No person shall be ineligible as a commissioner by reason of sex and no commissioner shall receive any compensation. The first commissioners shall determine by lot whose term of office shall expire each year, and a new commissioner shall be appointed annually to serve for a term of years corresponding in number to the number of commissioners in order that one term shall expire each

year. Such board of park commissioners shall have only such powers and authority with respect to the management, supervision, and control of parks and recreational facilities and programs as are granted to it by the legislative body of cities of the second, third, and fourth class. [1973 c 76 § 1; 1965 c 7 § 35.23.170. Prior: 1953 c 86 § 1; 1925 ex.s. c 121 § 1; 1907 c 228 § 2; RRS § 9200.]

35.23.470 PUBLICITY FUND. Every city of the second class having less than eighteen thousand inhabitants may create a publicity fund to be used exclusively for exploiting and advertising the general advantages and opportunities of the city and its vicinity. After providing by ordinance for a publicity fund the city council may use therefor an annual amount not exceeding sixty-two and one-half cents per thousand dollars of assessed valuation of the taxable property in the city.

[1973 1st ex.s. c 195 § 16; 1965 c 7 § 35.23.470. Prior: 1913 c 57 § 1; RRS § 9035.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 35.24  
THIRD CLASS CITIES

35.24.090 COMPENSATION OF OFFICERS--EXPENSES. The mayor and the members of the city council may be reimbursed for actual expenses incurred in the discharge of their official duties, upon presentation of a claim therefor, after allowance and approval thereof, by resolution of the city council; and each city councilman may be paid for attending council meetings an amount which shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not be applicable to the term then being served by the incumbent.

The city attorney, clerk and treasurer, if elective, shall severally receive at stated times a compensation to be fixed by ordinance by the city council.

The mayor and other officers shall receive such compensation as may be fixed by the city council at the time the estimates are made as provided by law. [1973 1st ex.s. c 87 § 1; 1969 ex.s. c 270 § 8; 1965 c 105 § 1; 1965 c 7 § 35.24.090. Prior: 1961 c 89 § 7; 1941 c 115 § 1; 1915 c 184 § 7; 1893 c 70 § 2; 1890 p 180 § 109; Rem. Supp. 1941 § 9120.]

35.24.350 TAXATION--ALLOCATION FOR SPECIAL IMPROVEMENT OR PURPOSE. If by unanimous vote the city council so decides, every city of the third class may use fifty cents per thousand dollars of

assessed value of its regular levy for the purpose of creating a fund for any special improvement or purpose authorized by law. The resolution creating the fund must specifically designate its purpose, and the fund so created shall not be used for any purpose other than that designated in the resolution creating it except by unanimous vote of the city council. [1973 1st ex.s. c 195 § 17; 1965 c 7 § 35.24.350. Prior: 1919 c 167 § 2; RRS § 9131.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

35.24.370 TAXATION--STREET POLL TAX. A third class city may impose upon and collect from every inhabitant of the city over the age of eighteen years an annual street poll tax not exceeding two dollars and no other road poll tax shall be collected within the limits of the city. [1973 1st ex.s. c 154 § 51; 1971 ex.s. c 292 § 61; 1965 c 7 § 35.24.370. Prior: 1905 c 75 § 1, part; 1890 p 201 § 154; RRS § 9210, part.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 35.27  
TOWNS

35.27.130 COMPENSATION OF OFFICERS--EXPENSES. The mayor and members of the town council may be reimbursed for actual expenses incurred in the discharge of their official duties upon presentation of a claim therefor and its allowance and approval by resolution of the town council. The mayor and members of the council may also receive such salary as the council may fix by ordinance.

The treasurer and treasurer-clerk shall severally receive at stated times a compensation to be fixed by ordinance.

The compensation of all other officers shall be fixed from time to time by the council. [1973 1st ex.s. c 87 § 2; 1969 ex.s. c 270 § 9; 1965 c 105 § 2; 1965 c 7 § 35.27.130. Prior: 1961 c 89 § 5; prior: (i) 1941 c 115 § 2; 1890 p 200 § 147; Rem. Supp. 1941 § 9168. (ii) 1921 c 24 § 1, part; 1890 p 209 § 168, part; RRS § 9187, part. (iii) 1890 p 214 § 173; RRS § 9191. (iv) 1943 c 183 § 1, part; 1941 c 91 § 1, part; 1911 c 33 § 1, part; 1903 c 113 § 5, part; 1890 p 198 § 144, part; RRS § 9165, part.]

35.27.500 TAXATION--STREET POLL TAX. A town may impose upon and collect from every inhabitant of the town over eighteen years of age an annual street poll tax not exceeding two dollars and no other road poll tax shall be collected within the

limits of the town. [1973 1st ex.s. c 154 § 52; 1971 ex.s. c 292 § 62; 1965 c 7 § 35.27.500. Prior: 1905 c 75 § 1, part; RRS § 9210, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 35.30  
UNCLASSIFIED CITIES

35.30.020 SEWER SYSTEMS—SEWER FUND. The city council of all unclassified cities in this state are authorized to construct a sewer or system of sewers and to keep the same in repair; the cost of such sewer or sewers shall be paid from a special fund to be known as the "sewer fund" to be provided by the city council, which fund shall be created by a tax on all the property within the limits of such city: PROVIDED, That such tax shall not exceed one dollar and twenty-five cents per thousand dollars of the assessed value of all real and personal property within such city for any one year. Whenever it shall become necessary for the city to take or damage private property for the purpose of making or repairing sewers, and the city council cannot agree with the owner as to the price to be paid, the city council may direct proceedings to be taken by law for the condemnation of such property for such purpose. [1973 1st ex.s. c 195 § 18; 1965 c 7 § 35.30.020. Prior: 1899 c 69 § 2; RRS § 8945.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 35.31  
ACCIDENT CLAIMS AND FUNDS

35.31.060 TAX LEVY FOR FUND. The city or town council after the drawing of warrants against the accident fund shall estimate the amount necessary to pay the warrants with accrued interest thereon, and shall levy a tax sufficient to pay that amount not exceeding seventy-five cents per thousand dollars of assessed value. If a single levy of seventy-five cents per thousand dollars of assessed value is not sufficient, an annual levy of seventy-five cents per thousand dollars of assessed value shall be made until the warrants and interest are fully paid. [1973 1st ex.s. c 195 § 19; 1965 c 7 § 35.31.060. Prior: 1909 c 128 § 3; RRS § 9484.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 35.32A  
BUDGETS IN CITIES OVER 300,000

35.32A.060 EMERGENCY FUND. Every city having a population of over three hundred thousand may maintain an emergency fund, which fund balance shall not exceed thirty-seven and one-half cents per thousand dollars of assessed value. Such fund shall be maintained by an annual budget allowance. When the necessity therefor arises transfers may be made to the emergency fund from any tax-supported fund except bond interest and redemption funds.

The city council by an ordinance approved by two-thirds of all of its members may authorize the expenditure of sufficient money from the emergency fund to meet the expenses or obligations:

(1) Caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, act of God, act of the public enemy or any other such happening that could not have been anticipated; or

(2) For the immediate preservation of order or public health or for the restoration to a condition of usefulness of public property the usefulness of which has been destroyed by accident; or

(3) In settlement of approved claims for personal injuries or property damages, exclusive of claims arising from the operation of a public utility owned by the city; or

(4) To meet mandatory expenditures required by laws enacted since the last budget was adopted.

The city council by an ordinance approved by three-fourths of all its members may appropriate from the emergency fund, an amount sufficient to meet the actual necessary expenditures of the city for which insufficient or no appropriations have been made due to causes which could not reasonably have been foreseen at the time of the making of the budget.

An ordinance authorizing an emergency expenditure shall become effective immediately upon being approved by the mayor or upon being passed over his veto as provided by the city charter. [1973 1st ex.s. c 195 § 20; 1967 c 7 § 8.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 35.33  
BUDGETS IN SECOND AND THIRD CLASS CITIES  
AND FIRST CLASS CITIES UNDER 300,000

35.33.061 BUDGET—NOTICE OF HEARING ON FINAL. Immediately following the filing of the preliminary budget with the clerk, the clerk shall publish a notice once each week for two consecutive weeks stating that the preliminary budget for the ensuing fiscal year has been filed with the



clerk; that a copy thereof will be furnished to any taxpayer who will call at the clerk's office therefor and that the legislative body of the city or town will meet on or before the first Monday of the month next preceding the beginning of the ensuing fiscal year for the purpose of fixing the final budget, designating the date, time and place of the legislative budget meeting and that any taxpayer may appear thereat and be heard for or against any part of the budget. The publication of such notice shall be made in the official newspaper of the city or town if there is one, otherwise in a newspaper of general circulation in the city or town or if there be no newspaper of general circulation in the city or town, then by posting in three public places fixed by ordinance as the official places for posting the city's or town's official notices. [1973 c 67 § 2; 1969 ex.s. c 95 § 8.]

35.33.145 CONTINGENCY FUND—CREATION—PURPOSE—SUPPORT—LAPSE. Every city or town may create and maintain a contingency fund to provide moneys with which to meet any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the annual budget, or from which to provide moneys for those emergencies described in RCW 35.33.081 and 35.33.091. Such fund may be supported by a budget appropriation from any tax or other revenue source not restricted in use by law, or also may be supported by a transfer from other unexpended or decreased funds made available by ordinance as set forth in RCW 35.33.121: PROVIDED, That the total amount accumulated in such fund at any time shall not exceed the equivalent of thirty-seven and one-half cents per thousand dollars of assessed valuation of property within the city or town at such time. Any moneys in the contingency fund at the end of the fiscal year shall not lapse except upon reappropriation by the council to another fund in the adoption of a subsequent budget. [1973 1st ex.s. c 195 § 21; 1969 ex.s. c 95 § 22.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 35.38  
FISCAL—DEPOSITARIES

35.38.010 CITIES OF 75,000 OR MORE INHABITANTS—DESIGNATION OF DEPOSITARIES. The city treasurer in all cities having a population of seventy-five thousand or more inhabitants shall annually at the end

of each fiscal year designate one or more banks in the city which are qualified public depositaries as set forth by the public deposit protection commission as depositary or depositaries for the moneys required to be kept by the treasurer, and such designation shall be subject to the approval of the mayor, and filed with the comptroller. [1973 c 126 § 1; 1969 ex.s. c 193 § 22; 1965 c 7 § 35.38.010. Prior: 1905 c 103 § 1; RRS § 5568.]

35.38.020 CITIES OF 75,000 OR MORE INHABITANTS—CONTRACT AS TO INTEREST—SURETY BOND OR COLLATERAL. [1969 ex.s. c 193 § 23; 1969 c 28 § 2; 1967 c 132 § 5; 1965 c 7 § 35.38.020. Prior: 1947 c 245 § 1; 1945 c 240 § 1; 1935 c 45 § 1; 1931 c 87 § 4; 1913 c 118 § 1; 1909 ex.s. c 10 § 1; 1909 c 103 § 2; Rem. Supp. 1947 § 5569.] Repealed by 1973 c 126 § 18.

35.38.030 CITIES AND TOWNS OF LESS THAN 75,000 INHABITANTS—DESIGNATION OF DEPOSITARIES. Any city or town having a population of less than seventy-five thousand inhabitants shall, upon a majority vote of its governing body, instruct its city or town treasurer annually at the end of each fiscal year, or at such other times as may be deemed necessary by the treasurer, to designate one or more banks in the county wherein the city or town is located which are qualified public depositaries as set forth by the public deposit protection commission as depositary or depositaries for the moneys required to be kept by said treasurer: PROVIDED, That where any bank has been designated as a depositary hereunder such designation shall continue in force until revoked by a majority vote of the governing body of the city or town. [1973 c 126 § 2; 1969 ex.s. c 193 § 24; 1965 c 7 § 35.38.030. Prior: 1923 c 18 § 1; 1907 c 22 § 1; RRS § 5571.]

35.38.040 CITIES AND TOWNS OF LESS THAN 75,000 INHABITANTS—SEGREGATION OF COLLATERAL. Before any such designation shall entitle the treasurer to make deposits in such bank or banks, the bank or banks so designated shall, within ten days after the same is filed with the city or town clerk, segregate eligible securities as collateral as provided by RCW 39.58.050 as now or hereafter amended. [1973 c 126 § 3; 1969 ex.s. c 193 § 25; 1967 c 132 § 6; 1965 c 7 § 35.38.040. Prior: 1945 c 240 § 2; 1935 c 45 § 3; 1931 c 87 § 5; 1909 c 40 § 1; 1907 c 22 § 2; Rem. Supp. 1945 § 5572.]

35.38.041 SEGREGATION OF ELIGIBLE SECURITIES AS COLLATERAL. Each such bank shall segregate eligible securities as

collateral in accordance with RCW 39.58-.050 as now or hereafter amended. [1973 c 126 § 17.]

Chapter 35.56  
LOCAL IMPROVEMENTS—FILLING AND DRAINING  
LOWLANDS—WATERWAYS

35.56.190 TAX LEVY—GENERAL—PURPOSES—LIMIT. For the purpose of raising revenues to carry on any project under this chapter including funds for the payment for the lands taken, purchased, acquired or condemned and the expenses incident to the acquiring thereof, or any other cost or expenses incurred by the city under the provisions of this chapter but not including the cost of actually filling the lands for which the local improvement district was created, a city may levy an annual tax of not exceeding seventy-five cents per thousand dollars of assessed valuation of all property within the city. The city council or commission may create a fund into which all moneys so derived from taxation and moneys derived from rents and issues of the lands shall be paid and against which special fund warrants may be drawn or negotiable bonds issued to meet expenditures under this chapter. [1973 1st ex.s. c 195 § 22; 1965 c 7 § 35.56.190. Prior: 1913 c 16 § 19; RRS § 9467.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 35.58  
METROPOLITAN MUNICIPAL CORPORATIONS

35.58.090 ELECTION PROCEDURE TO FORM CORPORATION AND LEVY TAX—QUALIFIED VOTERS—ESTABLISHMENT OF CORPORATION—FIRST MEETING OF COUNCIL. The election on the formation of the metropolitan municipal corporation shall be conducted by the auditor of the central county in accordance with the general election laws of the state and the results thereof shall be canvassed by the county canvassing board of the central county, which shall certify the result of the election to the board of county commissioners of the central county, and shall cause a certified copy of such canvass to be filed in the office of the secretary of state. Notice of the election shall be published in one or more newspapers of general circulation in each component county in the manner provided in the general election laws. No person shall be entitled to vote at such election unless he is a qualified voter under the laws of the state in effect at the time of such election and has resided within the metropolitan area for at least thirty days

preceding the date of the election. The ballot proposition shall be in substantially the following form:

"FORMATION OF METROPOLITAN  
MUNICIPAL CORPORATION

Shall a metropolitan municipal corporation be established for the area described in a resolution of the board of commissioners of \_\_\_\_\_ county adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, to perform the metropolitan functions of \_\_\_\_\_ (here insert the title of each of the functions to be authorized as set forth in the petition or initial resolution).

YES.....  
NO.....

If a majority of the persons voting on the proposition residing within the central city shall vote in favor thereof and a majority of the persons voting on the proposition residing in the metropolitan area outside of the central city shall vote in favor thereof, the metropolitan municipal corporation shall thereupon be established and the board of commissioners of the central county shall adopt a resolution setting a time and place for the first meeting of the metropolitan council which shall be held not later than thirty days after the date of such election. A copy of such resolution shall be transmitted to the legislative body of each component city and county and of each special district which shall be affected by the particular metropolitan functions authorized.

At the same election there shall be submitted to the voters residing within the metropolitan area, for their approval or rejection, a proposition authorizing the metropolitan municipal corporation, if formed, to levy at the earliest time permitted by law on all taxable property located within the metropolitan municipal corporation a general tax, for one year, of twenty-five cents per thousand dollars of assessed value in excess of any constitutional or statutory limitation for authorized purposes of the metropolitan municipal corporation. The proposition shall be expressed on the ballots in substantially the following form:

"ONE YEAR TWENTY-FIVE CENTS PER THOUSAND  
DOLLARS OF ASSESSED VALUE LEVY

Shall the metropolitan municipal corporation, if formed, levy a general tax of twenty-five cents per thousand dollars of assessed value for one year upon all the taxable property within said corporation in excess of the constitutional and/or statutory tax limits for authorized purposes of the corporation?

YES.....□  
 NO.....□"

Such proposition to be effective must be approved by a majority of at least three-fifths of the persons voting on the proposition to levy such tax in the manner set forth in Article VII, section 2 (a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended. [1973 1st ex.s. c 195 § 23; 1965 c 7 § 35.58.090. Prior: 1957 c 213 § 9.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

35.58.273 MASS PUBLIC TRANSIT SYSTEM—MOTOR VEHICLE EXCISE TAX—PUBLIC HEARING ON ROUTE AND DESIGN. (AMENDMENT EFFECTIVE JUNE 30, 1981.)

Before utilization of any of the funds appropriated by the legislature and distributed to a municipality pursuant to RCW 35.58.2793 for acquisition of right of way or for construction of a mass transit facility on a separate right of way the municipality shall adopt rules affording the public an opportunity for "corridor public hearings" and "design public hearings" as herein defined, which rule shall provide in detail the procedures necessary for public participation in the following instances: (a) prior to adoption of location and design plans having a substantial social, economic or environmental effect upon the locality upon which they are to be constructed or (b) on such mass rapid transit systems operating on a separate right of way whenever a substantial change is proposed relating to location or design in the adopted plan. In adopting rules the municipality shall adhere to the provisions of the Administrative Procedure Act.

A "corridor public hearing" is a public hearing that: (a) is held before the municipality is committed to a specific mass transit route proposal, and before a route location is established; (b) is held to afford an opportunity for participation by those interested in the determination of the need for, and the location of, the mass rapid transit system; (c) provides a public forum that affords a full opportunity for presenting views on the mass rapid transit system route location, and the social, economic and environmental effects on that location and alternate locations: PROVIDED, That such hearing shall not be deemed to be necessary before adoption of an overall mass rapid transit system plan by a vote of the electorate of the municipality.

A "design public hearing" is a public hearing that: (a) is held after the location is established but before the design is adopted; and (b) is held to afford an opportunity for participation by those interested in the determination of major design features of the mass rapid transit system; and (c) provides a public

forum to afford a full opportunity for presenting views on the mass rapid transit system design, and the social, economic, environmental effects of that design and alternate designs. [1973 1st ex.s. c 136 § 1; 1969 ex.s. c 255 § 8.]

Effective dates—1973 1st ex.s. c 136: "Sections 1 through 6 and section 8 of this 1973 amendatory act shall not take effect until June 30, 1981, and the remainder of this 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately." [1973 1st ex.s. c 136 § 9.] Sections 1 through 6 and section 8 refer to RCW 35.58.273, 35.58-.279, 35.58.2791, 35.58.2792 and 82.44.150 as amended by 1973 1st ex.s. c 136, to RCW 35.58.2793, and to the repeal of RCW 35.58.274-35.58.278 by 1973 1st ex.s. c 136.

Severability—1973 1st ex.s. c 136: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 136 § 10.]

35.58.2731 MASS PUBLIC TRANSIT SYSTEM—LIMITATIONS UPON AMOUNT OF SPECIAL MOTOR VEHICLE EXCISE TAX LEVIES—BOND ISSUE AUTHORIZED—FEDERAL FUNDS. (1)

During the two fiscal years from July 1, 1973 to June 30, 1975, no municipality as defined in RCW 35.58.272 which has been authorized to levy a special excise tax pursuant to RCW 35.58.273 may levy an amount in each of such fiscal years greater than the maximum amount established pursuant to the following formula:

For each of the fiscal years 1973-74 and 1974-75 the total amount of such special excise taxes levied by all municipalities shall be \$6,000,000 per year and each municipality may levy not to exceed the proportion of such total amount for which the municipality qualifies proportionately with all other qualifying municipalities under RCW 35.58.273 and RCW 82.44.150 for local mass transit assistance purposes. Prior to May 1, 1973 and May 1, 1974 each municipality desiring to levy an excise tax during the immediately following fiscal year shall so advise the director of the department of motor vehicles. Necessary data shall be supplied by the office of program planning and fiscal management to the director of the department of motor vehicles, who shall determine the maximum amount of the excise tax levy for each qualifying municipality and shall certify such amount to each such municipality prior to June 1 of each of the years 1973 and 1974.

(2) In addition to any other authority now provided by law, any municipality, including a metropolitan municipal corporation, shall be authorized to issue general obligation bonds for public mass transportation purposes with the principal and interest on said bonds to be paid from such taxes as shall be authorized to be levied by such municipality including motor vehicle excise taxes. Such bonds shall be issued and sold subject to the terms and limitations and in the manner provided in RCW 35.58.450: PROVIDED, That no municipality may issue general obligation bonds secured by or payable from motor vehicle excise taxes which bonds mature later than June 30, 1981.

(3) Any federal funds received in excess of those anticipated in annual local transit budgets shall be used in lieu of state funds distributed to municipalities pursuant to \*this 1973 amendatory act. An amount equal to the excess federal funds received shall be returned to the state treasurer and deposited in the state general fund. [1973 1st ex.s. c 136 § 7.]

\*Reviser's note: "this 1973 amendatory act", see note following RCW 35.58.2793.

Severability: Effective dates--1973 1st ex.s. c 136: See notes following RCW 35.58.273.

35.58.274 MASS PUBLIC TRANSIT SYSTEM--MOTOR VEHICLES EXEMPT FROM TAX. [1969 ex.s. c 255 § 9.] Repealed by 1973 1st ex.s. c 136 § 8, effective June 30, 1981.

Severability: Effective dates--1973 1st ex.s. c 136: See notes following RCW 35.58.273.

35.58.275 MASS PUBLIC TRANSIT SYSTEM--PROVISIONS OF MOTOR VEHICLE EXCISE TAX CHAPTER APPLICABLE. [1969 ex.s. c 255 § 10.] Repealed by 1973 1st ex.s. c 136 § 8, effective June 30, 1981.

Severability: Effective dates--1973 1st ex.s. c 136: See notes following RCW 35.58.273.

35.58.276 MASS PUBLIC TRANSIT SYSTEM--WHEN TAX DUE AND PAYABLE--COLLECTION. [1971 ex.s. c 199 § 1; 1969 ex.s. c 255 § 11.] Repealed by 1973 1st ex.s. c 136 § 8, effective June 30, 1981.

Severability: Effective dates--1973 1st ex.s. c 136: See notes following RCW 35.58.273.

35.58.277 MASS PUBLIC TRANSIT SYSTEM--REMITTANCE OF TAX BY COUNTY AUDITOR. [1969 ex.s. c 255 § 12.] Repealed by 1973 1st ex.s. c 136 § 8, effective June 30, 1981.

Severability: Effective dates--1973 1st ex.s. c 136: See notes following RCW 35.58.273.

35.58.278 MASS PUBLIC TRANSIT SYSTEM--DISTRIBUTION OF TAX. [1969 ex.s. c 255 § 13.] Repealed by 1973 1st ex.s. c 136 § 8, effective June 30, 1981.

Severability: Effective dates--1973 1st ex.s. c 136: See notes following RCW 35.58.273.

35.58.279 MASS PUBLIC TRANSIT SYSTEM--CREDITING AND USE OF FUNDS. (AMENDMENT EFFECTIVE JUNE 30, 1981.) All funds appropriated by the legislature and distributed to municipalities for public mass transit assistance pursuant to RCW 35.58.2793 shall be credited to a special fund in the treasury of each such municipality. Such funds shall be used solely for the purpose of paying all or any part of the cost of acquiring, constructing, equipping or operating a publicly owned mass transportation system, or contracting for the services thereof, or to pay or secure the payment of all or part of the principal of or interest on any general obligation bonds or revenue bonds issued for public transportation capital purposes and until withdrawn for use, the moneys accumulated in such fund or funds may be invested by the treasurer of such municipality in the manner authorized by the legislative body of the municipality. [1973 1st ex.s. c 136 § 2; 1969 ex.s. c 255 § 14.]

Severability: Effective dates--1973 1st ex.s. c 136: See notes following RCW 35.58.273.

35.58.2791 MASS PUBLIC TRANSIT SYSTEM--INTERNAL COMBUSTION EQUIPMENT TO COMPLY WITH POLLUTION CONTROL STANDARDS. (AMENDMENT EFFECTIVE JUNE 30, 1981.) No new internal combustion powered equipment shall be acquired with funds appropriated by the legislature and distributed to a municipality pursuant to RCW 35.58.2793 unless they meet the standards for control of pollutants emitted by internal combustion engines as determined by the state air pollution control board, which standards shall not be less than those required by similar federal standards. [1973 1st ex.s. c 136 § 3; 1969 ex.s. c 255 § 19.]

Severability: Effective dates--1973 1st ex.s. c 136: See notes following RCW 35.58.273.

35.58.2792 MASS PUBLIC TRANSIT SYSTEM--PARKING FACILITIES TO BE IN CONJUNCTION WITH SYSTEM STATIONS OR TRANSFER FACILITIES. (AMENDMENT EFFECTIVE JUNE 30, 1981.) The construction of parking facilities to be wholly or partially financed

with funds appropriated by the legislature and distributed to a municipality pursuant to RCW 35.58.2793 shall be in conjunction with and adjacent to public transportation stations or transfer facilities. [1973 1st ex.s. c 136 § 4; 1969 ex.s. c 255 § 20.]

Severability: Effective dates—1973 1st ex.s. c 136: See notes following RCW 35.58.273.

35.58.2793 MASS PUBLIC TRANSIT SYSTEM—STATE FINANCIAL ASSISTANCE—DISTRIBUTION OF FUNDS—FORMULA—FEDERAL FUNDS. (EFFECTIVE JUNE 30, 1981.) (1) The state treasurer, based on information provided by the department of motor vehicles, shall distribute to each municipality operating a public mass transportation system which requests and qualifies for state financial assistance, such amounts as the legislature appropriates for public mass transit assistance in each fiscal biennium. The amount to be distributed to any municipality for purposes of local public transportation assistance from any legislative appropriation for that purpose shall be an amount equal to the amount budgeted by such municipality to be expended for local public transportation from local tax sources but in no event shall the amount distributed to a municipality in any calendar year be more than the maximum limit established by the dollar amount calculated pursuant to the formula in subsection (2) of this section.

(2) The dollar amount of the maximum limit referred to in subsection (1) of this section shall be determined by the following formula: One-half of the total amount of motor vehicle excise taxes remitted to the department during the most recent calendar year for which data is available, except those payable under RCW 82.44.030 and 82.44.070, from each county shall be multiplied by a fraction, the numerator of which is the population of the subject municipality residing in such county, and the denominator of which is the total population of the county in which such municipality or portion thereof is located. The product of this computation shall be the maximum amount to be distributed to any municipality from whatever funds may be appropriated by the legislature for purposes of local public transportation assistance. Where the municipality is located in more than one county, separate computations shall be made for each county, and the combined products shall provide the maximum limit. Population figures required for these computations shall be supplied by the office of program planning and fiscal management to the director of the department of motor vehicles, who shall adjust the fraction annually.

(3) The distribution of funds to municipalities from any legislative appropriation for purposes of mass transit

assistance shall be made annually by the state treasurer no later than June 30th of the calendar year to which the distribution applies. For purposes of insuring the equitable distribution of funds appropriated by the legislature, the department of motor vehicles at the beginning of each state fiscal biennium for which funds are appropriated for distribution shall determine the amount of local matching money to be budgeted within maximum limits by each municipality for each municipal fiscal year covered by the state appropriation. In the event the appropriation by the legislature is insufficient to match the amount of locally generated tax revenues budgeted for transportation purposes by municipalities within maximum limits established by this section, the amount distributed to each municipality shall be reduced proportionately.

(4) If after the close of any calendar year the department of motor vehicles should determine that any municipality receiving a grant from the state appropriation for mass transit assistance has not expended or lawfully contracted to expend at least ninety percent of the local matching funds budgeted for mass transit from local taxes, the apportionment for the succeeding calendar year to that municipality from state assistance funds shall be reduced by the dollar amount of the municipality's under-expenditure of budgeted local tax funds less an adjustment factor calculated as five percent of the local matching funds budgeted, or one hundred thousand dollars, whichever is less.

(5) Any federal funds received in excess of those anticipated in annual local transit budgets shall be used in lieu of state funds distributed to municipalities pursuant to \*this 1973 amendatory act. An amount equal to the excess federal funds received shall be returned to the state treasurer and deposited in the state general fund. [1973 1st ex.s. c 136 § 6.]

\*Reviser's note: "this 1973 amendatory act" [1973 1st ex.s. c 136] refers to the amendments to RCW 35.58.273, 35.58.279, 35.58.2791, 35.58.2792 and 82.44.150 by 1973 1st ex.s. c 136, to RCW 35.58.2731 and 35.58.2793, and to the repeal of RCW 35.58.274-35.58.278.

Severability: Effective dates—1973 1st ex.s. c 136: See notes following RCW 35.58.273.

35.58.450 GENERAL OBLIGATION BONDS—ISSUANCE, SALE, FORM, TERM, ELECTION, PAYMENT. Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to authorize and to issue general obligation bonds and to pledge the full faith and credit of the corporation to the

payment thereof, for any authorized capital purpose of the metropolitan municipal corporation: PROVIDED, That a proposition authorizing the issuance of any such bonds to be issued in excess of three-fourths of one percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015, shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Such general obligation bonds may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization but at no time shall the total general indebtedness of the metropolitan municipal corporation exceed five percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015. Both principal of and interest on such general obligation bonds may be made payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the constitutional and/or statutory tax limit or may be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy or from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued or may be made payable from any combination of the foregoing sources. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes.

General obligation bonds shall be sold as provided in RCW 39.44.030 and shall mature in not to exceed forty years from the date of issue. The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall be signed by the chairman and attested by the secretary of the

metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed or imprinted thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the first class at a price not less than par and accrued interest. [1973 1st ex.s. c 195 § 24; 1971 ex.s. c 303 § 9; 1970 ex.s. c 56 § 38; 1970 ex.s. c 42 § 13; 1970 ex.s. c 11 § 1. Prior: 1969 ex.s. c 255 § 17; 1969 ex.s. c 232 § 16; 1967 c 105 § 13; 1965 c 7 § 35.58.450; prior: 1957 c 213 § 45.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 35.61  
METROPOLITAN PARK DISTRICTS

35.61.210 PARK DISTRICT TAX LEVY—"PARK DISTRICT FUND". The board of park commissioners may levy or cause to be levied a general tax on all the property located in said park district each year not to exceed seventy-five cents per thousand dollars of assessed value of the property in such park district: PROVIDED, That notwithstanding the provisions of RCW 84.52.050, and RCW 84.52.043 the board is hereby authorized to levy a general tax in excess of seventy-five cents per thousand dollars of assessed value when authorized so to do at a special election conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the park district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns. The board shall include in its general tax levy for each year a sufficient sum to pay the interest on all outstanding bonds and may include a sufficient amount to create a sinking fund for the redemption of all outstanding bonds. The levy shall be certified to the proper county officials for collection the same as other general taxes and when collected, the general tax shall be placed in a separate fund in the office of the county treasurer to be known as the "metropolitan park district fund" and paid out on warrants. [1973 1st ex.s. c 195 § 25; 1965 c 7 § 35.61.210. Prior: 1951 c 179 § 1; prior: (i) 1943 c 264 § 10,

part; Rem. Supp. 1943 § 6741-10, part; prior: 1909 c 131 § 4; 1907 c 98 § 10; RRS § 6729. (ii) 1947 c 117 § 1; 1943 c 264 § 5; Rem. Supp. 1947 § 6741-5; prior: 1925 ex.s. c 97 § 1; 1907 c 98 § 5; RRS § 6724.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 35.63  
PLANNING COMMISSIONS

35.63.070 REGIONAL COMMISSIONS—APPOINTMENT—POWERS.

Cross Reference:

Commission as employer for retirement system purposes: RCW 44.40.010.

Chapter 35.66  
POLICE MATRONS

35.66.050 PERSONS UNDER ARREST—SEPARATE QUARTERS. For the purpose of effecting the main object of this chapter, no member of one sex under arrest shall be confined in the same cell or apartment of the city jail or prison, with any member of the other sex whatever. [1973 1st ex.s. c 154 § 53; 1965 c 7 § 35.66.050. Prior: 1893 c 15 § 3; RRS § 9284.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 35.68  
SIDEWALKS, GUTTERS, CURBS, AND DRIVEWAYS—ALL CITIES AND TOWNS

35.68.075 CURB RAMPS FOR PHYSICALLY HANDICAPPED REQUIRED. (1) The standard for construction of curbs on each side of any city or town street, or any connecting street or town road for which curbs and sidewalks have been prescribed by the governing body of the town or city having jurisdiction thereover, shall be not less than two ramps per lineal block on or near the crosswalks at intersections. Such ramps shall be at least thirty-six inches wide and so constructed as to allow reasonable access to the crosswalk for physically handicapped persons.

(2) Standards set for curb ramping under subsection (1) of this section shall not apply to any curb existing upon enactment of this section but shall apply to all new curb construction and to all replacement curbs constructed at any point in a block which gives reasonable access to a crosswalk. [1973 c 83 § 1.]

Chapter 35.80  
UNFIT DWELLINGS, BUILDINGS AND STRUCTURES

35.80.030 PERMISSIBLE ORDINANCES—APPEAL. (1) Whenever the local governing body of a municipality finds that one or more conditions of the character described in RCW 35.80.010 exist within its territorial limits, said governing body may adopt ordinances relating to such dwellings, buildings, or structures. Such ordinances may provide for the following:

(a) That an "improvement board" or officer be designated or appointed to exercise the powers assigned to such board or officer by the ordinance as specified herein. Said board or officer may be an existing municipal board or officer in the municipality, or may be a separate board or officer appointed solely for the purpose of exercising the powers assigned by said ordinance.

If a board is created, the ordinance shall specify the terms, method of appointment, and type of membership of said board, which may be limited, if the local governing body chooses, to public officers as hereinafter defined.

(b) If a board is created, a public officer, other than a member of the improvement board, may be designated to work with the board and carry out the duties and exercise the powers assigned to said public officer by the ordinance.

(c) That if, after a preliminary investigation of any dwelling, building, or structure, the board or officer finds that it is unfit for human habitation or other use, he shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, or structure is unfit for human habitation or other use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the board or officer in the exercise of reasonable diligence, and the board or officer shall make an affidavit to the effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a legal newspaper published in the municipality in which the property is located, or in the absence of such legal newspaper, it shall be posted in three public places in the municipality in which the dwellings, buildings, or structures are located. Such complaint shall contain a notice that a hearing will be held before the board or officer, at a place therein fixed, not less than ten days nor more than thirty days after the serving of said complaint; or in the event of publication or posting, not less than fifteen days nor more than thirty days from the date of the first



publication and posting; that all parties in interest shall be given the right to file an answer to the complaint, and to appear in person, or otherwise, and to give testimony at the time and place fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the board or officer. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, or structure is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(d) That the board or officer may determine that a dwelling, building, or structure is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building, or structure which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, or structure, the occupants of neighboring dwellings, or other residents of such municipality. Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanness, overcrowding, or inadequate drainage. The ordinance shall state reasonable and minimum standards covering such conditions, including those contained in ordinances adopted in accordance with subdivision (7) (a) herein, to guide the board or the public officer and the agents and employees of either, in determining the fitness of a dwelling for human habitation, or building or structure for other use.

(e) That the determination of whether a dwelling, building, or structure should be repaired or demolished, shall be based on specific stated standards on (i) the degree of structural deterioration of the dwelling, building, or structure, or (ii) the relationship that the estimated cost of repair bears to the value of the dwelling, building, or structure, with the method of determining this value to be specified in the ordinance.

(f) That if, after the required hearing, the board or officer determines that the dwelling is unfit for human habitation, or building or structure is unfit for other use, it shall state in writing its findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in subdivision (1) (c), and shall post in a conspicuous place on said property, an order which (i) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, or structure to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, or structure, if such course of action is deemed

proper on the basis of the standards set forth as required in subdivision (1) (e); or (ii) requires the owner or party in interest, within the time specified on the order, to remove or demolish such dwelling, building, or structure, if this course of action is deemed proper on the basis of said standards. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, or structure is located.

(g) The owner or any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the board under the provisions of subdivision (c) of this subsection, may file an appeal with the appeals commission.

The local governing body of the municipality shall designate or establish a municipal agency to serve as the appeals commission. The local governing body shall also establish rules of procedure adequate to assure a prompt and thorough review of matters submitted to the appeals commission, and such rules of procedure shall include the following, without being limited thereto: (i) All matters submitted to the appeals commission must be resolved by the commission within sixty days from the date of filing therewith and (ii) a transcript of the findings of fact of the appeals commission shall be made available to the owner or other party in interest upon demand.

The findings and orders of the appeals commission shall be reported in the same manner and shall bear the same legal consequences as if issued by the board, and shall be subject to review only in the manner and to the extent provided in subdivision (2) of this section.

If the owner or party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, or structure, the board or officer may direct or cause such dwelling, building, or structure to be repaired, altered, improved, vacated, and closed, removed, or demolished.

(h) That the amount of the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition by the board or officer, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification to him by the treasurer of the municipality in cases arising out of the city or town or by the county improvement board or officer, in cases arising out of the county, of the assessment amount being due and owing, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner

as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the municipality. If the dwelling, building or structure is removed or demolished by the board or officer, the board or officer shall, if possible, sell the materials of such dwelling, building, or structure in accordance with procedures set forth in said ordinance, and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the board or officer, after deducting the cost incident thereto.

The demolition assessment shall constitute a lien against the property of equal rank with state, county and municipal taxes.

(2) Any person affected by an order issued by the appeals commission pursuant to subdivision (1) (f) hereof may, within thirty days after the posting and service of the order, petition to the superior court for an injunction restraining the public officer or members of the board from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard de novo.

(3) An ordinance adopted by the local governing body of the municipality may authorize the board or officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this section. These powers shall include the following in addition to others herein granted: (a) (i) To determine which dwellings within the municipality are unfit for human habitation; (ii) to determine which buildings or structures are unfit for other use; (b) to administer oaths and affirmations, examine witnesses and receive evidence; and (c) to investigate the dwelling and other use conditions in the municipality or county and to enter upon premises for the purpose of making examinations when the board or officer has reasonable ground for believing they are unfit for human habitation, or for other use: PROVIDED, That such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

(4) The local governing body of any municipality adopting an ordinance pursuant to this chapter may appropriate the necessary funds to administer such ordinance.

(5) Nothing in this section shall be construed to abrogate or impair the powers of the courts or of any department of any municipality to enforce any provisions of

its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this section shall be in addition and supplemental to the powers conferred by any other law.

(6) Nothing in this section shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

(7) Any municipality may (by ordinance adopted by its governing body) (a) prescribe minimum standards for the use and occupancy of dwellings throughout the municipality, or county, (b) prescribe minimum standards for the use or occupancy of any building or structure used for any other purpose, (c) prevent the use or occupancy of any dwelling, building, or structure, which is injurious to the public health, safety, morals, or welfare, and (d) prescribe punishment for the violation of any provision of such ordinance. [1973 1st ex.s. c 144 § 1; 1969 ex.s. c 127 § 3; 1967 c 111 § 3; 1965 c 7 § 35.80.030. Prior: 1959 c 82 § 3.]

#### Chapter 35.82 HOUSING AUTHORITIES LAW

35.82.285 GROUP HOMES OR HALFWAY HOUSES FOR RELEASED JUVENILES OR DEVELOPMENTALLY DISABLED. Housing authorities of first class counties created under this chapter may establish and operate group homes or halfway houses to serve juveniles released from state juvenile or correctional institutions, or to serve the developmentally disabled as defined in 42 U.S.C. 2670, 85 Stat. 1316. Such authorities may contract for the operation of facilities so established, with qualified nonprofit organizations as agent of the authority.

Action under this section shall be taken by the authority only after a public hearing as provided by chapter 42.30 RCW. In exercising this power the authority shall not be empowered to acquire property by eminent domain, and the facilities established shall comply with all zoning, building, fire, and health regulations and procedures applicable in the locality. [1973 1st ex.s. c 198 § 2.]

Effective date--1973 1st ex.s. c 198:  
See note following RCW 13.06.050.

#### Chapter 35.94 SALE OR LEASE OF MUNICIPAL UTILITIES

35.94.040 LEASE OR SALE OF LAND OR PROPERTY ORIGINALLY ACQUIRED FOR PUBLIC UTILITY PURPOSES. Whenever a city shall determine, by resolution of its legislative authority, that any lands, property,

or equipment originally acquired for public utility purposes is surplus to the city's needs and is not required for providing continued public utility service, then such legislative authority by resolution and after a public hearing may cause such lands, property, or equipment to be leased, sold, or conveyed. Such resolution shall state the fair market value or the rent or consideration to be paid and such other terms and conditions for such disposition as the legislative authority deems to be in the best public interest.

The provisions of RCW 35.94.020 and 35.94.030 shall not apply to dispositions authorized by this section. [1973 1st ex.s. c 95 § 1.]

TITLE 35A  
OPTIONAL MUNICIPAL CODE

Sections added, amended, or repealed:

Chapter 35A.11 Laws Governing Noncharter Code Cities and Charter Code Cities—Powers.

- 35A.11.080 Initiative and referendum—Election to exercise—Restriction or abandonment.  
35A.11.090 Initiative and referendum—Effective date of ordinances—Exceptions.  
35A.11.100 Initiative and referendum—Exercise of powers.

Chapter 35A.14 Annexation by Code Cities.

- 35A.14.220 When review procedure may be dispensed with.

Chapter 35A.31 Accident Claims and Funds.

- 35A.31.070 Tax levy for fund.

Chapter 35A.33 Budgets in Code Cities.

- 35A.33.060 Budget—Notice of hearing on final.  
35A.33.145 Contingency fund—Creation.

Chapter 35A.40 Fiscal Provisions Applicable to Code Cities.

- 35A.40.030 Fiscal—Depositaries.  
35A.40.090 Limitation on indebtedness. (Effective until January 1, 1974.)  
35A.40.090 Limitation on indebtedness. (Amendment effective January 1, 1974.)

Cross References:

Gambling activities, cities and towns, as affecting: Chapter 9.46 RCW.  
Pollution control—Municipal bonding authority: Chapter 70.95A RCW.

Chapter 35A.11

LAWS GOVERNING NONCHARTER CODE CITIES AND CHARTER CODE CITIES—POWERS

35A.11.080 INITIATIVE AND REFERENDUM—ELECTION TO EXERCISE—RESTRICTION OR ABANDONMENT. The qualified electors of a noncharter code city may exercise the powers of initiative and referendum, upon electing so to do in the manner provided for changing the classification of a city or town in RCW 35A.02.020, 35A.02.025, 35A.02.030, and 35A.02.035, as now or hereafter amended.

The exercise of such powers may be restricted or abandoned upon electing so to do in the manner provided for abandoning the plan of government of a noncharter code city in RCW 35A.06.030, 35A.06.040, 35A.06.050, and 35A.06.060, as now or hereafter amended. [1973 1st ex.s. c 81 § 1.]

35A.11.090 INITIATIVE AND REFERENDUM—EFFECTIVE DATE OF ORDINANCES—EXCEPTIONS. Ordinances of noncharter code cities the qualified electors of which have elected to exercise the powers of initiative and referendum shall not go into effect before thirty days from the time of final passage and are subject to referendum during the interim except:

- (1) Ordinances initiated by petition;
- (2) Ordinances necessary for immediate preservation of public peace, health, and safety or for the support of city government and its existing public institutions which contain a statement of urgency and are passed by unanimous vote of the council;
- (3) Ordinances providing for local improvement districts;
- (4) Ordinances appropriating money;
- (5) Ordinances providing for or approving collective bargaining;
- (6) Ordinances providing for the compensation of or working conditions of city employees; and
- (7) Ordinances authorizing or repealing the levy of taxes; which excepted ordinances shall go into effect as provided by the general law or by applicable sections of Title 35A RCW as now or hereafter amended. [1973 1st ex.s. c 81 § 2.]

35A.11.100 INITIATIVE AND REFERENDUM—EXERCISE OF POWERS. Except as provided in RCW 35A.11.090, and except that the number of registered voters needed to sign a petition for initiative or referendum shall be fifteen percent of the total number of names of persons listed as registered voters within the city on the day of the last preceding city general election, the powers of initiative and referendum in noncharter code cities shall be exercised in the manner set forth for the commission form of government in RCW 35.17.240 through 35.17.360, as now or

hereafter amended. [1973 1st ex.s. c 81 § 3.]

Chapter 35A.14  
ANNEXATION BY CODE CITIES

35A.14.220 WHEN REVIEW PROCEDURE MAY BE DISPENSED WITH. Annexations under the provisions of RCW 35A.14.295, 35A.14.297, 35A.14.300, and 35A.14.310 shall not be subject to review by the annexation review board: PROVIDED, That in class AA, class A and first class counties in which a boundary review board is established under chapter 36.93 RCW all annexations shall be subject to review except as provided for in RCW 36.93.110. When the area proposed for annexation in a petition or resolution, initiated and filed under any of the methods of initiating annexation authorized by this chapter, is less than fifty acres or less than two million dollars in assessed valuation, review procedures shall not be required as to such annexation proposal, except as provided in chapter 36.93 RCW in those counties with a review board established pursuant to chapter 36.93 RCW: PROVIDED, That when an annexation proposal is initiated by the direct petition method authorized by section 35A.14.120, review procedures shall not be required without regard to acreage or assessed valuation, except as provided in chapter 36.93 RCW in those counties with a boundary review board established pursuant to chapter 36.93 RCW. [1973 1st ex.s. c 195 § 26; 1967 ex.s. c 119 § 35A.14.220.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 35A.31  
ACCIDENT CLAIMS AND FUNDS

35A.31.070 TAX LEVY FOR FUND. The legislative body of the code city, after the drawing of warrants against the accident fund, shall estimate the amount necessary to pay the warrant with accrued interest thereon and may appropriate and transfer money from the contingency fund sufficient therefor, or if there is not sufficient money in the contingency fund the legislative body shall levy a tax sufficient to pay all or such unpaid portion of any judgment not exceeding seventy-five cents per thousand dollars of assessed value. If a single levy of seventy-five cents per thousand dollars of assessed value is not sufficient, and if other moneys are not available therefor, an annual levy of seventy-five cents per thousand dollars of assessed value shall be made until the warrants and interest

are fully paid. [1973 1st ex.s. c 195 § 27; 1967 ex.s. c 119 § 35A.31.070.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 35A.33  
BUDGETS IN CODE CITIES

35A.33.060 BUDGET—NOTICE OF HEARING ON FINAL. Immediately following the filing of the preliminary budget with the clerk, the clerk shall publish a notice once each week for two consecutive weeks stating that the preliminary budget for the ensuing fiscal year has been filed with the clerk, that a copy thereof will be furnished to any taxpayer who will call at the clerk's office therefor and that the legislative body of the city will meet on or before the first Monday of the month next preceding the beginning of the ensuing fiscal year for the purpose of fixing the final budget, designating the date, time and place of the legislative budget meeting and that any taxpayer may appear thereat and be heard for or against any part of the budget. The publication of such notice shall be made in the official newspaper of the city if there is one, otherwise in a newspaper of general circulation in the city or if there be no newspaper of general circulation in the city, then by posting in three public places fixed by ordinance as the official places for posting the city's official notices. [1973 c 67 § 1; 1967 ex.s. c 119 § 35A.33.060.]

35A.33.145 CONTINGENCY FUND—CREATION. Every code city may create and maintain a contingency fund to provide moneys with which to meet any municipal expense, the necessity or extent of which could not have been foreseen or reasonably evaluated at the time of adopting the annual budget, or from which to provide moneys for those emergencies described in RCW 35A.33.080 and 35A.33.090. Such fund may be supported by a budget appropriation from any tax or other revenue source not restricted in use by law, or also may be supported by a transfer from other unexpended or decreased funds made available by ordinance as set forth in RCW 35A.33.120: PROVIDED, That the total amount accumulated in such fund at any time shall not exceed the equivalent of thirty-seven and one-half cents per thousand dollars of assessed valuation of property within the city at such time. Any moneys in the contingency fund at the end of the fiscal year shall not lapse except upon reappropriation by the council to another fund in the adoption of a subsequent budget. [1973 1st ex.s. c 195 § 28; 1967 ex.s. c 119 § 35A.33.145.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 35A.40  
FISCAL PROVISIONS APPLICABLE  
TO CODE CITIES

35A.40.030 FISCAL—DEPOSITARIES. The legislative body of a code city, at the end of each fiscal year, or at such other times as the legislative body may direct, shall designate one or more banks in the county wherein the code city is located as depository or depositories of the moneys required to be kept by the code city treasurer or other officer performing the duties commonly performed by the treasurer of a code city: PROVIDED, That where any bank has been designated as a depository hereunder such designation shall continue in force until revoked by a majority vote of the legislative body of such code city. The provisions relating to depositories, contained in chapter 39.58 RCW, as now or hereafter amended, are hereby recognized as applicable to code cities and to the depositories designated by them. [1973 c 126 § 4; 1967 ex.s. c 119 § 35A.40.030.]

35A.40.090 LIMITATION ON INDEBTEDNESS. (EFFECTIVE UNTIL JANUARY 1, 1974.) No code city shall incur an indebtedness exceeding three-fourths of one percent of the value of the taxable property in such city without the assent of three-fifths of the voters therein voting at an election to be held for that purpose nor, with such assent, to exceed two and one-half percent of the value of the taxable property therein except as otherwise provided in chapter 39.36 RCW and subject to the provisions of this chapter and shall have the authority and be subject to the limitations provided in RCW 84.52.050 and 84.52.042 relating to levy of taxes within the twenty mill limit. The term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015. [1973 1st ex.s. c 195 § 141; 1970 ex.s. c 42 § 16; 1967 ex.s. c 119 § 35A.40.090.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

35A.40.090 LIMITATION ON INDEBTEDNESS. (AMENDMENT EFFECTIVE JANUARY 1, 1974.) No code city shall incur an indebtedness exceeding three-fourths of one percent of the value of the taxable property in such city without the assent of three-fifths of the voters therein voting at an election to be held for that purpose nor, with such assent, to exceed two and one-half percent of the value of the taxable property therein except as otherwise provided in

chapter 39.36 RCW and subject to the provisions of this chapter and shall have the authority and be subject to the constitutional and/or statutory limitations relating to levy of taxes. The term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015. [1973 1st ex.s. c 195 § 29; 1970 ex.s. c 42 § 16; 1967 ex.s. c 119 § 35A.40.090.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

TITLE 36  
COUNTIES

Sections added, amended, or repealed:

Chapter 36.16 County Officers—General.

36.16.032 Offices of auditor and clerk may be combined in eighth class counties—Salary.

Chapter 36.17 Salaries of County Officers.

36.17.020 Schedule of salaries.

Chapter 36.18 Fees of County Officers.

36.18.020 Clerk's fees.

Chapter 36.21 County Assessor.

36.21.011 Assessor may appoint deputies and engage expert appraisers—Employment and classification plans for appraisers.

Chapter 36.22 County Auditor.

36.22.090 Warrants of political subdivisions.

Chapter 36.23 County Clerk.

36.23.065 Destruction and reproduction of court records—Destruction of receipts for expenses under probate proceedings.  
36.23.070 Destruction of court exhibits—Preservation for historical purposes.

Chapter 36.27 Prosecuting Attorney.

36.27.060 Private practice prohibited in certain counties—Deputy prosecutors. (Amendment effective January 13, 1975.)

Chapter 36.28 County Sheriff.

36.28.100 Employment of prisoners.

Chapter 36.29 County Treasurer.

- 36.29.015 Treasurer's report on property tax revenue and budget expenditures of units of local government.
- 36.29.020 Custodian of moneys—Investment of funds not required for immediate expenditures, service fee.

Chapter 36.32 County Commissioners.

- 36.32.350 Coordination of county administrative programs—Coordinating agency—Agency reimbursement.

Chapter 36.33 County Funds.

- 36.33.060 Salary fund—Reimbursement.
- 36.33.065 Claims fund—Reimbursement.
- 36.33.140 County lands assessment fund created—Amount of levy.
- 36.33.220 County road millage funds, expenditure for services authorized. (Effective until January 1, 1974.)
- 36.33.220 County road millage funds, expenditure for services authorized. (Amendment effective January 1, 1974.)

Chapter 36.34 County Property.

- 36.34.005 Establishment of comprehensive procedures for management of county property authorized—Exemption from chapter.

Chapter 36.40 Budget.

- 36.40.040 Preliminary budget prepared by auditor.
- 36.40.090 Taxes to be levied.
- 36.40.100 Budget constitutes appropriations—Transfers—Supplemental appropriations.
- 36.40.300 Costs of county revaluation program to be shared by all local taxing districts—Duties of county treasurer.
- 36.40.300 Costs of county revaluation program to be shared by all local taxing districts—Duties of county treasurer. (Amendment effective January 1, 1974.)

Chapter 36.45 Claims Against Counties.

- 36.45.030 Time for commencement of action.

Chapter 36.47 Coordination of Administrative Programs.

- 36.47.040 State association of county officials may be coordinating agency—Reimbursement for costs and expenses.

Chapter 36.48 Depositaries.

- 36.48.010 Depositaries to be designated by treasurer.
- 36.48.020 Segregation of eligible securities.
- 36.48.080 County clerk's funds may be deposited.
- 36.48.090 County clerk's funds may be deposited—Clerk's trust fund created.

Chapter 36.54 Ferries—County Owned—Ferry Districts.

- 36.54.080 Ferry districts authorized—Procedure—Powers.

Chapter 36.62 Hospitals.

- 36.62.090 Tax levy for maintenance.

Chapter 36.68 Parks and Recreational Facilities.

- 36.68.480 Election procedure—Formation—Special levy or bond issue.
- 36.68.520 Tax levies and bond issues.
- 36.68.610 Area which may be included—Inclusion of area within city or town—Procedure.
- 36.68.620 Enlargement by inclusion of additional area—Procedure.

Chapter 36.69 Recreation Districts Act.

- 36.69.140 Special levies authorized—Bonds.

Chapter 36.70 Planning Enabling Act.

- 36.70.320 Comprehensive plan.

Chapter 36.72 Printing.

- 36.72.050 Procedure where county has no newspaper—Advertisement for proposals for printing.

Chapter 36.82 Roads and Bridges—Funds—Budget.

- 36.82.040 General tax levy for road fund—Exception.

Chapter 36.90 Southwest Washington Fair.

- 36.90.010 Control of property.
- 36.90.020 Fair commission abolished—Rights, duties and obligations devolved upon Lewis county commissioners—Property vested in Lewis county.
- 36.90.030 Administrators—Organization of commission—Funds.
- 36.90.040 Fair deemed county and district fair and agricultural fair.
- 36.90.050 Acquisition, improvement, control of property.
- 36.90.060 Agent may manage property.

36.90.070 Conveyance of property to Lewis county for fair purposes.

Chapter 36.17  
SALARIES OF COUNTY OFFICERS

Chapter 36.93 Local Governmental Organization--Boundaries--Review Boards.

36.93.110 When review not necessary.

Chapter 36.95 Television Reception Improvement Districts.

36.95.170 District board--Bonding of members.

Cross References:

County alcoholism administrative board: RCW 70.96.160.

Gambling activities, counties as affecting: Chapter 9.46 RCW.

Pollution control--Municipal bonding authority: Chapter 70.95A RCW.

Special adult supervision programs, reimbursement for costs: Chapter 9.95A RCW.

Chapter 36.01  
GENERAL PROVISIONS

Cross Reference:

County alcoholism administrative board: RCW 70.96.160.

Chapter 36.16  
COUNTY OFFICERS--GENERAL

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 nine thousand four hundred dollars.

Beginning January 1, 1974, the salary of such office shall be ten thousand three hundred dollars. The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973. [1973 1st ex.s. c 88 § 1; 1972 ex.s. c 97 § 1; 1967 ex.s. c 77 § 1; 1963 c 164 § 2; 1963 c 4 § 36.16.032. Prior: 1957 c 219 § 4.]

36.17.020 SCHEDULE OF SALARIES. (1) The salaries of the following 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, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand seven hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-two thousand five hundred dollars; members of board of county commissioners, seventeen thousand seven hundred dollars; coroner, fifteen thousand dollars;

Counties of the first class: Auditor, fourteen thousand five hundred dollars; clerk, fourteen thousand five hundred dollars; treasurer, fourteen thousand five hundred dollars; sheriff, sixteen thousand dollars; assessor, fourteen thousand five hundred dollars; prosecuting attorney, twenty-two thousand five hundred dollars; members of board of county commissioners, sixteen thousand dollars; coroner, eight thousand dollars;

Counties of the second class: Auditor, thirteen thousand five hundred dollars; clerk, thirteen thousand five hundred dollars; treasurer, thirteen thousand five hundred dollars; sheriff, thirteen thousand five hundred fifty dollars; assessor, thirteen thousand five hundred dollars; prosecuting attorney, twenty-one thousand five hundred dollars; members of board of county commissioners, thirteen thousand five hundred dollars; coroner, five thousand dollars;

Counties of the third class: Auditor, twelve thousand five hundred dollars; clerk, twelve thousand five hundred dollars; treasurer, twelve thousand five hundred dollars; assessor, twelve thousand five hundred dollars; sheriff, twelve thousand five hundred dollars; prosecuting attorney, twenty-one thousand five hundred dollars; members of the board of county commissioners, twelve thousand five hundred dollars; coroner, three thousand six hundred dollars;

Counties of the fourth class: Auditor, eleven thousand dollars; clerk, eleven thousand dollars; treasurer, eleven thousand dollars; assessor, eleven thousand dollars; sheriff, eleven thousand dollars; prosecuting attorney, in such a county in which there is no state university, thirteen thousand dollars; prosecuting attorney, in such a county in which there is a state university or college, fifteen thousand dollars; members of the board of county commissioners, ten thousand dollars;



Counties of the fifth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; assessor, nine thousand one hundred fifty dollars; prosecuting attorney, twelve thousand dollars; members of the board of county commissioners, eight thousand five hundred dollars;

Counties of the sixth class: Auditor, nine thousand one hundred fifty dollars; clerk, nine thousand one hundred fifty dollars; treasurer, nine thousand one hundred fifty dollars; assessor, nine thousand one hundred fifty dollars; sheriff, ten thousand two hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, six thousand four hundred dollars;

Counties of the seventh class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand nine hundred fifty dollars;

Counties of the eighth class: Auditor, eight thousand three hundred dollars; clerk, eight thousand three hundred dollars; treasurer, eight thousand three hundred dollars; assessor, eight thousand three hundred dollars; sheriff, nine thousand five hundred dollars; prosecuting attorney, nine thousand dollars; members of board of county commissioners, five thousand nine hundred fifty dollars;

Counties of the ninth class: Auditor-clerk, seven thousand four hundred fifty dollars; sheriff, eight thousand five hundred dollars; treasurer-assessor, seven thousand four hundred fifty dollars; prosecuting attorney, nine thousand dollars; members of the board of county commissioners, five thousand five hundred dollars.

(2) The salaries of the following county officers in counties with a population over five hundred thousand shall be per annum respectively as follows: Auditor, clerk, treasurer, sheriff, members of board of county commissioners, coroners, eighteen thousand dollars; assessor, nineteen thousand dollars; and prosecuting attorney, twenty-seven thousand five hundred dollars.

Beginning January 1, 1974:

The salaries of the following county officers of class AA and 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 AA counties: Prosecuting attorney, thirty thousand three hundred dollars;

Class A counties: Auditor, seventeen thousand six hundred dollars; clerk, seventeen thousand six hundred dollars; treasurer, seventeen thousand six hundred dollars; sheriff, nineteen thousand five hundred dollars; assessor, seventeen thousand six hundred dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of board of county commissioners, nineteen thousand five hundred dollars; coroner, sixteen thousand five hundred dollars;

Counties of the first class: Auditor, sixteen thousand dollars; clerk, sixteen thousand dollars; treasurer, sixteen thousand dollars; sheriff, seventeen thousand six hundred dollars; assessor, sixteen thousand dollars; prosecuting attorney, twenty-four thousand eight hundred dollars; members of board of county commissioners, seventeen thousand six hundred dollars; coroner, eight thousand eight hundred dollars;

Counties of the second class: Auditor, fourteen thousand nine hundred dollars; clerk, fourteen thousand nine hundred dollars; treasurer, fourteen thousand nine hundred dollars; assessor, fourteen thousand nine hundred dollars; sheriff, fourteen thousand nine hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the board of county commissioners, fourteen thousand nine hundred dollars; coroner, five thousand five hundred dollars;

Counties of the third class: Auditor, thirteen thousand eight hundred dollars; clerk, thirteen thousand eight hundred dollars; treasurer, thirteen thousand eight hundred dollars; assessor, thirteen thousand eight hundred dollars; sheriff, thirteen thousand eight hundred dollars; prosecuting attorney, twenty-three thousand seven hundred dollars; members of the board of county commissioners, thirteen thousand eight hundred dollars; coroner, four thousand dollars;

Counties of the fourth class: Auditor, twelve thousand one hundred dollars; clerk, twelve thousand one hundred dollars; treasurer, twelve thousand one hundred dollars; sheriff, twelve thousand one hundred dollars; assessor, twelve thousand one hundred dollars; prosecuting attorney in such a county in which there is no state university or college, fourteen thousand three hundred dollars; in such a county in which there is a state university or college, sixteen thousand five hundred dollars; members of the board of county commissioners, eleven thousand dollars;

Counties of the fifth class: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, thirteen thousand two hundred dollars; members of the board of county commissioners, nine thousand four hundred dollars;

Counties of the sixth class: Auditor, ten thousand one hundred dollars; clerk, ten thousand one hundred dollars; treasurer, ten thousand one hundred dollars; assessor, ten thousand one hundred dollars; sheriff, eleven thousand two hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, seven thousand dollars;

Counties of the seventh class: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; assessor, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of board of county commissioners, six thousand five hundred dollars;

Counties of the eighth class: Auditor, nine thousand one hundred dollars; clerk, nine thousand one hundred dollars; treasurer, nine thousand one hundred dollars; sheriff, ten thousand five hundred dollars; assessor, nine thousand one hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, six thousand five hundred dollars;

Counties of the ninth class: Auditor-clerk, eight thousand two hundred dollars; treasurer-assessor, eight thousand two hundred dollars; sheriff, nine thousand four hundred dollars; prosecuting attorney, nine thousand nine hundred dollars; members of the board of county commissioners, six thousand one hundred dollars.

The county legislative authority of such county is authorized to increase or decrease the salary of such office: PROVIDED, That the legislative authority of the county shall not reduce the salary of any official below the amount which such official was receiving on January 1, 1973.

One-half of the salary of each prosecuting attorney shall be paid by the state. [1973 1st ex.s. c 88 § 2; 1971 ex.s. c 237 § 1; 1969 ex.s. c 226 § 1; 1967 ex.s. c 77 § 2; 1967 c 218 § 3; 1963 c 164 § 1; 1963 c 4 § 36.17.020. Prior: 1957 c 219 § 3; prior: (i) 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. (ii) 1921 c 184 § 2; RRS § 4203.]

#### Chapter 36.18 FEES OF COUNTY OFFICERS

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 thirty-two 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 thirty-two 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 department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors. In the event that the case is settled out of court and the court is notified 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 permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

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

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

(9) For 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 thirty-two 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 thirty-two 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 thirty-two dollars.

(16) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court. [1973 c 16 § 1; 1973 c 38 § 1. Prior: 1972 ex.s. c 57 § 5; 1972 ex.s. c 20 § 1; 1970 ex.s. c 32 § 1; 1967 c 26 § 9; 1963 c 4 § 36.18.020; prior: 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.]

#### Chapter 36.21 COUNTY ASSESSOR

36.21.011 ASSESSOR MAY APPOINT DEPUTIES AND ENGAGE EXPERT APPRAISERS—EMPLOYMENT AND CLASSIFICATION PLANS FOR 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 persons to act as his assistants or deputies who shall not engage in the private practice of appraising within the county in which he is employed without the written permission of the county assessor filed with the county auditor; and each such assistant or deputy so appointed shall, under the direction of the assessor, after taking the required oath, perform all the duties enjoined upon, vested in or imposed upon assessors, and (2) may contract with any persons, firms or corporations, who are expert appraisers, to assist in the valuation of property.

To assist each assessor in obtaining adequate and well qualified assistants or deputies, the state department of personnel, after consultation with the Washington state association of county assessors, the Washington state association of counties, and the department of revenue, shall establish by July 1, 1967, and shall thereafter maintain, a classification and salary plan for those employees

of an assessor who act as appraisers. The plan shall recommend the salary range and employment qualifications for each position encompassed by it, and shall, to the fullest extent practicable, conform to the classification plan, salary schedules and employment qualifications for state employees performing similar appraisal functions.

If an assessor intends to put such plan into effect in his county, he shall inform the department of revenue and the board of county commissioners of this intent in writing. The department of revenue and the board may thereupon each designate a representative, and such representative or representatives as may be designated by the department of revenue or the board, or both, shall form with the assessor a committee. The committee so formed may, by unanimous vote only, determine the required number of certified appraiser positions and their salaries necessary to enable the county assessor to carry out the requirements relating to revaluation of property in chapter 84.41 RCW. The determination of the committee shall be certified to the board of county commissioners. The committee provided for herein may be formed only once in a period of four calendar years.

After such determination, the assessor may provide, in each of his four next succeeding annual budget estimates, for as many positions as are established in such determination. Each board of county commissioners to which such a budget estimate is submitted shall allow sufficient funds for such positions. An employee may be appointed to a position covered by the plan only if the employee meets the employment qualifications established by the plan. [1973 1st ex.s. c 11 § 1; 1971 ex.s. c 85 § 2; 1967 ex.s. c 146 § 7; 1963 c 4 § 36.21.011. Prior: 1955 c 251 § 10.]

#### Chapter 36.22 COUNTY AUDITOR

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, who do not issue their own warrants, 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. [1973 c 111 § 4; 1963 c 4 § 36.22.090. Prior: 1915 c 74 § 1; RRS § 4096.]

Severability—1973 c 111: See note following RCW 28A.60.328.

Chapter 36.23  
COUNTY CLERK

36.23.065 DESTRUCTION AND REPRODUCTION OF COURT RECORDS--DESTRUCTION OF RECEIPTS FOR EXPENSES UNDER PROBATE PROCEEDINGS. Notwithstanding any other law relating to the destruction of court records, the county clerk may cause to be destroyed all documents, records, instruments, books, papers, depositions, and transcripts, in any action or proceeding in the superior court, or otherwise filed in his office pursuant to law, if all of the following conditions exist:

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

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

(3) 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. [1973 c 14 § 1; 1971 c 29 § 1; 1963 c 4 § 36.23.065. Prior: 1957 c 201 § 1.]

36.23.070 DESTRUCTION OF COURT EXHIBITS--PRESERVATION FOR HISTORICAL PURPOSES. A county clerk may at any time more than six years after the entry of final judgment in any action apply to the superior court for an authorizing order and, upon

such order being signed and entered, destroy any exhibits, unopened depositions and reporters' notes which have theretofore been filed in such cause: PROVIDED, That reporters' notes in criminal cases must be preserved for at least fifteen years: PROVIDED FURTHER, That any exhibits which are deemed to possess historical value may be directed to be delivered by the clerk to libraries or historical societies. [1973 c 14 § 2; 1967 ex.s. c 34 § 3; 1963 c 4 § 36.23.070. Prior: 1957 c 201 § 3; 1947 c 277 § 1; Rem. Supp. 1947 § 81-1.]

Chapter 36.27  
PROSECUTING ATTORNEY

Cross Reference:

Gambling activities, as affecting:  
Chapter 9.46 RCW.

36.27.060 PRIVATE PRACTICE PROHIBITED IN CERTAIN COUNTIES--DEPUTY PROSECUTORS. (AMENDMENT EFFECTIVE JANUARY 13, 1975.) The prosecuting attorneys and their deputies of class four counties and counties with population larger than class four counties shall serve full time and shall not engage in the private practice of law: PROVIDED, That deputy prosecuting attorneys in counties of the second class, third class, and fourth class may serve part time and engage in the private practice of law if the board of county commissioners so provides. [1973 1st ex.s. c 86 § 1; 1971 ex.s. c 237 § 2; 1969 ex.s. c 226 § 2; 1963 c 4 § 36.27.060. Prior: 1941 c 46 § 2; Rem. Supp. 1941 § 4139-1.]

Effective date--1973 1st ex.s. c 86: "This 1973 amendatory act shall take effect on the second Monday in the month of January, 1975." [1973 1st ex.s. c 86 § 2.]

Chapter 36.28  
COUNTY SHERIFF

Cross Reference:

Gambling activities, as affecting:  
Chapter 9.46 RCW.

36.28.100 EMPLOYMENT OF PRISONERS. The sheriff or director of public safety shall employ all able bodied persons sentenced to imprisonment in the county jail in such manner and at such places within the county as may be directed by the legislative authority of the county. [1973 1st ex.s. c 154 § 54; 1963 c 4 § 36.28.100. Prior: 1909 c 249 § 27; RRS § 2279.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 36.29  
COUNTY TREASURER

36.29.015 TREASURER'S REPORT ON PROPERTY TAX REVENUE AND BUDGET EXPENDITURES OF UNITS OF LOCAL GOVERNMENT. [1971 ex.s. c 288 § 15.] Repealed by 1973 c 58 § 1.

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 qualified public depository. Any municipal corporation may by action of its governing body authorize any of its funds which are not required for immediate expenditure, and which are in the custody of the county treasurer or other municipal corporation treasurer, to be invested by such treasurer in savings or time accounts in banks, trust companies and mutual savings banks which are doing business in this state, up to the amount of insurance afforded such accounts by the federal deposit insurance corporation, or in accounts in savings and loan associations which are doing business in this state, up to the amount of insurance afforded such accounts by the federal savings and loan insurance corporation, or in certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States; in federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of chapter 193, Laws of 1969 ex. sess.: PROVIDED, That the county treasurer shall have the power to select the specific qualified financial institution in which said funds may be invested. The interest or other earnings from such investments or deposits shall be deposited in the current expense fund of the county and may be used for general county purposes. The investment or deposit and disposition of the interest or other earnings therefrom authorized by this paragraph shall not apply to such funds as may be prohibited by the state Constitution from being so invested or deposited. [1973 1st ex.s. c 140 § 1; 1969 ex.s. c 193 § 26; 1967 c 173 § 1; 1965 c 111 § 2; 1963 c 4 § 36.29.020. Prior: 1961 c 254 § 1; 1895 c 73 § 1; RRS § 4112.]

Whenever the funds of any municipal corporation which are not required for immediate expenditure are in the custody or control of the county treasurer, and the governing body of such municipal corporation has not taken any action pertaining to the investment of any such funds, the county finance committee shall direct the county treasurer to invest, to the maximum prudent extent, such funds or any portion thereof in certificates, notes, or bonds of the United States, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, in federal home loan bank notes and bonds, federal land bank bonds and federal national mortgage association notes, debentures and guaranteed certificates of participation, or the obligations of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system or deposit such funds or any portion thereof in investment deposits as defined in RCW 39.58.010 secured by collateral in accordance with the provisions of chapter 193, Laws of 1969 ex. sess.: PROVIDED, That the county treasurer shall have the power to select the specific qualified financial institution in which said funds may be invested. The interest or other earnings from such investments or deposits shall be deposited in the current expense fund of the county and may be used for general county purposes. The investment or deposit and disposition of the interest or other earnings therefrom authorized by this paragraph shall not apply to such funds as may be prohibited by the state Constitution from being so invested or deposited. [1973 1st ex.s. c 140 § 1; 1969 ex.s. c 193 § 26; 1967 c 173 § 1; 1965 c 111 § 2; 1963 c 4 § 36.29.020. Prior: 1961 c 254 § 1; 1895 c 73 § 1; RRS § 4112.]

Chapter 36.32  
COUNTY COMMISSIONERS

36.32.350 COORDINATION OF COUNTY ADMINISTRATIVE PROGRAMS—COORDINATING AGENCY—AGENCY REIMBURSEMENT. County commissioners may designate the Washington state association of counties 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 amount which would be raised by a levy of one-half of one cent per thousand dollars of assessed value against the taxable property 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. [1973 1st ex.s. c 195 § 30; 1971 ex.s. c 85 § 3; 1970 ex.s. c 47 § 1; 1963 c 4 § 36.32.350. Prior: 1947 c 49 § 1; 1939 c 188 § 3; Rem. Supp. 1947 § 4077-4.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 36.33  
COUNTY FUNDS

36.33.060 SALARY FUND—REIMBURSEMENT. 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. In counties smaller than counties of the first class the legislative authority may by resolution establish such a salary fund. Said salary fund shall be reimbursed from any county funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for salaries and wages. The deposits shall be made in the exact amount of the payroll or vouchers paid from the salary fund. [1973 1st ex.s. c 38 § 1; 1971 ex.s. c 214 § 1; 1963 c 4 § 36.33.060. Prior: 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.]

36.33.065 CLAIMS FUND—REIMBURSEMENT. The legislative authority of any class county may establish by resolution a fund to be known as the claims fund, which shall be used for paying claims against the county. Such claims fund shall be reimbursed from any county funds or other funds under the jurisdiction or control of the county treasurer or county auditor budgeted for such expenditures. The deposits shall be made in the exact amount of the vouchers paid from the claims fund. [1973 1st ex.s. c 38 § 2; 1971 ex.s. c 214 § 2.]

36.33.140 COUNTY LANDS ASSESSMENT FUND CREATED—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 twelve and one-half cents per thousand dollars of assessed value upon all taxable property in the county. [1973 1st ex.s. c 195 § 31; 1963 c 4 § 36.33.140. Prior: 1929 c 193 § 3; RRS § 4027-3.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

36.33.220 COUNTY ROAD MILLAGE FUNDS, EXPENDITURE FOR SERVICES AUTHORIZED. (EFFECTIVE UNTIL JANUARY 1, 1974.) The legislative authority of any county may budget, in accordance with the provisions of chapter 36.40 RCW, and expend any portion of the county road millage for any service to be provided in the unincorporated area of the county notwithstanding any other provision of law, including chapter 36.82 RCW and RCW 84.52.042. [1973 1st ex.s. c 195 § 142; 1971 ex.s. c 25 § 1.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

36.33.220 COUNTY ROAD MILLAGE FUNDS, EXPENDITURE FOR SERVICES AUTHORIZED. (AMENDMENT EFFECTIVE JANUARY 1, 1974.) The legislative authority of any county may budget, in accordance with the provisions of chapter 36.40 RCW, and expend any portion of the county road property tax revenues for any service to be provided in the unincorporated area of the county notwithstanding any other provision of law, including chapter 36.82 RCW and RCW 84.52.050 and RCW 84.52.043. [1973 1st ex.s. c 195 § 32; 1971 ex.s. c 25 § 1.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 36.34  
COUNTY PROPERTY

36.34.005 ESTABLISHMENT OF COMPREHENSIVE PROCEDURES FOR MANAGEMENT OF COUNTY PROPERTY AUTHORIZED—EXEMPTION FROM CHAPTER. Pursuant to public notice and hearing, any county may establish comprehensive procedures for the management of county property consistent with the public interest and counties establishing such procedures shall be exempt from the provisions of chapter 36.34 RCW: PROVIDED, That all counties shall retain all powers now or hereafter granted by chapter 36.34 RCW. [1973 1st ex.s. c 196 § 1.]

Chapter 36.40  
BUDGET

**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.

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor through the division of municipal corporations after consultation with the Washington state association of counties and the Washington state association of elected county officials.

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. [1973 c 39 § 1. Prior: 1971 ex.s. c 85 § 4; 1969 ex.s. c 252 § 1; 1963 c 4 § 36.40.040; prior: (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.]

**36.40.09C 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 one dollar and twenty-five cents per thousand dollars of assessed value 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. [1973 1st ex.s. c 195 § 33; 1963 c 4 § 36.40.090. Prior: 1943 c 145 § 1, part; 1941 c 99 § 1, part; 1923 c 164 § 4, part; Rem. Supp. 1943 § 3997-4, part.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

**36.40.100 BUDGET CONSTITUTES APPROPRIATIONS--TRANSFERS--SUPPLEMENTAL APPROPRIATIONS.** 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 every 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 departments, or supplemental appropriations to the budget from unanticipated federal or state funds may be made: PROVIDED FURTHER, That the board shall publish notice of the time and date of the meeting at which the supplemental appropriations resolution will be adopted, and the amount of the appropriation, once each week, for two consecutive weeks prior to such meeting in the official newspaper of the county or if there is none, in a legal newspaper in the county. [1973 c 97 § 1; 1969 ex.s. c 252 § 2; 1965 ex.s. c 19 § 1; 1963 c 4 § 36.40.100. Prior: 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.]

**36.40.300 COSTS OF COUNTY REVALUATION PROGRAM TO BE SHARED BY ALL LOCAL TAXING DISTRICTS--DUTIES OF COUNTY TREASURER. (FOR EXPIRATION DATES OF THIS SECTION, SEE LAST PARAGRAPH AND NOTES FOLLOWING RCW 84.52.043.)** In each year that the state provides financial aid to the counties for a county revaluation program, the county-assumed portion of the costs of such



reevaluation program including administrative costs, but excluding any costs pertaining to the development of new data processing programs, shall be shared by all local taxing districts within the county authorized to make levies pursuant to RCW 84.52.050 and RCW 84.52.042. Such sharing shall be for those costs incurred during 1972 and 1973 only. For the years 1972 and 1973 during which, such state financial aid is received, the county treasurer shall compute the proportionate amount of the county-assumed portion of the costs of reevaluation in direct proportion to the ratio of basic property tax as authorized by RCW 84.52.050 and RCW 84.52.042 levied on behalf of each local taxing district each year, and he shall, on December 31 of those years, bill each local taxing district the amount so computed. The treasurer shall collect said bill by deducting said amount from the next year's tax receipts and place the deducted sums in a special fund to be used solely for the expenses and costs of the administration of the revaluation program: PROVIDED, That the sum deducted from the basic millage for common schools shall be excluded and not considered as revenue in the computation of the school equalization formula pursuant to RCW 28A.41.130. A copy of the assessor's portion of the preliminary county budget shall be sent to each local taxing district affected by the provisions of this section at the time such budget is prepared.

This section shall expire on December 31, 1974. [1973 1st ex.s. c 195 § 143; 1972 ex.s. c 102 § 1.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

36.40.300 COSTS OF COUNTY REVALUATION PROGRAM TO BE SHARED BY ALL LOCAL TAXING DISTRICTS—DUTIES OF COUNTY TREASURER. (AMENDMENT EFFECTIVE JANUARY 1, 1974.) (SECTION EXPIRES DECEMBER 31, 1974.) In each year that the state provides financial aid to the counties for a county reevaluation program, the county-assumed portion of the costs of such reevaluation program including administrative costs, but excluding any costs pertaining to the development of new data processing programs, shall be shared by all local taxing districts within the county authorized to make levies pursuant to RCW 84.52.050. Such sharing shall be for those costs incurred during 1972 and 1973 only. For the years 1972 and 1973 during which, such state financial aid is received, the county treasurer shall compute the proportionate amount of the county-assumed portion of the costs of reevaluation in direct proportion to the ratio of basic property tax as authorized by RCW 84.52.050 and RCW 84.52.043 levied on behalf of each local taxing district each year, and he shall, on December 31 of those years, bill each

local taxing district the amount so computed. The treasurer shall collect said bill by deducting said amount from the next year's tax receipts and place the deducted sums in a special fund to be used solely for the expenses and costs of the administration of the revaluation program: PROVIDED, That the sum deducted from the basic dollar rate for common schools shall be excluded and not considered as revenue in the computation of the school equalization formula pursuant to RCW 28A.41.130. A copy of the assessor's portion of the preliminary county budget shall be sent to each local taxing district affected by the provisions of this section at the time such budget is prepared.

This section shall expire on December 31, 1974. [1973 1st ex.s. c 195 § 34; 1972 ex.s. c 102 § 1.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

#### Chapter 36.45 CLAIMS AGAINST COUNTIES

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 or within three months after the board has given the claimant notice by registered mail of disallowance in whole or in part of the claim for damages, whichever is longer. [1973 c 36 § 1; 1963 c 4 § 36.45.030. Prior: 1957 c 224 § 9; prior: 1919 c 149 § 1, part; RRS § 4077, part.]

#### Chapter 36.47 COORDINATION OF ADMINISTRATIVE PROGRAMS

36.47.040 STATE ASSOCIATION OF COUNTY OFFICIALS MAY BE COORDINATING AGENCY—REIMBURSEMENT FOR COSTS AND EXPENSES. Each county which designates the Washington state association of 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 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 amount which would be raised by a levy of one-quarter of a cent per thousand dollars of assessed value against the taxable property in such county. [1973 1st ex.s. c 195 § 35; 1970 ex.s. c 47 § 2; 1969 ex.s. c 5 § 3; 1963 c 4 § 36.47.040. Prior: 1959 c 130 § 4.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

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 which are qualified public depositaries as set forth by the public deposit protection commission as depository or depositaries for 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. [1973 c 126 § 5; 1969 ex.s. c 193 § 27; 1963 c 4 § 36.48.010. Prior: 1907 c 51 § 1; RRS § 5562.]

36.48.020 SEGREGATION OF ELIGIBLE SECURITIES. Before any such treasurer shall make any deposit in such bank, the bank designated shall, within ten days after the designation has been filed, segregate securities eligible as collateral in accordance with RCW 39.58.050 as now or hereafter amended.

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. [1973 c 126 § 6; 1969 ex.s. c 193 § 28; 1967 c 132 § 3; 1963 c 4 § 36.48.020. Prior: 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.]

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 qualified depositories, as provided in chapter 39.58 RCW, as now or hereafter amended. [1973 c 126 § 7; 1963 c 4 § 36.48.080. Prior: 1933 ex.s. c 40 § 1; RRS § 5561-1.]

36.48.090 COUNTY CLERK'S FUNDS MAY BE DEPOSITED—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 any such "clerk's trust fund" so deposited, it shall be paid to the beneficiary of such trust upon the termination thereof. [1973 c 126 § 8; 1963 c 4 § 36.48.090. Prior: 1933 ex.s. c 40 § 2; RRS § 5561-2.]

Chapter 36.54  
FERRIES—COUNTY OWNED—FERRY DISTRICTS

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 one dollar and twenty-five cents per thousand dollars of assessed value 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. [1973 1st ex.s. c 195 § 36; 1963 c 4 § 36.54.080. Prior: 1947 c 272 § 1; Rem. Supp. 1947 § 5477-1.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 36.62  
HOSPITALS

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 fifty cents per thousand dollars of assessed value in any one year, for the maintenance of the hospital. [1973 1st ex.s. c 195 § 37; 1963 c 4 § 36.62.090. Prior: 1925 ex.s. c 174 § 6; RRS § 6090-6.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Chapter 36.64  
JOINT GOVERNMENTAL ACTIVITIES

Cross Reference:

County alcoholism administrative board: RCW 70.96.160.

Chapter 36.68  
PARKS AND RECREATIONAL FACILITIES

36.68.480 ELECTION PROCEDURE--FORMATION--SPECIAL LEVY OR BOND ISSUE. 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 proposition. 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 of \_\_\_\_\_ 19\_\_\_\_, 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 \_\_\_\_\_ dollars per thousand dollars of assessed value for one year upon taxable property within said service area in excess of the constitutional and/or statutory tax limits 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 \_\_\_\_\_ dollars per thousand dollars of assessed value 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 constitutional and/or statutory tax limits?

Yes \_\_\_\_\_ No \_\_\_\_\_

[1973 1st ex.s. c 195 § 38; 1963 c 218 § 9.]

Severability--Effective dates and termination dates--Construction--1973 1st ex.s. c 195: See notes following RCW 84.52.043.

36.68.520 TAX LEVIES AND BOND ISSUES. 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 of the Constitution and by RCW 84.52.052.

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 three-eighths of one percent of the value of the taxable property within the district, and may provide for the retirement thereof by levies in excess of dollar rate in accordance with the provisions of RCW 84.52.056: PROVIDED, That such districts may issue bonds equal to two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the district at a special election called for the purpose. [1973 1st ex.s. c 195 § 39; 1970 ex.s. c 42 § 19; 1963 c 218 § 13.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

36.68.610 AREA WHICH MAY BE INCLUDED—INCLUSION OF AREA WITHIN CITY OR TOWN—PROCEDURE. A park and recreation service area 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 resolution or 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. [1973 c 65 § 1.]

36.68.620 ENLARGEMENT BY INCLUSION OF ADDITIONAL AREA—PROCEDURE. After a park and recreation service area 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 service area, and all electors within both the organized park and recreation service area and the proposed additional territory shall vote upon the proposition for enlargement. [1973 c 65 § 2.]

Chapter 36.69  
RECREATION DISTRICTS ACT

36.69.140 SPECIAL LEVIES AUTHORIZED—BONDS. A park and recreation district 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, 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 three-eighths of one percent of the value of the taxable property within such district, as the term "value of the taxable property" is defined in RCW 39.36.015, and may provide for the retirement thereof by levies in excess of dollar rate limitations in accordance with the provisions of RCW 84.52.056. [1973 1st ex.s. c 195 § 40; 1970 ex.s. c 42 § 20; 1969 c 26 § 5; 1967 c 63 § 5; 1963 c 4 § 36.69.140. Prior: 1961 c 272 § 5; 1959 c 304 § 6; 1957 c 58 § 14.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 36.70  
PLANNING ENABLING ACT

36.70.060 REGIONAL PLANNING COMMISSION—APPOINTMENT AND POWERS.

Cross Reference:

Commission as employer for retirement system purposes: RCW 41.40.010.

36.70.320 COMPREHENSIVE PLAN. Each planning agency shall prepare a comprehensive plan for the orderly physical development of the county, or any portion thereof, 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.

Any comprehensive plan adopted for a portion of a county shall not be deemed invalid on the ground that the remainder of the county is not yet covered by a comprehensive plan. \*This 1973 amendatory act shall also apply to comprehensive plans adopted for portions of a county prior to April 24, 1973. [1973 1st ex.s. c 172 § 1; 1963 c 4 § 36.70.320. Prior: 1959 c 201 § 32.]

\*Reviser's note: "This 1973 amendatory act" refers to 1973 1st ex.s. c 172 § 1 which amended this section.

Chapter 36.72  
PRINTING

36.72.050 PROCEDURE WHERE COUNTY HAS NO NEWSPAPER—ADVERTISEMENT FOR PROPOSALS FOR PRINTING. The county auditor, at least five weeks, but not more than eight weeks, before the meeting of the county legislative authority 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 county legislative authority shall not be compelled in any event to accept any bid for a greater price than four dollars and twenty cents per folio of one hundred words for the first insertion, and three dollars and fifteen cents per folio of one hundred words for each subsequent insertion, or its equivalent in number of words. [1973 1st ex.s. c 28 § 1; 1969 ex.s. c 43 § 1; 1963 c 4 § 36.72.050. Prior: 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.]

Chapter 36.82  
ROADS AND BRIDGES—FUNDS—BUDGET

36.82.040 GENERAL TAX LEVY FOR ROAD FUND—EXCEPTION. 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 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 two dollars and twenty-five cents per thousand dollars of assessed value 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 except that revenue diverted under RCW 36.33.220 shall be placed in a separate and identifiable account within the county current expense fund. [1973 1st ex.s. c 195 § 41; 1971 ex.s. c 25 § 2; 1963 c 4 § 36.82.040. Prior: 1937 c 187 § 7; RRS § 6450-7.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

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. [1973 1st ex.s. c 97 § 1; 1963 c 4 § 36.90.010. Prior: 1913 c 47 § 2; RRS § 2746.]

Severability—1973 1st ex.s. c 97: "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." [1973 1st ex.s. c 97 § 8.]

36.90.020 FAIR COMMISSION ABOLISHED—RIGHTS, DUTIES AND OBLIGATIONS DEVOLVED UPON LEWIS COUNTY COMMISSIONERS—PROPERTY VESTED IN LEWIS COUNTY. The southwest Washington fair commission heretofore established and authorized under the provisions of this chapter is abolished and all rights, duties and obligations of such commission is devolved upon the board of county commissioners of Lewis county and title to or all interest in real estate, choses in action and all other assets, including but not limited to assignable contracts, cash, deposits in county funds (including any interest or premiums thereon), equipment, buildings, facilities, and appurtenances thereto held as of the date of passage of this 1973 amendatory act by or for the commission shall, on the effective date of this 1973 amendatory act vest in Lewis county. [1973 1st ex.s. c 97 § 2; 1963 c 4 § 36.90.020. Prior: 1959 c 34 § 1; 1913 c 47 § 3; RRS § 2747; prior: 1909 c 237 § 4.]

Reviser's note: The effective date of 1973 1st ex.s. c 97 was July 16, 1973.

Severability—1973 1st ex.s. c 97: See note following RCW 36.90.010.

36.90.030 ADMINISTRATORS—ORGANIZATION OF COMMISSION—FUNDS. The board of county commissioners in the county of Lewis as administrators of all property relating to the southwest Washington fair may elect to appoint a commission of citizens to advise and assist in carrying out such fair. The chairman of the board of county commissioners of Lewis county shall be chairman

of any such commission. Such commission may elect a president and secretary and define their duties and fix their compensation, and provide for the keeping of its records. The commission may also designate the treasurer of Lewis county as fair treasurer. The funds relating to fair activities 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. Fair funds shall be audited as are other county funds. [1973 1st ex.s. c 97 § 3; 1963 c 4 § 36.90.030. Prior: 1913 c 47 § 4; RRS § 2748.]

Severability--1973 1st ex.s. c 97: See note following RCW 36.90.010.

36.90.040 FAIR DEEMED COUNTY AND DISTRICT FAIR AND AGRICULTURAL FAIR. The southwest Washington fair shall be deemed a county and district fair for the purposes of chapter 15.76 RCW as well as an agricultural fair for the purpose of receiving allocations of funds under RCW 15.76.140 through 15.76.165. [1973 1st ex.s. c 97 § 4; 1963 c 4 § 36.90.040. Prior: 1913 c 47 § 5; RRS § 2749.]

Severability--1973 1st ex.s. c 97: See note following RCW 36.90.010.

36.90.050 ACQUISITION, IMPROVEMENT, CONTROL OF PROPERTY. The Lewis county board of county commissioners may acquire by gift, exchange, devise, lease, or purchase, real property for southwest Washington fair purposes and may construct and maintain temporary or permanent improvements suitable and necessary for the purpose of holding and maintaining the southwest Washington fair. Any such property deemed surplus by the board may be (1) sold at private sale after notice in a local publication of general circulation, or (2) exchanged for other property after notice in a local publication of general circulation. [1973 1st ex.s. c 97 § 5; 1963 c 4 § 36.90.050. Prior: 1959 c 34 § 2.]

Severability--1973 1st ex.s. c 97: See note following RCW 36.90.010.

36.90.060 AGENT MAY MANAGE PROPERTY. [1963 c 4 § 36.90.060. Prior: 1959 c 34 § 3.] Repealed by 1973 1st ex.s. c 97 § 7.

36.90.070 CONVEYANCE OF PROPERTY TO LEWIS COUNTY FOR FAIR PURPOSES. Upon payment to the state of Washington by Lewis county of the sum of one dollar, which sum shall be deposited in the general fund when received by the treasurer of the state of Washington, such

treasurer is authorized and directed to certify to the governor and secretary of state that such payment has been made on the following described property presently utilized for southwest Washington fair purposes situated in Lewis county, Washington: "Beginning at the intersection of the south line of section Seventeen (17) Township Fourteen (14) North of Range Two (2) West of W.M. with the West right-of-way line of the Somerville consent Road, and running thence North 15 degrees 20 feet East along the West line of said Road, Eleven Hundred Forty-four (1144) feet, thence North 2 degrees 33 feet West along the said west line Seventy-four and four-tenths (74.4) feet, thence west on a line parallel with the said south line of said Section Seventeen (17) Eleven Hundred Sixty-seven and two tenths (1167.2) feet to within one hundred fifty (150) feet to the Center line of the Northern Pacific Railroad, thence south 16 degrees 20 feet West on a line parallel with and one hundred fifty (150) feet distant Easterly from the Center line of the Northern Pacific Railroad Eleven Hundred and Thirty-five and seven-tenths (1135.7) feet, thence East on a line parallel with and Eighty-seven and three-tenths (87.3) feet north of the south line of said section seventeen (17) eight hundred fifty-seven (857) feet, thence south 74 degrees 40 feet East three hundred thirty (330) feet to the point of beginning, containing thirty (30) acres in Section Seventeen (17) Township Fourteen (14) North of Range Two (2) West of W.M." and the governor is thereby authorized and directed forthwith to execute and the secretary of state is authorized and directed to attest to a deed conveying said lands to Lewis county, Washington. The office of the attorney general and the commissioner of public lands shall offer any necessary assistance in carrying out such conveyance. [1973 1st ex.s. c 97 § 6.]

Severability--1973 1st ex.s. c 97: See note following RCW 36.90.010.

Chapter 36.93  
LOCAL GOVERNMENTAL ORGANIZATION--BOUNDARIES--REVIEW BOARDS

36.93.110 WHEN REVIEW NOT NECESSARY. In case of annexation to a city or a town, where the area proposed for annexation is less than ten acres and less than eight hundred thousand dollars in assessed valuation, the chairman of the review board may by written statement declare that review by the board is not necessary for the protection of the interest of the various parties, in which case the board shall not review such annexation. [1973 1st ex.s. c 195 § 42; 1967 c 189 § 11.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

Chapter 36.95  
TELEVISION RECEPTION IMPROVEMENT DISTRICTS

36.95.170 DISTRICT BOARD—BONDING OF MEMBERS. [1971 ex.s. c 155 § 17.] Repealed by 1973 c 55 § 1.

Construction of repeal: "Section 1 of this act shall not have the effect of terminating, or in any way modifying, any liability which shall already be in existence at the date this act becomes effective." [1973 c 55 § 2.]

TITLE 38  
MILITIA AND MILITARY AFFAIRS

Sections added, amended, or repealed:

Chapter 38.04 General Provisions.

38.04.030 Composition of the militia.

Chapter 38.20 Armories and Rifle Ranges.

38.20.010 Regulations governing armories.

Chapter 38.24 Claims and Compensation.

38.24.010 Payment of military claims.

Chapter 38.44 Enrollment of Persons.

38.44.010 Commander-in-chief may order enrollment.

Chapter 38.52 Emergency Services.

38.52.030 Department of emergency services created—Director, powers and duties—Communications coordinating committee—State coordinator of search and rescue operations.

38.52.300 Right of action against third party.

Chapter 38.04  
GENERAL PROVISIONS

38.04.030 COMPOSITION OF THE MILITIA. The militia of the state of Washington shall consist of all able bodied citizens of the United States and all other able bodied persons 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 persons who are members of the national guard, and said militia shall be divided into two classes, the organized militia

and the unorganized militia. [1973 1st ex.s. c 154 § 55; 1963 c 74 § 1; 1943 c 130 § 2; Rem. Supp. 1943 § 8603-2. Prior: 1917 c 107 § 1; 1909 c 134 § 2; 1895 c 108 § 2.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 38.20  
ARMORIES AND RIFLE RANGES

38.20.010 REGULATIONS GOVERNING ARMORIES. 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 general may, during an emergency, permit transient lodging of service personnel 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. [1973 1st ex.s. c 154 § 56; 1963 c 149 § 1; 1949 c 125 § 1; 1947 c 204 § 1; 1943 c 130 § 93; Rem.



Supp. 1949 § 8603-93. Prior: 1923 c 49 § 5; 1917 c 8 § 1; 1909 c 134 § 97; 1907 c 55 § 11; 1903 c 115 §§ 19, 20.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 38.24  
CLAIMS AND COMPENSATION

38.24.010 PAYMENT OF MILITARY CLAIMS. All bills, claims and demands for military purposes shall be certified or verified and audited in the manner prescribed by regulations promulgated by the governor and shall be paid by the state treasurer from funds available for that purpose: PROVIDED, HOWEVER, That in all cases where the organized militia, or any part thereof, is called into the service of the state in case of war, riot, insurrection, invasion, breach of the peace, or to execute or enforce the laws, warrants for allowed pay and expenses for such services or compensation for injuries or death shall be drawn upon the general fund of the state treasury and paid out of any moneys in said fund not otherwise appropriated. All such warrants shall be the obligation of the state and shall bear interest at the legal rate from the date of their presentation for payment. [1973 c 106 § 14; 1943 c 130 § 42; Rem. Supp. 1943 § 8603-42. Prior: 1917 c 107 § 36; 1909 c 134 § 56, part; 1895 c 108 § 91, part.]

Chapter 38.44  
ENROLLMENT OF PERSONS

38.44.010 COMMANDER-IN-CHIEF MAY ORDER ENROLLMENT. Whenever the commander-in-chief shall deem it necessary, in event of, or imminent danger of war, insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breach of the peace, he may order an enrollment by counties of all persons subject to military duty, designating the county assessor or some other person for each county to act as county enrolling officer. Each county enrolling officer may appoint such assistant or assistants as may be authorized by the commander-in-chief. In each county the enrollment shall include every sane able bodied inhabitant not under sentence for an infamous crime, who is more than eighteen and less than forty-five years of age. The enrollment shall be made in triplicate and shall state the name, residence, age, occupation and previous or existing military or naval service of each person enrolled. When complete the rolls shall be verified under oath by the enrolling officer, who shall immediately thereupon file one copy with the adjutant general of the state and another with the county auditor, retaining

the third copy for himself. [1973 1st ex.s. c 154 § 57; 1909 c 134 § 4; 1895 c 108 § 4; RRS § 8456.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 38.52  
EMERGENCY SERVICES

38.52.030 DEPARTMENT OF EMERGENCY SERVICES CREATED—DIRECTOR, POWERS AND DUTIES—COMMUNICATIONS COORDINATING COMMITTEE—STATE COORDINATOR OF SEARCH AND RESCUE OPERATIONS. (1) There is hereby created within the executive branch of the state government a department of emergency services and a director of emergency services (hereinafter called the director) who shall be the head thereof. The director shall be appointed by the governor with the advice and consent of the senate; the director shall not hold any other state office; the director shall hold office during the pleasure of the governor, and shall be compensated at the rate established by the governor's advisory committee on salaries and wages.

(2) The director may employ such technical, clerical, stenographic, and other personnel and may make such expenditures within the appropriation therefor, or from other funds made available for purposes of emergency services, as may be necessary to carry out the purposes of this chapter.

(3) The director and other personnel of the department shall be provided with appropriate office space, furniture, equipment, supplies, stationery, and printing in the same manner as provided for personnel of other state agencies.

(4) The director, subject to the direction and control of the governor, shall be the executive head of the department and shall be responsible to the governor for carrying out the program for emergency services of this state. The director shall coordinate the activities of all organizations for emergency services within the state, and shall maintain liaison with and cooperate with emergency services agencies and organizations of other states and of the federal government, and shall have such additional authority, duties, and responsibilities authorized by this chapter, as may be prescribed by the governor.

(5) The director shall appoint a communications coordinating committee consisting of six persons with the director as chairman thereof. Three of the members shall be appointed from qualified, trained and experienced telephone communications administrators or engineers actively engaged in such work within the state of Washington at the time of appointment, and three of the members shall be appointed from qualified, trained and experienced radio communication administrators or engineers actively engaged in such work

within the state of Washington at the time of appointment. This committee shall be given full and complete authority over all plans for the direction and control of any communications facilities or functions to be operated or controlled under the provisions of this chapter by the department of emergency services, except supplemental emergency communications facilities under the direction of any local organization for emergency services.

(6) The director shall appoint a state coordinator of search and rescue operations, who shall coordinate those state resources, services and facilities (other than those for which the state director of aeronautics is directly responsible) requested by political subdivisions in support of search and rescue operations, and who shall on request maintain liaison with and coordinate the resources, services, and facilities of political subdivisions when more than one political subdivision is engaged in joint search and rescue operations. [1973 1st ex.s. c 154 § 58; 1967 c 203 § 3; 1951 c 178 § 4.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

38.52.300 RIGHT OF ACTION AGAINST THIRD PARTY. If the injury to an emergency services worker is due to the negligence or wrong of another not on emergency services duty, the injured worker, or if death results from the injury, the surviving spouse, children, parents or dependents, as the case may be, shall elect whether to take under this chapter or seek a remedy against such other, such election to be in advance of any suit under this chapter; and if the surviving spouse takes under this chapter, the cause of action against such other shall be assigned to the department of emergency services; if the other choice is made, the compensation under this chapter shall be only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated for such case under authority of this chapter: PROVIDED, That the department of emergency services shall prosecute all claims assigned to it and do any and all things necessary to recover on behalf of the state any and all amounts which an employer or insurance carrier might recover under the provisions of the law. [1973 1st ex.s. c 154 § 59; 1953 c 223 § 14.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

#### TITLE 39

#### PUBLIC CONTRACTS AND INDEBTEDNESS

Sections added, amended, or repealed:

#### Chapter 39.04 Public Works.

- 39.04.120 Pollution and preservation of natural resources laws to be included in bidding invitations—Change orders—Costs—Arbitration.  
39.04.130 Application of RCW 39.04.120.

#### Chapter 39.12 Prevailing Wages on Public Works.

- 39.12.050 Penalty for false certificate—Unpaid wages lien against contractor's bond.

#### Chapter 39.16 Resident Employees on Public Works.

- 39.16.005 Employment of resident employees—Percentage specified—Wages.

#### Chapter 39.33 Intergovernmental Disposition of Property.

- 39.33.010 Sale, exchange, transfer, lease of public property authorized—Section deemed alternative.

#### Chapter 39.34 Interlocal Cooperation Act.

- 39.34.020 Definitions.

#### Chapter 39.53 Refunding Bond Act.

- 39.53.010 Definitions.  
39.53.030 Bonds may be exchanged for outstanding bonds or sold.  
39.53.040 What bonds may be refunded—Advance refunding, redemption times for refunding and refunded bonds—Redemption premiums.  
39.53.060 Application of proceeds of sale of advance refunding bonds and other funds—Investment in government obligations—Incidental expenses.  
39.53.070 Application of proceeds of sale of advance refunding bonds and other funds—Contracts for safe-keeping and application—Use to pay and secure advance refunding bonds—Pledge of revenues—Duty to provide sufficient money to accomplish refunding.  
39.53.100 Use of deposit moneys and investments in computing indebtedness.  
39.53.140 Issuance of general obligation bonds to refund revenue obligations.

#### Chapter 39.58 Public Funds--Deposits and Investments--Public Depositaries.

- 39.58.010 Definitions.  
39.58.020 Public deposits—Protection against loss.

- 39.58.050 Collateral for deposits—Segregation—Eligible securities—Investigations.
- 39.58.060 Losses—Procedure for payment.
- 39.58.070 Subrogation of commission to depositor's rights—Sums received from distribution of assets, payment.

Chapter 39.04  
PUBLIC WORKS

39.04.120 POLLUTION AND PRESERVATION OF NATURAL RESOURCES LAWS TO BE INCLUDED IN BIDDING INVITATIONS—CHANGE ORDERS—COSTS—ARBITRATION. All invitations for bid proposals for public construction projects issued by the state of Washington, its authorities or agencies, or any political subdivision of the state, shall set forth in the contract documents to the extent they are reasonably obtainable by the public awarding authority those provisions of federal, state and local statutes, ordinances and regulations dealing with the prevention of environmental pollution and the preservation of public natural resources that affect or are affected by the projects. If the successful bidder must undertake additional work due to the enactment of new or the amendment of existing statutes, ordinances, rules or regulations occurring after the submission of the successful bid, the awarding agency shall issue a change order setting forth the additional work that must be undertaken, which shall not invalidate the contract. The cost of such a change order to the awarding agency shall be determined in accordance with the provisions of the contract for change orders or force accounts or, if no such provision is set forth in the contract, then the cost to the awarding agency shall be the contractor's costs for wages, labor costs other than wages, wage taxes, materials, equipment rentals, insurance, and subcontracts attributable to the additional activity plus a reasonable sum for overhead and profit: PROVIDED, That such additional costs to undertake work not specified in the contract documents shall not be approved unless written authorization is given the successful bidder prior to his undertaking such additional activity. In the event of a dispute between the awarding agency and the successful bidder, arbitration procedures may be commenced under the applicable terms of the construction contract, or, if the contract contains no such provision for arbitration, the then obtaining rules of the American arbitration association. [1973 1st ex.s. c 62 § 1.]

Cross Reference:

Delay due to litigation, change orders, costs, arbitration, termination: RCW 60.28.080.

Severability—1973 1st ex.s. c 62: "If any provision or part of this 1973 act shall be judged to be invalid or unconstitutional, such adjudication shall not affect the validity of any provision or part of this 1973 act not adjudged invalid or unconstitutional." [1973 1st ex.s. c 62 § 4.] This applies to RCW 39.04.120, 39.04.130 and 60.28.080.

39.04.130 APPLICATION OF RCW 39.04-.120. RCW 39.04.120 shall take effect in ninety days but shall not apply to any contract awarded pursuant to an invitation for bids issued on or before the date it takes effect, or to any persons or bonds in respect of any such contract. [1973 1st ex.s. c 62 § 2.]

Chapter 39.12  
PREVAILING WAGES ON PUBLIC WORKS

39.12.050 PENALTY FOR FALSE CERTIFICATE—UNPAID WAGES LIEN AGAINST CONTRACTOR'S BOND. Any contractor or subcontractor who shall upon his oath verify any statement required to be filed under this chapter which is known by him to be false, or is made without knowledge in reckless disregard of the truth, shall, after a finding to that effect in a hearing held by the director of the department of labor and industries, subject to the provisions of chapter 34.04 RCW, be subject to a civil penalty not to exceed five hundred dollars, and shall not be permitted to bid on any contract covered by the provisions of this chapter until such penalty has been paid in full to the director.

To the extent that a contractor or subcontractor has not paid wages at the rate required by this chapter, and a finding to that effect has been made as provided by this section, such unpaid wages shall constitute a lien of the first priority against such contractor's or subcontractor's bond according to the provisions of RCW 18.27.040. [1973 c 120 § 1; 1945 c 63 § 5; Rem. Supp. 1945 § 10322-24.]

Chapter 39.16  
RESIDENT EMPLOYEES ON PUBLIC WORKS

39.16.005 EMPLOYMENT OF RESIDENT EMPLOYEES—PERCENTAGE SPECIFIED—WAGES. In all contracts let by the state, or any department thereof, or any county, city, or town for the erection, construction, alteration, demolition, or repair of any public building, structure, bridge, highway, or any other kind of public work or improvement, the contractor or subcontractor shall employ ninety-five percent or more bona fide Washington residents as employees where more than forty persons are employed, and ninety percent or more

bona fide Washington residents as employees where forty or less persons are employed. The contractor shall pay the standard prevailing wages for the specific type of construction as determined by the United States department of labor in the city or county where the work is being performed. The term "resident", as used in this chapter, shall mean any person who has been a bona fide resident of the state of Washington for a period of ninety days prior to such employment: PROVIDED, That in contracts involving the expenditure of federal aid funds this chapter shall not be enforced in such manner to conflict with or be contrary to the federal statutes, rules, and regulations prescribing a labor preference to honorably discharged soldiers, sailors, and marines, or prohibiting as unlawful any other preference or discrimination among the citizens of the United States: PROVIDED FURTHER, That this section shall not apply to any employees who are residents of any state bordering on the state of Washington if such bordering state does not restrict the right of a resident of Washington to be employed in the performance of all contracts let by the bordering state, or any department thereof, or any county, city, or town for the erection, construction, alteration, demolition, or repair of any public building, structure, bridge, highway, or any other kind of public work or improvement. [1973 1st ex.s. c 29 § 1; 1972 ex.s. c 28 § 1.]

Chapter 39.33  
INTERGOVERNMENTAL DISPOSITION OF PROPERTY

39.33.010 SALE, EXCHANGE, TRANSFER, LEASE OF PUBLIC PROPERTY AUTHORIZED--SECTION DEEMED ALTERNATIVE. (1) The state or any municipality or any political subdivision thereof, may sell, transfer, exchange, lease or otherwise dispose of any property, real or personal, or property rights, including but not limited to the title to real property, to the state or any municipality or any political subdivision thereof, or the federal government, on such terms and conditions as may be mutually agreed upon by the proper authorities of the state and/or the subdivisions concerned: PROVIDED, That such property is determined by decree of the superior court in the county where such property is located, after publication of notice of hearing is given as fixed and directed by such court, to be either necessary, or surplus or excess to the future foreseeable needs of the state or of such municipality or any political subdivision thereof concerned, which requests authority to transfer such property.

(2) This section shall be deemed to provide an alternative method for the doing of the things authorized herein, and shall not be construed as imposing any additional condition upon the exercise of

any other powers vested in the state, municipalities or political subdivisions.

(3) No intergovernmental transfer, lease, or other disposition of property made pursuant to any other provision of law prior to May 23, 1972 shall be construed to be invalid solely because the parties thereto did not comply with the procedures of this section. [1973 c 109 § 1; 1972 ex.s. c 95 § 1; 1953 c 133 § 1.]

Chapter 39.34  
INTERLOCAL COOPERATION ACT

39.34.020 DEFINITIONS. For the purposes of this chapter, the term "public agency" shall mean any city, town, county, public utility district, port district, fire protection district, school district, air pollution control authority, Indian tribe recognized as such by the federal government, or metropolitan municipal corporation of this state; any agency of the state government or of the United States; and any political subdivision of another state.

The term "state" shall mean a state of the United States. [1973 c 34 § 1; 1971 c 33 § 1; 1969 c 88 § 1; 1969 c 40 § 1; 1967 c 239 § 3.]

Chapter 39.53  
REFUNDING BOND ACT

39.53.010 DEFINITIONS. Except where the context otherwise requires, the terms defined in this section shall for all purposes have the meanings herein specified:

(1) "Governing body" means the council, commission, board of commissioners, board of directors, board of trustees, board of regents, or other legislative body of the public body designated herein in which body the legislative powers of the public body are vested: PROVIDED, That with respect to the state it shall mean the state finance committee.

(2) "Public body" means the state of Washington, its agencies, institutions, political subdivisions, and municipal and quasi municipal corporations now or hereafter existing under the laws of the state of Washington.

(3) "Bond" means any revenue bond or general obligation bond.

(4) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or other obligation for the payment of money issued by a public body or any predecessor of any public body and which is payable from designated revenues or a special fund but excluding any obligation constituting an indebtedness within the meaning of the constitutional debt limitation and any obligation payable solely from special assessments or special assessments and a guaranty fund.

(5) "General obligation bond" means any bond, note, warrant, certificate of indebtedness, or other obligation of a public body which constitutes an indebtedness within the meaning of the constitutional debt limitation.

(6) "Advance refunding bonds" means bonds issued for the purpose of refunding bonds first subject to redemption or maturing one year or more from the date of the advance refunding bonds.

(7) "Issuer" means the public body issuing any bond or bonds.

(8) "Ordinance" means an ordinance of a city or town or resolution or other instrument by which the governing body of the public body exercising any power hereunder takes formal action and adopts legislative provisions and matters of some permanency.

(9) "Government obligations" means any of the following: (a) Direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America and bank certificates of deposit secured by such obligations; (b) bonds, debentures, notes, participation certificates, or other obligations issued by the banks for cooperatives, the federal intermediate credit bank, the federal home loan bank system, the export-import bank of the United States, federal land banks, or the federal national mortgage association; (c) public housing bonds and project notes fully secured by contracts with the United States; and (d) obligations of financial institutions insured by the federal deposit insurance corporation or the federal savings and loan insurance corporation, to the extent insured or to the extent guaranteed as permitted under any other provision of state law.

(10) Words used herein importing singular or plural number may be construed so that one number includes both. [1973 1st ex.s. c 25 § 1; 1965 ex.s. c 138 § 2.]

39.53.030 BONDS MAY BE EXCHANGED FOR OUTSTANDING BONDS OR SOLD. Any bonds issued for refunding purposes may be delivered in exchange for the outstanding bonds being refunded or may be sold in such manner and at such price as the governing body may in its discretion determine advisable. [1973 1st ex.s. c 25 § 2; 1965 ex.s. c 138 § 4.]

39.53.040 WHAT BONDS MAY BE REFUNDED--ADVANCE REFUNDING, REDEMPTION TIMES FOR REFUNDING AND REFUNDED BONDS--REDEMPTION PREMIUMS. Bonds may be refunded hereunder or under any other law of this state which authorizes the issuance of refunding bonds when the holders thereof voluntarily surrender them for exchange or payment, or, if they mature or are subject to redemption prior to maturity within fifteen years from the date of the refunding bonds. In any advance refunding plan

under this chapter the governing body shall provide irrevocably in the ordinance authorizing the issuance of the advance refunding bonds for the redemption of the bonds to be refunded not later than six months from the date they are first subject to redemption at par or fifteen years from the date of issuance of the refunding bonds, whichever is sooner.

The ordinance authorizing the issuance of advance refunding bonds pursuant to this chapter shall contain a provision that such bonds shall be subject to redemption not later than five years from date of such bonds or six months after the first date on which the bonds to be refunded may be redeemed, whichever is later. If more than one issue or series of bonds are being refunded by a single issue or series of advance refunding bonds, such advance refunding bonds must be subject to redemption not later than five years from date of issue or six months after the first date on which the series or issue of bonds being refunded having the latest first redemption date may be redeemed. The governing body may fix any redemption premium or premiums as it may in its discretion determine advisable. [1973 1st ex.s. c 25 § 3; 1965 ex.s. c 138 § 5.]

39.53.060 APPLICATION OF PROCEEDS OF SALE OF ADVANCE REFUNDING BONDS AND OTHER FUNDS--INVESTMENT IN GOVERNMENT OBLIGATIONS--INCIDENTAL EXPENSES. Prior to the application of the proceeds derived from the sale of advance refunding bonds to the purposes for which such bonds shall have been issued, such proceeds, together with any other funds the governing body may set aside for the payment of the bonds to be refunded, may be invested and reinvested only in government obligations maturing or having guaranteed redemption prices at the option of the holder at such time or times as may be required to provide funds sufficient to pay principal, interest and redemption premiums, if any, in accordance with the advance refunding plan. To the extent incidental expenses have been capitalized, such bond proceeds may be used to defray such expenses. [1973 1st ex.s. c 25 § 4; 1965 ex.s. c 138 § 7.]

39.53.070 APPLICATION OF PROCEEDS OF SALE OF ADVANCE REFUNDING BONDS AND OTHER FUNDS--CONTRACTS FOR SAFEKEEPING AND APPLICATION--USE TO PAY AND SECURE ADVANCE REFUNDING BONDS--PLEDGE OF REVENUES--DUTY TO PROVIDE SUFFICIENT MONEY TO ACCOMPLISH REFUNDING. The governing body may contract with respect to the safekeeping and application of the advance refunding bond proceeds and other funds included therewith and the income therefrom including the right to appoint a trustee which may be any trust company or state or national bank having powers of a trust company within or without the state of Washington.

The governing body may provide in the refunding plan that until such moneys are required to redeem or retire the general obligation or revenue bonds to be refunded, the refunding bond proceeds and other funds, and the income therefrom shall be used to pay and secure the payment of the principal of and interest on the advance refunding bonds. The governing body may additionally pledge for the payment of such revenue refunding bonds any revenues which might legally be pledged for the payment of revenue bonds of the issuer of the type being refunded. Provisions must be made by the governing body for moneys sufficient in amount to accomplish the refunding as scheduled. [1973 1st ex.s. c 25 § 5; 1965 ex.s. c 138 § 8.]

39.53.100 USE OF DEPOSIT MONEYS AND INVESTMENTS IN COMPUTING INDEBTEDNESS. In computing indebtedness for the purpose of any constitutional or statutory debt limitation there shall be deducted from the amount of outstanding indebtedness the amounts of money and investments credited to or on deposit for general obligation bond retirement. [1973 1st ex.s. c 25 § 6; 1965 ex.s. c 138 § 11.]

39.53.140 ISSUANCE OF GENERAL OBLIGATION BONDS TO REFUND REVENUE OBLIGATIONS. The state may issue general obligation bonds to refund any special revenue obligations of the state at or prior to the date they mature or are subject to redemption. [1973 1st ex.s. c 25 § 7.]

#### Chapter 39.58

#### PUBLIC FUNDS—DEPOSITS AND INVESTMENTS— PUBLIC DEPOSITARIES

#### Cross Reference:

Surplus funds in state treasury, investment program: Chapter 43.86 RCW.

39.58.010 DEFINITIONS. In this chapter, unless the context otherwise requires:

(1) "Public deposit" means moneys of the state or of any county, city or town, or other political subdivision of the state or any commission, committee, board or officer thereof or any court of the state deposited in any qualified public depository, including moneys held as trustee, agent, or bailee by the state, any county, city or town, or other political subdivision of the state, or any commission, committee, board or office thereof or any court of the state, when deposited in any qualified public depository;

(2) "Qualified public depository" means a state bank or trust company or national banking association located in this state which receives or holds public deposits and segregates eligible collateral for

public deposits as described in RCW 39.58-.050 as now or hereafter amended;

(3) "Loss" means issuance of an order of supervisory authority restraining a qualified public depository from making payments of deposit liabilities or the appointment of a receiver for a qualified public depository;

(4) "Commission" means the Washington public deposit protection commission created under RCW 39.58.030;

(5) "Eligible collateral" means collateral which is eligible as security for public deposits pursuant to applicable state law;

(6) The "maximum liability" of a qualified public depository means a sum equal to five percent of all public deposits held by the qualified public depository as determined by the average of the balances of said public deposits on the last four immediately preceding reports required pursuant to RCW 39.58.100, less any assessments made under this chapter;

(7) "Public funds available for investment" means such public funds as are in excess of the anticipated cash needs throughout the duration of the contemplated investment period;

(8) "Investment deposits" means bank time deposits of public funds available for investment;

(9) "Treasurer" shall mean the state treasurer, a county treasurer, a city treasurer, a treasurer of any other municipal corporation, and the custodian of any other public funds. [1973 c 126 § 9; 1969 ex.s. c 193 § 1.]

39.58.020 PUBLIC DEPOSITS—PROTECTION AGAINST LOSS. On and after August 11, 1969, all public deposits in qualified public depositories, including investment deposits and accrued interest thereon, shall be protected against loss, as provided in this chapter. [1973 c 126 § 10; 1969 ex.s. c 193 § 2.]

39.58.050 COLLATERAL FOR DEPOSITS—SEGREGATION—ELIGIBLE SECURITIES—INVESTIGATIONS. (1) Every qualified public depository shall at all times maintain, segregated from its other assets, eligible collateral in the form of securities enumerated in this section having a value at least equal to its maximum liability under this chapter. Such collateral may be segregated by deposit in the trust department of the depository or in such other manner as the commission approves and shall be clearly designated as security for the benefit of public depositors under this chapter. (2) Securities eligible as collateral shall be valued at face value or market value as determined by the commission. (3) The depository shall have the right to make substitutions of such collateral at any time. (4) The income from the securities which have been

segregated as collateral shall belong to the depository bank without restriction.

Each of the following enumerated classes of securities, providing there has been no default in the payment of principal or interest thereon, shall be eligible to qualify as collateral:

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

(b) (i) Direct and general obligation bonds and warrants of the state of Washington or of any other state of the United States;

(ii) Revenue bonds of this state or any authority, board, commission, committee, or similar agency thereof;

(c) Direct and general obligation bonds and warrants of any city, town, county, school district, port district, or other political subdivision of the state, having the power to levy general taxes, which are payable from general ad valorem taxes;

(d) Bonds issued by public utility districts as authorized under the provisions of Title 54 RCW, as now or hereafter amended;

(e) Bonds of any city of the state of Washington for the payment of which the entire revenues of the city's water system, power and light system, or both, less maintenance and operating costs, are irrevocably pledged, even though such bonds are not general obligations of such city;

(f) In addition to the securities enumerated in subsections (a) through (e) of this section, every public depository may also segregate such bonds, securities and other obligations as are designated to be authorized security for all public deposits pursuant to RCW 35.58.510, 35.81.110, 35.82.220, 39.60.030, 39.60.040 and 54.24-.120, as now or hereafter amended.

The commission may at any time or times declare any particular security as ineligible to qualify as collateral when in the commission's judgment it is deemed desirable to do so.

The commission may require the state auditor or the supervisor of banking to thoroughly investigate and report to it concerning the condition of any bank which makes application to become a qualified public depository for state funds, and may also as often as it deems necessary require such investigation and report concerning the condition of any bank which has been designated as such depository, with the expense of the investigation to be borne by the depository examined. In lieu of such investigation or report, the commission may rely upon reports made available to it by the comptroller of the currency and the director of the federal deposit insurance corporation. [1973 c 126 § 11; 1969 ex.s. c 193 § 5.]

39.58.060 LOSSES—PROCEDURE FOR PAYMENT. When the commission determines that a loss has occurred, it shall as soon as possible make payment to the proper public officers of all funds subject to such loss, pursuant to the following procedures: (1) For the purposes of determining the sums to be paid, the supervisor of banking or receiver shall, within twenty days after issuance of a restraining order or taking possession of any qualified public depository, ascertain the amount of public funds on deposit therein as disclosed by its records and the amount thereof covered by deposit insurance and certify the amounts thereof to the commission and each such public depositor; (2) within ten days after receipt of such certification, each such public depositor shall furnish to the commission verified statements of its deposits in such depository as disclosed by its records; (3) upon receipt of such certificate and statements, the commission shall ascertain and fix the amount of such public deposits, net after deduction of any deposit insurance, and assess the same against all then qualified public depositaries, as follows: First, against the depository in which the loss occurred, to the extent of the full value of collateral segregated pursuant to this chapter; second, against all other then qualified public depositaries in proportion to their maximum liability which existed at the date of loss; (4) assessments made by the commission shall be payable on the second business day following demand, and in case of the failure of any qualified public depository so to pay, the commission shall forthwith take possession of the securities segregated as collateral by such depository pursuant to this chapter and liquidate the same for the purpose of paying such assessment; (5) upon receipt of such assessment payments, the commission shall reimburse the public depositors of the depository in which the loss occurred to the extent of the depository's net deposit liability to them. [1973 c 126 § 12; 1969 ex.s. c 193 § 6.]

39.58.070 SUBROGATION OF COMMISSION TO DEPOSITOR'S RIGHTS—SUMS RECEIVED FROM DISTRIBUTION OF ASSETS, PAYMENT. Upon payment to any public depositor, the commission shall be subrogated to all of such depositor's right, title and interest against the depository in which the loss occurred and shall share in any distribution of its assets ratably with other depositors. Any sums received from any distribution shall be paid to the public depositors to the extent of any unpaid net deposit liability and the balance remaining shall be paid to the qualified public depositaries against which assessments were made, pro rata in proportion to the assessments actually paid by each such depository: PROVIDED, That the depository in which the loss occurred shall not share



in any such distribution of the balance remaining. If the commission incurs expense in enforcing any such claim, the amount thereof shall be paid as a liquidation expense of the depository in which the loss occurred. [1973 c 126 § 13; 1969 ex.s. c 193 § 7.]

## TITLE 40

## PUBLIC DOCUMENTS, RECORDS AND PUBLICATIONS

Sections added, amended, or repealed:

Chapter 40.04 Public Documents.

- 40.04.040 Session laws—Distribution, sale, exchange—Duties of law librarian and county auditor—Surplus copies, sale, price.
- 40.04.090 Legislative journals—Distribution, sale, exchange—Duties of law librarian—Surplus sets, sale, price.
- 40.04.100 Supreme court and court of appeals reports—Distribution, exchange—Duties of law librarian.

Chapter 40.10 Microfilming of Records to Provide Continuity of Civil Government.

- 40.10.010 Essential records—Designation—List—Security and protection—Reproduction.
- 40.10.020 Reproduction of records—Storage, safeguarding of reproductions—Fees—Destruction of originals not authorized.

Chapter 40.14 Preservation and Destruction of Public Records.

- 40.14.040 Records officers—Designation—Powers and duties.
- 40.14.060 Destruction, disposition of public records, office files and memoranda.
- 40.14.070 Destruction of local government records—Preservation for historical interest—Local records committee, duties.

Chapter 40.20 Reproduced Records for Governments and Business.

- 40.20.020 Reproduction by film or photograph.

Chapter 40.04  
PUBLIC DOCUMENTS

40.04.040 SESSION LAWS—DISTRIBUTION, SALE, EXCHANGE—DUTIES OF LAW LIBRARIAN AND COUNTY AUDITOR—SURPLUS COPIES, SALE, PRICE. Session laws shall be distributed, sold and/or exchanged by the state law librarian as follows:

(1) Copies shall be given as follows: One to each United States senator and representative in congress from this state; six to the Library of Congress; one to each United States executive department as defined by section 1, title 5, of the United States Code; three to the United States supreme court library; three to the library of the circuit court of appeals of the ninth circuit; one to each United States district court room within this state; one to each office and branch office of the United States district attorneys in this state; one to each state official whose office is created by the Constitution; one to the judge advocate's office at Fort Lewis; one to each member of the legislature, session law indexer, secretary and assistant secretary of the senate, chief clerk and the assistant chief clerk of the house of representatives, the minute clerk and sergeant-at-arms of the two branches of the legislature of the sessions of which they occupied the offices and positions mentioned; one copy each to the Olympia representatives of the Associated Press and the United Press; two copies to the law library of the University of Puget Sound law school; two copies to the law library of Gonzaga University law school; and two copies to the law libraries of any accredited law schools as are hereafter established in this state.

(2) Copies, for official use only, shall be distributed as follows: One to each state department and to each division thereof; one to each state official whose office is created by the Constitution, except the governor who shall receive three copies; one each to the adjutant general, the state historical society, the state bar association, and to each state institution; one copy for each assistant attorney general who maintains his office in the attorney general's suite, and one additional copy for his stenographer's room; one copy to each prosecuting attorney and one for each of his deputies.

Sufficient copies shall be furnished for the use of the supreme court and the state law library as from time to time are needed. Eight copies shall be distributed to the University of Washington law library; one copy each to the offices of the president and the board of regents of the University of Washington, the dean of the University of Washington school of law, and to the University of Washington library; one copy to the library of each of the colleges of education (formerly called the normal schools); one copy each to the president of the Washington State University and to the Washington State University library. Six copies shall be sent to the King county law library, and one copy to each of the county law libraries organized pursuant to law in the counties of the first, second and third class; one copy to each public library in cities of the first class, and one copy to the

municipal reference branch of the Seattle public library.

At the convening of each session of the legislature the state law librarian shall deliver to the chief clerk of the house of representatives twenty copies, and to the secretary of the senate, ten copies, of the laws of the preceding general session and of any intervening session for the use of the legislators during the ensuing session but which shall be returned to the state law library at the expiration of the legislative session.

It shall be the duty of each county auditor biennially to submit to the state law librarian a list of county officers, including the prosecuting attorney and his regular full time deputies and the justices of the peace and superior court rooms regularly used by a justice of the peace or superior court judge, and the correct number of bound copies of the session laws necessary for the official use only of such officers and court rooms will be sent, transportation collect, to said county auditor who shall be responsible for the distribution thereof to the county officials entitled to receive them.

(3) Surplus copies of the session laws shall be sold and delivered by the state law librarian, in which case the price of the bound volumes shall be four dollars each. All moneys received from the sale of such bound volumes of session laws shall be paid into the state treasury for the general fund.

(4) The state law librarian is authorized to exchange bound copies of the session laws for similar laws or legal materials of other states, territories and governments, and to make such other and further distribution of the bound volumes as in his judgment seems proper. [1973 c 33 § 1; 1969 c 6 § 8; 1941 c 150 § 4; Rem. Supp. 1941 § 8217-4. Formerly RCW 40.04-.040 through 40.04.080.]

40.04.090 LEGISLATIVE JOURNALS--DISTRIBUTION, SALE, EXCHANGE--DUTIES OF LAW LIBRARIAN--SURPLUS SETS, SALE, PRICE. The house and senate journals shall be distributed and/or sold by the state law librarian as follows:

(1) Sets shall be distributed as follows: One set to each member of the legislature, secretary and assistant secretary of the senate, chief clerk and assistant to the chief clerk of the house of representatives, and to each minute clerk and sergeant-at-arms of the two branches of the legislature of which they occupy the offices and positions mentioned. One to each official whose office is created by the Constitution, and one to each state department director; three copies to the University of Washington law library; two copies to the University of Washington library; one to the King county law library; one to the Washington State University library; one to the library of

each of the colleges of education (formerly called the normal schools); one to the law library of Gonzaga University law school; one to the law library of the University of Puget Sound law school; one to the law libraries of any accredited law school as hereafter established in this state; and one to each free public library in the state which requests it.

(2) A set of the house and senate journals of the preceding general session, and of any intervening special session, shall be placed on the desk of each legislator for his use during the ensuing session, which shall be returned to the state law library at the expiration of the legislative session; and sufficient sets shall be retained for the use of the state law library.

(3) Surplus sets of the house and senate journals shall be sold and delivered by the state law librarian, in which case the price shall be fifteen dollars for those of the general sessions, and ten dollars for those of the special sessions, when separately bound, and the proceeds therefrom shall be paid to the state treasurer for the general fund.

(4) The state law librarian is authorized to exchange copies of the house and senate journals for similar journals of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution of them as in his judgment seems proper. [1973 c 33 § 2; 1941 c 150 § 5; Rem. Supp. 1941 § 8217-5.]

40.04.100 SUPREME COURT AND COURT OF APPEALS REPORTS--DISTRIBUTION, EXCHANGE--DUTIES OF LAW LIBRARIAN. The supreme court reports and the court of appeals reports shall be distributed by the state law librarian as follows:

(1) Each supreme court justice and court of appeals judge is entitled to receive one copy of each volume containing an opinion signed by him.

(2) The state law librarian shall retain such copies as are necessary of each for the benefit of the state law library, the supreme court and its subsidiary offices; and the court of appeals and its subsidiary offices; he shall provide one copy each for the official use of the attorney general and for each assistant attorney general maintaining his office in the attorney general's suite; three copies for the office of prosecuting attorney, in class A counties; two copies for such office in first class counties, and one copy for each other prosecuting attorney; one for each United States district court room and every superior court room in this state if regularly used by a judge of such courts; one copy for the use of each state department maintaining a separate office at the state capitol; one copy to the office of program planning and fiscal management, and one copy to the division of inheritance tax and escheats; one copy

each to the United States supreme court, to the United States district attorney's offices at Seattle and Spokane, to the office of the United States attorney general, the library of the circuit court of appeals of the ninth circuit, the Seattle public library, the Tacoma public library, the Spokane public library, the University of Washington library, and the Washington State University library; three copies to the Library of Congress; and, for educational purposes, twelve copies to the University of Washington law library, two copies to the University of Puget Sound law library, and two copies to the Gonzaga University law school library and to such other accredited law school libraries as are hereafter established in this state; six copies to the King county law library; and one copy to each county law library organized pursuant to law in class AA counties, class A counties and in counties of the first, second and third class.

(3) The state law librarian is likewise authorized to exchange copies of the supreme court reports and the court of appeals reports for similar reports of other states, territories, and/or governments, or for other legal materials, and to make such other and further distribution as in his judgment seems proper. [1973 c 33 § 3; 1971 c 42 § 3; 1941 c 150 § 6; Rem. Supp. 1941 § 8217-6.]

Chapter 40.10  
MICROFILMING OF RECORDS TO PROVIDE CONTINUITY OF CIVIL GOVERNMENT

40.10.010 ESSENTIAL RECORDS--DESIGNATION--LIST--SECURITY AND PROTECTION--REPRODUCTION. 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 needed in an emergency and for the reestablishment of normal operations after any such emergency. A list of such records shall be forwarded to the state archivist and director of the department of emergency services on forms prescribed by the state archivist. This list shall be reviewed at least annually by the elected or appointed officer to insure its completeness. Any changes or revisions following this review shall be forwarded to the state archivist and the director of the department of emergency services. Each such elected and appointed officer of state government shall insure that the security of essential records of his office is by the most economical means commensurate with adequate protection. Protection of essential records may be by vaulting, planned or natural dispersal of copies, or any other method approved by the state archivist and the director of the department of emergency services. Reproductions of essential

records may be by photo copy, magnetic tape, microfilm or other method approved by the state archivist. Local government offices may coordinate the protection of their essential records with the state archivist and director of the department of emergency services as necessary to provide continuity of local government under emergency conditions. [1973 c 54 § 1; 1963 c 241 § 1.]

Severability--1973 c 54: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 54 § 6.] This applies to the 1973 amendments to RCW 40.10.010, 40.10.020, 40.14.040, 40.14.060 and 40.14.070.

40.10.020 REPRODUCTION OF RECORDS--STORAGE, SAFEGUARDING OF REPRODUCTIONS--FEES--DESTRUCTION OF ORIGINALS NOT AUTHORIZED. The state archivist is authorized to reproduce those documents designated as essential records by the several elected and appointed officials of the state and local government 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 director of the department of emergency services. The state archivist is authorized to charge the several departments of the state and local government the actual cost incurred in reproducing, storing and safeguarding such documents: PROVIDED, That nothing herein shall authorize the destruction of the originals of such documents after reproduction thereof. [1973 c 54 § 2; 1963 c 241 § 2.]

Chapter 40.14  
PRESERVATION AND DESTRUCTION OF PUBLIC RECORDS

40.14.040 RECORDS OFFICERS--DESIGNATION--POWERS AND DUTIES. Each department or other agency of the state government shall designate a records officer to supervise its records program and to represent the office in all contacts with the records committee, hereinafter created, and the division of archives and records management. The records officer shall:

- (1) Coordinate all aspects of the records management program.
- (2) Inventory, or manage the inventory, of all public records at least once during a biennium for disposition scheduling and transfer action, in accordance with procedures prescribed by the state archivist and state records committee: PROVIDED,

That essential records shall be inventoried and processed in accordance with chapter 40.10 RCW at least annually.

(3) Consult with any other personnel responsible for maintenance of specific records within his state organization regarding records retention and transfer recommendations.

(4) Analyze records inventory data, examine and compare divisional or unit inventories for duplication of records, and recommend to the state archivist and state records committee minimal retentions for all copies commensurate with legal, financial and administrative needs.

(5) Approve all records inventory and destruction requests which are submitted to the state records committee.

(6) Review established records retention schedules at least annually to insure that they are complete and current.

(7) Exercise internal control over the acquisition of filming and file equipment.

(8) Report annually all savings resulting from records disposition actions to his management, the state archivist and the office of program planning and fiscal management.

If a particular agency or department does not wish to transfer records at a time previously scheduled therefor, the records officer shall, within thirty days, notify the archivist and request a change in such previously set schedule, including his reasons therefor. [1973 c 54 § 3; 1957 c 246 § 4.]

40.14.060 DESTRUCTION, DISPOSITION OF PUBLIC RECORDS, OFFICE FILES AND MEMORANDA. Official public records shall not be destroyed until they are either photographed, microphotographed, photostated, or reproduced on film, or until they are seven years old, except on a showing of the department of origin, as approved by the records committee, that the retention of such records for a minimum of seven years is both unnecessary and uneconomical, particularly where lesser federal retention periods for records generated by the state under federal programs are involved: PROVIDED, That any lesser term of retention than seven years must have the additional approval of the director of the budget, the state auditor and the attorney general, except where records have federal retention guidelines the state records committee may adjust the retention period accordingly: PROVIDED, FURTHER, That an automatic reduction of retention periods from ten to seven years as provided for in this 1973 amendatory section for official public records shall not be made as to records on existing record retention schedules but the same shall be reviewed individually by the state records committee for approval or disapproval of the change to a retention period of seven years.

Recommendations for the destruction or disposition of office files and memoranda

shall be submitted to the records committee upon approved forms prepared by the records officer of the agency concerned and the archivist. The committee shall determine the period of time that any office file or memorandum shall be preserved and may authorize the division of archives and records management to arrange for its destruction or disposition. [1973 c 54 § 4; 1957 c 246 § 6.]

40.14.070 DESTRUCTION OF LOCAL GOVERNMENT RECORDS—PRESERVATION FOR HISTORICAL INTEREST—LOCAL RECORDS COMMITTEE, DUTIES. County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the division of archives and records management, lists of such records, in triplicate, on forms prepared by the division. The archivist and the chief examiner of the division of municipal corporations of the office of the state auditor and a representative appointed by the attorney general shall constitute a committee to be known as the local records committee which shall review such lists, and may veto the destruction of any or all items contained therein.

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedule or amended schedule shall be by unanimous vote of the local records committee. Upon such approval, the schedule shall constitute authority for the local government agency to destroy the records listed thereon, after the required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

No public record other than office files and memoranda of any local government agency shall be destroyed until it is either photographed, microphotographed, photostated, or reproduced on film, or until it is seven years old, and except as otherwise provided by law no public record shall be destroyed until approved for destruction by the local records committee: PROVIDED, That where records have federal retention guidelines the local records committee may adjust the retention period accordingly: PROVIDED FURTHER, That an automatic reduction of retention periods from ten to seven years as provided for in this 1973 amendatory section for official public records shall not be made as to records on existing record retention schedules but the same shall be reviewed individually by the local records committee for approval or disapproval of the

change to a retention period of seven years.

The state archivist may furnish appropriate information, suggestions, and guidelines to local government agencies for their assistance in the preparation of lists and schedules or any other matter relating to the retention, preservation, or destruction of records under this chapter. The local records committee may adopt appropriate regulations establishing procedures to be followed in such matters.

Records of county, municipal, or other local government agencies, designated by the archivist as of primarily historical interest, may be transferred to a recognized depository agency selected by the archivist, in order to relieve local offices of the burden of housing them, to insure their preservation, and to make them available for reference or study. [1973 c 54 § 5; 1971 ex.s. c 10 § 1; 1957 c 246 § 7.]

Chapter 40.20  
REPRODUCED RECORDS FOR GOVERNMENTS AND  
BUSINESS

40.20.020 REPRODUCTION BY FILM OR PHOTOGRAPH. The head of any business or the head of any state, county or municipal department, commission, bureau or board may cause any or all records required or authorized by law to be made or kept by such official, department, commission, bureau, board or business to be photographed, microphotographed, photostated or reproduced on film for all purposes of recording documents, plats, files or papers, or copying or reproducing such records. Such film or reproducing material shall be of permanent material and the device used to reproduce such records on such film or material shall be such as to accurately reproduce and perpetuate the original records in all details, and shall be approved for the intended purpose: PROVIDED, That the forms committee shall approve such material for state records use: PROVIDED, FURTHER, That the state auditor shall approve such material for use by local governmental subdivisions. [1973 c 95 § 1; 1949 c 223 § 1; Rem. Supp. 1949 § 1257-4.]

TITLE 41  
PUBLIC EMPLOYMENT

Sections added, amended, or repealed:

Chapter 41.04 General Provisions,

- 41.04.020 Public employees—Payroll deductions authorized.  
41.04.036 Salary and wage deductions for contributions to charitable agencies—Deduction and payment

to United Fund—Regulations, procedures.

- 41.04.180 Hospitalization and medical aid for county, municipal and other political subdivision employees—Governmental contributions authorized.  
41.04.230 Payroll deductions authorized.  
41.04.250 Pension plans, tax deferred annuities or deferred compensation plans authorized for public employees.

Chapter 41.05 State Employees' Insurance and Health Care.

- 41.05.010 Definitions.  
41.05.020 State employees' insurance board—Created—Membership—Meetings—Compensation—Powers and duties.  
41.05.030 Duties of director of personnel—Cooperation of state departments and agencies enjoined.  
41.05.050 Contributions for employees and dependents.  
41.05.080 Participation by retired or disabled employees.

Chapter 41.06 State Civil Service Law.

- 41.06.070 Exemptions.  
41.06.150 Rules and regulations of board—Mandatory subjects—Veterans' preference.  
41.06.370 Hospitalization and medical aid plans—Contributions of state agencies for employees.

Chapter 41.08 Civil Service for City Firemen.

- 41.08.040 Organization of commission—Secretary—Powers and duties of commission.

Chapter 41.16 Firemen's Relief and Pensions—1947 Act.

- 41.16.010 Terms defined.  
41.16.020 Pension board created—Members—Terms—Vacancies—Officers—Quorum.  
41.16.060 Tax levy for fund. (Effective until January 1, 1974.)  
41.16.060 Tax levy for fund. (Amendment effective January 1, 1974.)  
41.16.090 Limit of pension.  
41.16.100 Payment on death of retired fireman.  
41.16.120 Payment on death in line of duty.  
41.16.140 Payment upon disablement not in line of duty.  
41.16.150 Payment on separation from service.  
41.16.160 Payment on death not in line of duty.  
41.16.170 Payment on death of fireman with no dependents.

- 41.16.230 Repeal does not affect accrued rights.
- Chapter 41.18 Firemen's Relief and Pensions—1955 Act.
- 41.18.010 Definitions.
- 41.18.040 Retirement for service—Widow's or widower's pension—Payments to children.
- 41.18.045 Pension benefits for widows or widowers of unretired, eligible firemen—Retroactive.
- 41.18.080 Payment upon disablement not in line of duty.
- 41.18.100 Payment on death in line of duty or while retired on account of service connected disability.
- 41.18.200 Minimum pension.
- Chapter 41.20 Police Relief and Pensions in First Class Cities.
- 41.20.010 Board of trustees—Composition.
- 41.20.020 Officers of board—Annual report.
- 41.20.030 Meetings—Disbursements of fund—Quorum.
- 41.20.050 Pension on retirement for years of service.
- 41.20.060 Pension on retirement for disability.
- 41.20.080 Pension on death before or after retirement.
- 41.20.085 Pension on death before or after retirement—Surviving spouse not formerly covered—"Surviving spouse" defined.
- 41.20.170 Transfer of membership.
- Chapter 41.24 Volunteer Firemen's Relief and Pensions.
- 41.24.030 State trust fund created—Composition—Investment—Use—Treasurer's report.
- 41.24.160 Death benefits.
- 41.24.170 Retirement pensions.
- 41.24.180 Lump sum payments.
- 41.24.200 Service need not be continuous nor in a single department.
- Chapter 41.26 Law Enforcement Officers' and Fire Fighters' Retirement System.
- 41.26.040 System created—Membership—Funds, transfers—Amortization of unfunded liabilities.
- 41.26.070 Washington law enforcement officers' and fire fighters' retirement fund—Created—Trustees—Custodian—Retirement system expense fund—Employer reimbursement—Legislative appropriation.
- Chapter 41.32 Teachers' Retirement.
- 41.32.190 Annual interest to be credited.
- 41.32.200 Authority over funds—Investments authorized.
- 41.32.201 Investments—General criterion specified.
- 41.32.202 Securities purchased or held for funds under state treasurer's control to be in his custody.
- 41.32.207 Authority over funds—Investment.
- 41.32.245 Certain physically incapacitated may enter system—Limitations.
- 41.32.260 Credit for military service or as state legislator.
- 41.32.310 Time limit for claiming service credit—Payments.
- 41.32.350 Contributions to annuity, disability reserve, and death benefit funds—Additional contributions.
- 41.32.405 Income fund created.
- 41.32.4931 Rights of former members receiving retirement allowance for service or disability on July 1, 1967.
- 41.32.4944 Funds required for payment of benefits to elected and appointed officials under RCW 41.32.497 and 41.32.498.
- 41.32.497 Retirement allowance for members entering system before April 25, 1973—Election.
- 41.32.498 Retirement allowance for members entering system after April 25, 1973 or in lieu of allowance under RCW 41.32.497.
- 41.32.4982 Certain moneys payable during 1973-1975 biennium to be from interest earnings.
- 41.32.499 Service retirement allowance adjustments based on cost-of-living factors.
- 41.32.520 Payment on death before retirement.
- 41.32.565 Future benefits as contractual rights for persons retiring after April 25, 1973.
- 41.32.580 Retired teacher may reenter system—Benefit limitations.
- Chapter 41.33 Teachers' Retirement—Federal Social Security.
- 41.33.020 Terms and provisions of plan.
- Chapter 41.40 Washington Public Employees' Retirement System.
- 41.40.010 Terms defined.
- 41.40.011 Effective date of certain subsections.
- 41.40.030 Retirement board—Election, terms.
- 41.40.071 Investment of funds—Deposit for current use—Validation.
- 41.40.072 Authority over funds—Investment.
- 41.40.100 System funds created.
- 41.40.120 Membership.
- 41.40.150 Termination of membership.
- 41.40.170 Credit for military service.

- 41.40.180 Retirement—Optional—Compulsory—Length of service.
- 41.40.185 Retirement allowances—Members retiring after February 25, 1972—Options.
- 41.40.190 Retirement allowance—In lieu of allowance provided in RCW 41.40.185—Election—Options.
- 41.40.193 Dates upon which retirement allowances accrue.
- 41.40.195 Adjustment in pension portion of service retirement allowance for prior pensions.
- 41.40.280 Board may withhold refunds of contributions.
- 41.40.330 Contributions.
- 41.40.361 Employer's contribution.
- 41.40.450 Classified employees—School districts—Computation provisions.
- 41.40.500 Optional entry of WSU classified employees—Definitions.
- 41.40.501 Optional entry of WSU classified employees—Transfer authorized—When membership mandatory.
- 41.40.502 Optional entry of WSU classified employees—Amounts to be transferred.
- 41.40.503 Optional entry of WSU classified employees—Deficiency payments.
- 41.40.504 Optional entry of WSU classified employees—Retention of rights and benefits under Retirement Plan.
- 41.40.505 Optional entry of WSU classified employees—Voluntary relinquishment of rights to employer contributions transferred.
- 41.40.506 Optional entry of WSU classified employees—Employee share rights upon termination from system prior to death.
- 41.40.507 Optional entry of WSU classified employees—Rules and regulations.
- 41.40.508 Optional entry of WSU classified employees—Deficiency payments through reduction in retirement allowance.
- Chapter 41.44 State-wide City Employees' Retirement.
- 41.44.170 Allowance on retirement for disability.
- 41.44.210 Benefit on death in line of duty.
- Chapter 41.48 Federal Social Security For Public Employees.
- 41.48.060 OASI contribution fund.
- Chapter 41.56 Public Employees' Collective Bargaining.
- 41.56.030 Definitions.
- 41.56.110 Dues—Deduction from pay.
- 41.56.122 Collective bargaining agreements—Authorized provisions.
- 41.56.125 Arbitrators—Selection—Additional method.
- 41.56.420 Interim committee on public employees' collective bargaining—Duties—Reports—Recommendations to include proposed legislation.
- 41.56.430 Uniformed personnel—Legislative declaration.
- 41.56.440 Uniformed personnel—Negotiations—Impasse defined—Fact-finding panel—Hearings—Findings.
- 41.56.450 Uniformed personnel—Arbitration panel—Powers and duties—Hearings—Findings and determination.
- 41.56.460 Uniformed personnel—Arbitration panel—Basis for determination.
- 41.56.470 Uniformed personnel—Arbitration panel—Rights of parties.
- 41.56.480 Uniformed personnel—Refusal to submit to procedures—Invoking jurisdiction of superior court—Contempt.
- 41.56.490 Uniformed employees—Strikes prohibited—Violations—Fines.
- 41.56.905 Uniformed personnel—Provisions additional—Liberal construction—1973 c 131.
- 41.56.910 Severability—1973 c 131.
- Cross Reference:  
Exemption from payment of college fees for children of law enforcement officer or fire fighter totally disabled or losing life: RCW 28B.15.380, 28B.15.385, 28B.15.520 and 28B.40.361.
- Chapter 41.04  
GENERAL PROVISIONS
- 41.04.020 PUBLIC EMPLOYEES—PAYROLL DEDUCTIONS AUTHORIZED. Any employee or group of employees of the state of Washington or any of its political subdivisions, or of any institution supported, in whole or in part, by the state or any of its political subdivisions, may authorize the deduction from his or their salaries or wages, the amount or amounts of his or their subscription payments or contributions to any person, firm or corporation furnishing or providing medical, surgical and hospital care or either of them, or life insurance or accident and health disability insurance: PROVIDED, That such authorization by said employee or group of employees, shall be first approved by the head of the department, division office or institution of the state or any political subdivision thereof, employing such person or group of persons, and filed with the department of personnel; or in the case of political subdivisions of the state of Washington,



with the auditor of such political subdivision or the person authorized by law to draw warrants against the funds of said political subdivision. [1973 c 106 § 15; 1947 c 70 § 1; Rem. Supp. 1947 § 9963-10.]

41.04.036 SALARY AND WAGE DEDUCTIONS FOR CONTRIBUTIONS TO CHARITABLE AGENCIES--DEDUCTION AND PAYMENT TO UNITED FUND--REGULATIONS, PROCEDURES. Any official of the state or of any of its political subdivisions authorized to disburse funds in payment of salaries or wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct each month from the salary or wages of the officer or employee the amount of money designated by the officer or employee for payment to the United Fund.

The moneys so deducted shall be paid over promptly to the United Fund designated by the officer or employee. Subject to any regulations prescribed by the office of program planning and fiscal management, the official authorized to disburse the funds in payment of salaries or wages may prescribe any procedures necessary to carry out RCW 41.04.035 and 41.04.036. [1973 c 106 § 16; 1957 c 208 § 2.]

41.04.180 HOSPITALIZATION AND MEDICAL AID FOR COUNTY, MUNICIPAL AND OTHER POLITICAL SUBDIVISION EMPLOYEES--GOVERNMENTAL CONTRIBUTIONS AUTHORIZED. 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 any county, municipality, or other political subdivision of the state acting through its principal supervising official or governing body shall provide the employees thereof a choice of policies or plans through contracts with not less than two regularly constituted insurance carriers or health care service contractors: AND PROVIDED FURTHER, That any county may provide such hospitalization and medical aid to county elected officials and their dependents on the same basis as such hospitalization and medical aid is provided to other county employees and their dependents: PROVIDED FURTHER, That provision for school district personnel shall not be made under this section but shall be as provided for in RCW 28A.58.420. [1973 1st ex.s. c 147 § 6; 1970 ex.s. c 39 § 10; 1969 ex.s. c 237 § 1; 1967 c 135 § 1; 1965 c 57 § 1; 1963 c 75 § 1.]

Effective date--Effect of veto--Appropriation--Savings--Severability--1973 1st ex.s. c 147; See notes following RCW 41.05.010.

41.04.230 PAYROLL DEDUCTIONS AUTHORIZED. Any official of the state authorized to disburse funds in payment of salaries and wages of public officers or employees is authorized, upon written request of the officer or employee, to deduct each month from the salaries or wages of the officers or employees, the amount of money designated by the officer or employee for payment of the following:

(1) Credit union deductions: PROVIDED, That the credit union is organized solely for public employees: AND PROVIDED FURTHER, That twenty-five or more employees of a single state agency or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same credit union.

(2) Parking fee deductions: PROVIDED, That payment is made for parking facilities furnished by the agency or by the department of general administration.

(3) U. S. savings bond deductions: PROVIDED, That a person within the particular agency shall be appointed to act as trustee. The trustee will receive all contributions; purchase and deliver all bond certificates; and keep such records and furnish such bond or security as will render full accountability for all bond contributions.

(4) Board, lodging or uniform deductions when such board, lodging and uniforms are furnished by the state, or deductions for academic tuitions or fees or scholarship contributions payable to the employing institution.

(5) Dues and other fees deductions: PROVIDED, That the deduction is for payment of membership dues to any professional organization formed primarily for public employees or college and university professors: AND PROVIDED, FURTHER, That twenty-five or more employees of a single state agency, or a total of one hundred or more state employees of several agencies have authorized such a deduction for payment to the same professional organization.

(6) Labor or employee organization dues may be deducted in the event that a payroll deduction is not provided under a collective bargaining agreement under the provisions of RCW 41.06.150: PROVIDED, That twenty-five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to the same labor or employee organization: PROVIDED, FURTHER, That labor or employee organizations with five hundred or more members in state government may have payroll deduction for employee benefit programs.

(7) Accident and casualty premiums to a single insurer: PROVIDED, That twenty-

five or more officers or employees of a single agency, or a total of one hundred or more officers or employees of several agencies have authorized such a deduction for payment to that insurer.

(8) Insurance contributions to the trustee of contracts for payment of premiums under contracts authorized by the state employees' insurance board.

Deductions from salaries and wages of public officers and employees other than those enumerated in this section or by other law, may be authorized by the budget director for purposes clearly related to state employment or goals and objectives of the agency.

The authority to make deductions from the salaries and wages of public officers and employees as provided for in this section shall be in addition to such other authority as may be provided by law: PROVIDED, That the state or any department, division, or separate agency of the state shall not be liable to any insurance carrier or contractor for the failure to make or transmit any such deduction. [1973 1st ex.s. c 147 § 5; 1970 ex.s. c 39 § 11; 1969 c 59 § 5.]

Effective date--Effect of veto--Appropriation--Savings--Severability--1973 1st ex.s. c 147: See notes following RCW 41.05.010.

41.04.250 PENSION PLANS, TAX DEFERRED ANNUITIES OR DEFERRED COMPENSATION PLANS AUTHORIZED FOR PUBLIC EMPLOYEES. 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 is authorized to:

(1) Enter into an agreement with any life insurance company, bank trustee, or custodian authorized to do business in the state of Washington to provide qualified pension plans under the provisions of 26 U.S.C., section 401 (a), as amended by Public Law 89-809, 80 Stat. 1577, 1578 as now or hereafter amended, or to provide deferred annuities for all officials and employees of said public entities deemed to be eligible by the agency of the United States government having jurisdiction of the matter under the provisions of 26 U.S.C., section 403 (b), as amended by Public Law 87-370, 75 Stat. 796 and as now or hereafter amended, such pension or annuities to be in lieu of a portion of salary or wages. Such pension plans or tax deferred annuity benefits shall be available to those employees who elect to participate in said agreement and who agree to take a reduction in salary in the equivalent amount of the contribution required to be made by the public entity for and on behalf of such employee. The funds derived from such reductions in salary shall be deposited and accounted for in an appropriately designated account

maintained by the public employer of such employee and any official authorized to disburse such funds is empowered to remit these designated funds to the insurer, custodian, or trustee in accordance with the salary reduction agreement between the public entity and the employee.

(2) Contract with an employee to defer a portion of that employee's income, which deferred portion shall in no event exceed twenty-five percent of such income, and may subsequently with the consent of the employee, purchase a life insurance or fixed and/or variable annuity contract, for the purpose of funding a deferred compensation program for the employee, from any life underwriter duly licensed by this state who represents an insurance company licensed to contract business in this state. In no event shall the total payments made for the purchase of said life insurance contract, or fixed and/or variable annuity contract and the employee's nondeferred income for any year exceed the total annual salary, or compensation under the existing salary schedule or classification plan applicable to such employee in such year. Any income deferred under such a plan shall continue to be included as regular compensation, for the purpose of computing the retirement and pension benefits earned by any employee, but any sum so deducted shall not be included in the computation of any taxes withheld on behalf of any such employee.

Coverage of an employee under a qualified pension plan, contract for a deferred annuity or deferred compensation plan under this section shall not render such employee ineligible for simultaneous membership and participation in the pension systems for public employees which are provided for by chapters 41.26, 41.32 and 41.40 RCW. [1973 1st ex.s. c 99 § 1; 1972 ex.s. c 19 § 1; 1971 ex.s. c 264 § 1.]

Chapter 41.05  
STATE EMPLOYEES' INSURANCE AND HEALTH CARE

41.05.010 DEFINITIONS. Unless the context clearly indicates otherwise, words used in this chapter have the following meaning:

(1) "Board" means the state employees' insurance board established under the provisions of RCW 41.05.020.

(2) "Employee" shall include all full time and career seasonal employees of the state, whether or not covered by civil service; elected and appointed officials of the executive branch of government, including full time members of boards, commissions or committees; and shall include any or all part time and temporary employees under the terms and conditions established by the board; justices of the supreme court and judges of the court of appeals and the superior courts; and members of the legislature who are elected to office after February 20, 1970.

(3) "Panel medicine plan" means a health care plan which can be offered by a health care service contractor which itself furnishes the health care service contracted for by means of a group practice prepaid medical care plan.

(4) "Trustee" shall mean the director of personnel. [1973 1st ex.s. c 147 § 12; 1970 ex.s. c 39 § 1.]

Effective date—Effect of veto—1973 1st ex.s. c 147: "This bill shall not take effect until the funds necessary for its implementation have been specifically appropriated by the legislature and such appropriation itself has become law. It is the intention of the legislature that if the governor shall veto this section or any item thereof, none of the provisions of this bill shall take effect." [1973 1st ex.s. c 147 § 10.]

Appropriation—1973 1st ex.s. c 147: "There is appropriated from the state employees' insurance revolving fund to the state employees' insurance board the sum of one hundred thousand dollars, or so much thereof as may be necessary, to supplement other funds related to health care coverage and to provide the necessary staff and studies attendant to the investigation and review of other insurance plans for state employees." [1973 1st ex.s. c 147 § 14.]

Savings—1973 1st ex.s. c 147: "Nothing contained in this 1973 amendatory act shall be deemed to amend, alter or affect the provisions of Chapter 23, Laws of 1972, Extraordinary Session, and RCW 28B-10.840 through 28B.10.844 as now or hereafter amended." [1973 1st ex.s. c 147 § 13.]

Severability—1973 1st ex.s. c 147: "If any provision of this 1973 amendatory act, or its application to any person or circumstances is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 147 § 9.] The above annotations apply to RCW 28B.10.660, 41.04.180, 41.04.230, 41.05-.010, 41.05.020, 41.05.030, 41.05.050, 41.05.080, 48.24.010, and the repeal of RCW 41.06.370.

Cross Reference:

"Retired state employees" defined: RCW 41.05.080.

41.05.020 STATE EMPLOYEES' INSURANCE BOARD—CREATED—MEMBERSHIP—MEETINGS—COMPENSATION—POWERS AND DUTIES. (1) There is hereby created a state employees' insurance board to be composed as follows: The governor or his designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of

the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The senate and house members of the board shall serve in ex officio capacity only. All appointments shall be made effective immediately. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. The first meeting of the board shall be held as soon as possible thereafter at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman at its first meeting and annually thereafter. Members of the board shall receive no compensation for their services, but shall be paid for their necessary and actual expenses while on official business and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for state employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans or protection applying to employees covered by \*this 1973 amendatory act shall provide that the beneficiaries of such insurance, health care plans or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall

retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide employee health care benefit plans; at least one plan will provide major medical benefits as its primary feature, at least one plan will provide basic first-dollar benefits as its primary feature plus major medical, either or all of which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and another plan to be provided by a panel medicine plan in its service area only when approved by the board. Except for panel medicine plans, no more than one insurance carrier or health care service contractor shall be contracted with to provide the same plan of benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board: PROVIDED FURTHER, That employees of the institutions of higher education shall be retained as a separate actuarial and experience group and the board shall report its recommendation on such retention to the legislative budget committee by November 1, 1974. [1973 1st ex.s. c 147 § 1; 1970 ex.s. c 39 § 2.]

\*Reviser's note: "this 1973 amendatory act" includes RCW 28B.10.660, 41.04.180, 41.04.230, 41.05.010, 41.05.020, 41.05.030, 41.05.050, 41.05.080, 48.24.010, and the repeal of RCW 41.06.370.

Effective date--Effect of veto--Appropriation--Savings--Severability--1973 1st ex.s. c 147: See notes following RCW 41.05.010.

41.05.030 DUTIES OF DIRECTOR OF PERSONNEL--COOPERATION OF STATE DEPARTMENTS AND AGENCIES ENJOINED. (1) The director of the department of personnel shall be trustee and administrator of all health benefit and insurance contracts awarded by the board and shall have power to employ a benefits supervisor and such other assistants and employees as may be necessary subject to the jurisdiction of the state civil service law, chapter 41.06 RCW. The director of personnel shall provide any other personnel and facilities necessary for assistance to the board. He may delegate his duties hereunder to the benefits supervisor.

(2) The director of personnel, as trustee, shall transmit contributions for health care and other insurance plans in payment of premiums and receive and deposit contributions and dividends or refunds into the state employees insurance revolving fund, which shall be used for payment of premiums, administrative expenses as

provided in RCW 41.05.030 (1), to reduce employee contributions or to increase benefits in accordance with instructions of the board.

(3) Every division, department, or separate agency of state government shall fully cooperate in administration of the plans, education of employees, claims administration, and other duties as required by the trustee or the board. [1973 1st ex.s. c 147 § 2; 1970 ex.s. c 39 § 3.]

Effective date--Effect of veto--Appropriation--Savings--Severability--1973 1st ex.s. c 147: See notes following RCW 41.05.010.

41.05.050 CONTRIBUTIONS FOR EMPLOYEES AND DEPENDENTS. (1) Every department, division, or separate agency of state government shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. All such contributions will be paid into the state employees insurance fund to be expended by the trustee for the payment of required insurance premiums and health care fees.

(2) The contributions of any department, division, or separate agency of the state government shall be set by the state employees insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: PROVIDED, That nothing herein shall be a limitation on employees employed under chapter 47.64 RCW: PROVIDED FURTHER, That provision for school district personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall annually survey private industry in the state of Washington to determine the maximum average employer contribution for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be reported to the board for its use in setting the amount of the contributions to the various insurance programs by departments, divisions, and separate agencies of state government. [1973 1st ex.s. c 147 § 3; 1970 ex.s. c 39 § 5.]

Effective date--Effect of veto--Appropriation--Savings--Severability--1973 1st ex.s. c 147: See notes following RCW 41.05.010.

41.05.080 PARTICIPATION BY RETIRED OR DISABLED EMPLOYEES. Retired or disabled state employees may continue their participation in insurance plans and contracts after retirement or disablement, under the qualifications, terms, conditions, and benefits set by the board: PROVIDED, That the rates charged such retired or disabled state employees for health care coverage

shall be identical to that charged active participants: PROVIDED FURTHER, That such retired or disabled employees shall bear the full cost of premiums required to provide such coverage. The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office. [1973 1st ex.s. c 147 § 7; 1970 ex.s. c 39 § 8.]

Effective date--Effect of Veto--Appropriation--Savings--Severability--1973 1st ex.s. c 147: See notes following RCW 41.05.010.

Chapter 41.06  
STATE CIVIL SERVICE LAW

Cross Reference:

State employees' insurance board--Membership: RCW 41.05.020.

41.06.070 EXEMPTIONS. The provisions of this chapter do not apply to:

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

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

(3) Officers, academic personnel, and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board;

(4) The officers of the Washington state patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

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

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

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

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

executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

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

(d) If all members of the board, commission, or committee serve ex officio: (i) The chief executive officer; and (ii) the confidential secretary of such chief executive officer;

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

(10) Assistant attorneys general;

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

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

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

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

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

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

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

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

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

(20) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part time agency vendors employed by the liquor control board when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise, or services as a self-sustaining private retail business;

(21) Executive assistants for personnel administration and labor relations in all state agencies employing such executive

assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;

(22) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the board determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted pursuant to the provisions of this subsection, together with the reasons for such exemptions.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (10) through (19) of this section, shall be determined by the state personnel board.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary. [1973 1st ex.s. c 133 § 1; 1972 ex.s. c 11 § 1. Prior: 1971 ex.s. c 209 § 1; 1971 ex.s. c 59 § 1; 1971 c 81 § 100; 1969 ex.s. c 36 § 23; 1967 ex.s. c 8 § 47; 1961 c 179 § 1; 1961 c 1 § 7.]

41.06.150 RULES AND REGULATIONS OF BOARD—MANDATORY SUBJECTS—VETERANS' PREFERENCE. The board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including departmental promotions, with the number of names equal to two more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examinations for all positions in the competitive and noncompetitive service; appointments; probationary periods of six months and rejections therein; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent reemployment, both according to seniority; determination of appropriate bargaining units within any agency: PROVIDED, That in making such determination the board shall consider the duties, skills, and working conditions of the employees, the history of collective bargaining by the employees and their bargaining representatives, the extent of organization among the employees, and the desires of the employees; certification and decertification of exclusive bargaining representatives; after certification of an exclusive bargaining representative and upon said representative's request, the director shall hold an election among employees in a bargaining unit to determine by a majority whether to require as a condition of employment membership in the certified exclusive bargaining representative on or after the thirtieth day following the beginning of employment or the date of such election, whichever is the later, and the failure of an employee to comply with such a condition of employment shall constitute cause for dismissal: PROVIDED, That no more often than once in each twelve month period after expiration of twelve months following the date of the original election in a bargaining unit and upon petition of thirty percent of the members of a bargaining unit the director shall hold an election to determine whether a majority wish to rescind such condition of employment: PROVIDED FURTHER, That for purposes of this clause membership in the certified exclusive bargaining representative shall be satisfied by the payment of monthly or other periodic dues and shall not require payment of initiation, reinstatement, or any other fees or fines and shall include full and complete membership rights: AND PROVIDED FURTHER, That in order to safeguard the right of nonassociation of public employees, based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member, such public employee shall pay to the union, for purposes within the program of the



union as designated by such employee that would be in harmony with his individual conscience, an amount of money equivalent to regular union dues minus any included monthly premiums for union sponsored insurance programs, and such employee shall not be a member of the union but shall be entitled to all the representation rights of a union member; agreements between agencies and certified exclusive bargaining representatives providing for grievance procedures and collective negotiations on all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion; written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member and for the cancellation of such payroll deduction by the filing of a proper prior notice by the employee with the appointing authority and the employee organization: PROVIDED, That nothing contained herein shall permit or grant to any employee the right to strike or refuse to perform his official duties; adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and reallocation of positions within the classification plan; adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, such adoption and revision subject to approval by the state budget director in accordance with the provisions of chapter 43.88 RCW; training programs, including in-service, promotional and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service; and providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their widows by giving such eligible veterans and their widows additional credit in computing their seniority by adding to their unbroken state service, as defined by the board, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with

evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given: PROVIDED, HOWEVER, That the widow of a veteran shall be entitled to the benefits of this section regardless of the veteran's length of active military service: PROVIDED FURTHER, That for the purposes of this section "veteran" shall not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month. [1973 1st ex.s. c 75 § 1; 1973 c 154 § 1; 1971 ex.s. c 19 § 2; 1967 ex.s. c 108 § 13; 1961 c 1 § 15.]

Effective date--1973 1st ex.s. c 75:  
 "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect midnight June 6, 1973." [1973 1st ex.s. c 75 § 3.]

41.06.370 HOSPITALIZATION AND MEDICAL AID PLANS--CONTRIBUTIONS OF STATE AGENCIES FOR EMPLOYEES. [1970 ex.s. c 39 § 9.]  
 Repealed by 1973 1st ex.s. c 147 § 8.

Chapter 41.08  
 CIVIL SERVICE FOR CITY FIREMEN

41.08.040 ORGANIZATION OF COMMISSION--SECRETARY--POWERS AND DUTIES OF COMMISSION. Immediately after appointment the commission shall organize by electing one of its members chairman and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

They shall appoint a secretary and chief examiner, who shall keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

The secretary and chief examiner shall be appointed as a result of competitive examination which examination may be either original and open to all properly qualified citizens of the city, town or municipality, or promotional and limited to persons already in the service of the fire department or of the fire department and other departments of said city, town or municipality, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitations as are provided in the case of members of the fire department. It shall be the duty of the civil service commission:

(1) To make suitable rules and regulations not inconsistent with the provisions



of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multigraphed for free public distribution. Such rules and regulations may be changed from time to time.

(2) All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

(3) The rules and regulations adopted by the commission shall provide for a credit of ten percent in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the armed forces of the United States, have served in and been honorably discharged from the armed forces of the United States, including the army, navy and marine corps and the American Red Cross. These credits apply to entrance examinations only.

(4) The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employments affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as aforesaid, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the superior court; and the oaths administered

hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a superior court judge in his judicial capacity; and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

(5) All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission: PROVIDED, HOWEVER, That no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

(6) To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission.

(7) Establish and maintain in card or other suitable form a roster of officers and employees.

(8) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that persons laid off because of curtailment of expenditures, reduction in force, and for like causes, head the list in the order of their seniority, to the end that they shall be the first to be reemployed.

(9) When a vacant position is to be filled, to certify to the appointing authority, on written request, the name of the person highest on the eligible list for the class. If there are no such lists, to authorize provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

(10) Keep such records as may be necessary for the proper administration of this chapter. [1973 1st ex.s. c 154 § 60; 1935 c 31 § 5; RRS § 9558-5.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

## Chapter 41.16

## FIREMEN'S RELIEF AND PENSIONS—1947 ACT

41.16.010 TERMS DEFINED. For the purpose of this chapter, unless clearly indicated by the context, words and phrases shall have the following meaning:

(1) "Beneficiary" shall mean any person or persons designated by a fireman in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this chapter.

(2) "Board" shall mean the municipal firemen's pension board.

(3) "Child or children" shall mean a child or children unmarried and under eighteen years of age.

(4) "Contributions" shall mean and include all sums deducted from the salary of firemen and paid into the fund as hereinafter provided.

(5) "Disability" shall mean and include injuries or sickness sustained as a result of the performance of duty.

(6) "Fireman" shall mean any person regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman; and shall include any "prior fireman".

(7) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firemen of the municipality.

(8) "Fund" shall mean the firemen's pension fund created herein.

(9) "Municipality" shall mean every city and town having a regularly organized full time, paid, fire department employing firemen.

(10) "Performance of duty" shall mean the performance of work and labor regularly required of firemen and shall include services of an emergency nature rendered while off regular duty, but shall not include time spent in traveling to work before answering roll call or traveling from work after dismissal at roll call.

(11) "Prior fireman" shall mean a fireman who was actively employed as a fireman of a fire department prior to the first day of January, 1947, and who continues such employment thereafter.

(12) "Retired fireman" shall mean and include a person employed as a fireman and retired under the provisions of chapter 50, Laws of 1909, as amended.

(13) "Widow or widower" means the surviving wife or husband of a retired fireman who was retired on account of length of service and who was lawfully married to such fireman; and whenever that term is used with reference to the wife or former wife or husband or former husband of a retired fireman who was retired because of disability, it shall mean his or her lawfully married wife or husband on the date he or she sustained the injury or contracted the illness that resulted in his or her disability. Said term shall

not mean or include a surviving wife or husband who by process of law within one year prior to the retired fireman's death, collected or attempted to collect from him or her funds for the support of herself or himself or for his or her children. [1973 1st ex.s. c 154 § 61; 1947 c 91 § 1; Rem. Supp. 1947 § 9578-40.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.020 PENSION BOARD CREATED—MEMBERS—TERMS—VACANCIES—OFFICERS—QUORUM.

There is hereby created in each city and town a municipal firemen's pension board to consist of the following five members, ex officio, the mayor, or in a city of the first class, the mayor or his designated representative who shall be an elected official of the city, who shall be chairman of the board, the city comptroller or clerk, the chairman of finance of the city council, or if there is no chairman of finance, the city treasurer, and in addition, two regularly employed firemen elected by secret ballot of the firemen. The first members to be elected by the firemen shall be for a term of one and two years, respectively, and their successors shall be elected annually for a two year term. The two firemen so elected shall, in turn, select a third fireman who shall serve as an alternate in the event of an absence of one of the regularly elected firemen. In case a vacancy occurs in the membership of the firemen members, the members of the fire department shall in the same manner elect a successor to serve his unexpired term. The board may select and appoint a secretary who may, but need not be a member of the board. In case of absence or inability of the chairman to act, the board may select a chairman pro tempore who shall during such absence or inability perform the duties and exercise the powers of the chairman. A majority of the members of said board shall constitute a quorum and have power to transact business. [1973 1st ex.s. c 19 § 1; 1961 c 255 § 10; 1947 c 91 § 2; Rem. Supp. 1947 § 9578-41. Prior: 1935 c 39 § 1; 1919 c 196 § 3; 1909 c 50 §§ 1, 2.]

41.16.060 TAX LEVY FOR FUND. (EFFECTIVE UNTIL JANUARY 1, 1974.) It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of one-half of one mill on all the taxable property of such municipality: PROVIDED, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said millage is not necessary to maintain the actuarial soundness of the fund, the levy of said one-half of one mill may be omitted, or the whole or any part of said millage may be levied and used for any other municipal purpose.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.042, as now or hereafter amended, to levy and place in the fund an additional tax of one-half of one mill on all taxable property of such municipality: PROVIDED, That if a report by a qualified actuary establishes that all or any part of the additional one-half of one mill levy is unnecessary to meet the estimated demands on the fund under this chapter for the ensuing budget year, the levy of said additional one-half of one mill may be omitted, or the whole or any part of such millage may be levied and used for any other municipal purpose. [1973 1st ex.s. c 195 § 144; 1970 ex.s. c 92 § 2; 1965 ex.s. c 45 § 1; 1961 c 255 § 9; 1951 c 72 § 1; 1947 c 91 § 6; Rem. Supp. 1947 § 9578-45. Prior: 1929 c 86 § 12; 1919 c 196 § 15; 1909 c 50 § 14.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

41.16.060 TAX LEVY FOR FUND. (AMENDMENT EFFECTIVE JANUARY 1, 1974.) It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of twenty-two and one-half cents per thousand dollars of assessed value against all the taxable property of such municipality: PROVIDED, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said dollar rate is not necessary to maintain the actuarial soundness of the fund, the levy of said twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of said dollar rate may be levied and used for any other municipal purpose.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city levy limit set forth in RCW 84.52.050, as now or hereafter amended, to levy and place in the fund an additional tax of twenty-two and one-half cents per thousand dollars of assessed value against all taxable property of such municipality: PROVIDED, That if a report by a qualified actuary establishes that all or any part of the additional twenty-two and one-half cents per thousand dollars of assessed value levy is unnecessary to meet the estimated demands on the fund under this chapter for the ensuing budget year, the levy of said additional twenty-two and one-half cents per thousand dollars of assessed value may be omitted, or the whole or any part of such dollar rate may be levied and used for any other municipal purpose. [1973 1st ex.s. c 195 § 43; 1970 ex.s. c 92 § 2; 1965 ex.s. c 45 § 1; 1961 c 255 § 9; 1951 c 72 § 1; 1947 c

91 § 6; Rem. Supp. 1947 § 9578-45. Prior: 1929 c 86 § 12; 1919 c 196 § 15; 1909 c 50 § 14.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

41.16.09C LIMIT OF PENSION. All pensioners receiving a pension under the provisions of this chapter as provided for in section 12, chapter 91, Laws of 1947 and RCW 41.16.230, shall from and after April 25, 1973 receive a minimum pension of three hundred dollars per month. [1973 1st ex.s. c 181 § 1; 1967 ex.s. c 91 § 2; 1959 c 5 § 3; 1957 c 82 § 3. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2, part; 1919 c 196 § 4, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

41.16.100 PAYMENT ON DEATH OF RETIRED FIREMAN. The widow or widower, child, children or beneficiary of any fireman retired under this chapter shall receive an amount equal to his or her accumulated contributions to the fund, plus earned interest thereon compounded semiannually: PROVIDED, That there shall be deducted from said sum the amount paid to decedent in pensions and the remainder shall be paid to his or her widow or widower, child, children or beneficiary: PROVIDED FURTHER, That the amount paid shall not be less than one thousand dollars. [1973 1st ex.s. c 154 § 62; 1959 c 5 § 4; 1957 c 82 § 4. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2, part; 1919 c 196 § 4, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.120 PAYMENT ON DEATH IN LINE OF DUTY. Whenever any active fireman or fireman retired for disability shall die as the result of an accident or other fortuitous event occurring while in the performance of his or her duty, his widow or her widower may elect to accept a monthly pension equal to one-half the deceased fireman's salary but in no case in excess of one hundred fifty dollars per month, or the sum of five thousand dollars cash. The right of election must be exercised within sixty days of the fireman's death. If not so exercised, the pension benefits shall become fixed and shall be paid from the date of death. Such pension shall cease if, and when, he or she remarries. If there is no widow or widower, then such pension benefits shall be paid to his or her child or children. [1973 1st ex.s. c 154 § 63; 1959 c 5 § 6; 1957 c 82 § 6. Prior: 1947 c 91 § 8, part; 1935 c 39 § 2, part; 1929 c 86 § 2,

part; 1919 c 196 § 5, part; 1909 c 50 § 4, part; Rem. Supp. 1947 § 9578-47, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.140 PAYMENT UPON DISABLEMENT NOT IN LINE OF DUTY. Any fireman who has served more than fifteen years and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, shall within sixty days exercise his or her choice either to receive his or her contribution to the fund, plus earned interest compounded semiannually, or be retired and paid a monthly pension based on the factor of his or her age shown in RCW 41.16.080, times his or her average monthly salary as a member of the fire department of his or her municipality at the date of his or her retirement, times the number of years of service rendered at the time he or she sustained such disability. If such fireman shall die leaving surviving him a wife or surviving her a husband, or child or children, then such wife or husband, or if he leaves no wife or she leaves no husband, then his or her child or children shall receive the sum of his contributions, plus accumulated compound interest, and such payment shall be reduced in the amount of the payments made to deceased. [1973 1st ex.s. c 154 § 64; 1959 c 5 § 8; 1957 c 82 § 8. Prior: 1947 c 91 § 8, part; 1935 c 39 § 6, part; 1929 c 86 § 7, part; 1919 c 196 § 9, part; 1909 c 50 § 9, part; Rem. Supp. 1947 § 9578-47, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.150 PAYMENT ON SEPARATION FROM SERVICE. (1) Any fireman who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his or her contributions plus earned interest compounded semiannually, or a monthly pension in the amount of his average monthly salary times the number of years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The fireman shall have sixty days from the severance date to elect which option he or she will take. In the event he or she fails to exercise his or her right of election then he or she shall receive the amount of his or her contributions plus accrued compounded interest. In the event he or she elects such pension, but dies before attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then his or her child or children shall receive only his contribution, plus accrued compounded interest.

In the event he elects to take a pension and dies after attaining the age of fifty-five, his widow or her widower, or if he leaves no widow or she leaves no widower, then child or children shall receive his or her contributions, plus accrued compounded interest, less the amount of pension payments made to such fireman during his or her lifetime.

(2) Any fireman who shall have served for a period of less than twenty years, and shall resign or be dismissed, shall be paid the amount of his or her contributions, plus accrued compounded interest. [1973 1st ex.s. c 154 § 65; 1959 c 5 § 9; 1957 c 82 § 9. Prior: 1947 c 91 § 8, part; Rem. Supp. 1947 § 9578-47, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.160 PAYMENT ON DEATH NOT IN LINE OF DUTY. Whenever any fireman, after four years of service, shall die from natural causes, or from an injury not sustained in the performance of his or her duty and for which no pension is provided in this chapter, and who has not been retired on account of disability, his widow or her widower, if he or she was his wife or her husband at the time he or she was stricken with his or her last illness, or at the time he or she received the injuries from which he or she died; or if there is no such widow, then his or her child or children shall be entitled to the amount of his or her contributions, plus accrued compounded interest, or the sum of one thousand dollars, whichever sum shall be the greater. In case of death as above stated, before the end of four years of service, an amount based on the proportion of the time of service to four years shall be paid such beneficiaries. [1973 1st ex.s. c 154 § 66; 1959 c 5 § 10; 1957 c 82 § 10. Prior: 1947 c 91 § 8, part; 1929 c 86 § 7, part; 1919 c 196 § 9, part; 1909 c 50 § 9, part; Rem. Supp. 1947 § 9578-47, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.170 PAYMENT ON DEATH OF FIREMAN WITH NO DEPENDENTS. Whenever a fireman dies leaving no widow or widower or children, the amount of his or her accumulated contributions, plus accrued compounded interest only, shall be paid his or her beneficiary. [1973 1st ex.s. c 154 § 67; 1959 c 5 § 11; 1957 c 82 § 11. Prior: 1947 c 91 § 8, part; 1935 c 39 § 5; 1929 c 86 § 6, part; 1919 c 196 § 8, part; 1909 c 50 § 8, part; Rem. Supp. 1947 § 9578-47, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.16.230 REPEAL DOES NOT AFFECT ACCRUED RIGHTS. Chapter 50, Laws of 1909; chapter 196, Laws of 1919; chapter 86, Laws of 1929, and chapter 39, Laws of 1935 (secs. 9559 to 9578, incl., Rem. Rev. Stat.; secs. 396-1 to 396-43, incl., PPC) and all other acts or parts of acts in conflict herewith are hereby repealed: PROVIDED, That the repeal of said laws shall not affect any "prior fireman", his widow, her widower, child or children, any fireman eligible for retirement but not retired, his widow, her widower, child or children, or the rights of any retired fireman, his widow, her widower, child or children, to receive payments and benefits from the firemen's pension fund created under this chapter, in the amount, and in the manner provided by said laws which are hereby repealed and as if said laws had not been repealed. [1973 1st ex.s. c 154 § 68; 1947 c 91 § 12; Rem. Supp. 1947 § 9578-51.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 41.18  
FIREMEN'S RELIEF AND PENSIONS—1955 ACT

41.18.010 DEFINITIONS. For the purpose of this chapter, unless clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) "Beneficiary" shall mean any person or persons designated by a fireman in a writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this chapter.

(2) "Fireman" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman or, if provided by the municipality by appropriate local legislation, as a fire dispatcher: PROVIDED, Nothing in this 1969 amendatory act shall impair or permit the impairment of any vested pension rights of persons who are employed as fire dispatchers at the time this 1969 amendatory act takes effect; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 RCW as now or hereafter amended and who has come under the provisions of this chapter in accordance with RCW 41.18.170 and who is actively engaged as a fireman or as a member of the fire department as a fireman or fire dispatcher.

(3) "Retired fireman" means and includes a person employed as a fireman and retired under the provisions of this chapter.

(4) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired fireman at the date of his retirement, without regard to extra compensation which such fireman may have received for special duties assignments not acquired through civil service examination: PROVIDED, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(5) "Widow or widower" means the surviving spouse of a fireman and shall include the surviving wife or husband of a fireman, retired on account of length of service, who was lawfully married to him or to her for a period of five years prior to the time of his or her retirement; and the surviving wife or husband of a fireman, retired on account of disability, who was lawfully married to him or her at and prior to the time he or she sustained the injury or contracted the illness resulting in his or her disability. The word shall not mean the divorced wife or husband of an active or retired fireman.

(6) "Child" or "children" means a fireman's child or children under the age of eighteen years, unmarried, and in the legal custody of such fireman at the time of his death or her death.

(7) "Earned interest" means and includes all annual increments to the firemen's pension fund from income earned by investment of the fund. The earned interest payable to any fireman when he leaves the service and accepts his contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual fireman's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual firemen's accounts as of January 1st of each year.

(8) "Board" shall mean the municipal firemen's pension board.

(9) "Contributions" shall mean and include all sums deducted from the salary of firemen and paid into the fund as hereinafter provided.

(10) "Disability" shall mean and include injuries or sickness sustained by a fireman.

(11) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firemen of the municipality.

(12) "Fund" shall have the same meaning as in RCW 41.16.010 as now or hereafter amended. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW as now or hereafter amended.

(13) "Municipality" shall mean every city, town and fire protection district having a regularly organized full time, paid, fire department employing firemen.

(14) "Performance of duty" shall mean the performance of work or labor regularly required of firemen and shall include services of an emergency nature normally rendered while off regular duty. [1973

1st ex.s. c 154 § 69; 1969 ex.s. c 209 § 40; 1965 ex.s. c 45 § 2; 1961 c 255 § 1; 1955 c 382 § 1.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.18.040 RETIREMENT FOR SERVICE--WIDOW'S OR WIDOWER'S PENSION--PAYMENTS TO CHILDREN. Whenever any fireman, at the time of taking effect of this act or thereafter, shall have been appointed under civil service rules and have served for a period of twenty-five years or more as a member in any capacity of the regularly constituted fire department of any city, town or fire protection district which may be subject to the provisions of this chapter, and shall have attained the age of fifty years, he or she shall be eligible for retirement and shall be retired by the board upon his or her written request. Upon his or her retirement such fireman shall be paid a monthly pension which shall be equal to fifty percent of the basic salary now or hereafter attached to the same rank and status held by the said fireman at the date of his or her retirement: PROVIDED, That a fireman hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of the basic salary per year for each full year of such additional service to a maximum of five additional years.

Upon the death of any such retired fireman, his or her pension shall be paid to his widow or her widower, at the same monthly rate that the retired fireman would have received had he or she lived, if such widow or widower was his wife or her husband for a period of five years prior to the time of his or her retirement. If there be no widow or widower, then such monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever occurs first. [1973 1st ex.s. c 154 § 70; 1969 ex.s. c 209 § 29; 1965 ex.s. c 45 § 3; 1961 c 255 § 3; 1955 c 382 § 4.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.18.045 PENSION BENEFITS FOR WIDOWS OR WIDOWERS OF UNRETIRED, ELIGIBLE FIREMEN--RETROACTIVE. Upon the death of a fireman who is eligible to retire under RCW 41.18.040 as now or hereafter amended, but who has not retired, a pension shall be paid to his widow or her widower at the same monthly rate that he or she was eligible to receive at the time of his or her death, if such widow or widower was his wife or her husband for a period of five years prior to his or her death. If there be no widow or widower, then such

monthly payments shall be distributed to and divided among his or her children, share and share alike, until they reach the age of eighteen or are married, whichever comes first.

This section shall apply retroactively for the benefit of all widows or widowers and survivors of firemen who died after January 1, 1967, if such firemen were otherwise eligible to retire on the date of death. [1973 1st ex.s. c 154 § 71; 1969 ex.s. c 209 § 25.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.18.080 PAYMENT UPON DISABLEMENT NOT IN LINE OF DUTY. Any fireman who has completed his or her probationary period and has been permanently appointed, and sustains a disability not in the performance of his or her duty which renders him or her unable to continue his or her service, may request to be retired by filing a written request with his or her retirement board within sixty days from the date of his or her disability. The board may, upon such request being filed, consult such medical advice as it deems fit and proper. If the board finds the fireman capable of performing his or her duties, it may refuse to recommend retirement and order the fireman back to duty. If no request for retirement has been received after the expiration of sixty days from the date of his or her disability, the board may recommend retirement of the fireman. The board shall give the fireman a thirty day written notice of its recommendation, and he or she shall be retired upon expiration of said notice. Upon retirement he shall receive a pension equal to fifty percent of his or her basic salary. For a period of ninety days following such disability the fireman shall receive an allowance from the fund equal to his or her basic salary. He or she shall during said ninety days be provided with such medical, hospital, and nursing care as the board deems proper. No funds shall be expended for such disability if the board determines that the fireman was gainfully employed or engaged for compensation in other than fire department duty when the disability occurred, or if such disability was the result of dissipation or abuse. Whenever any fireman shall die as a result of a disability sustained not in the line of duty, his widow or her widower shall receive a monthly pension equal to one-third of his or her basic salary until remarried; if such widow or widower has dependent upon her or him for support a child or children of such deceased fireman, he or she shall receive an additional pension as follows: One child, one-eighth of the deceased's basic salary; two children, one-seventh; three or more children, one-sixth. If there be no widow or widower, monthly payments equal to one-

third of the deceased fireman's basic salary shall be made to his or her child or children. The widow or widower may elect at any time in writing to receive a cash settlement, and if the board after hearing finds it financially beneficial to the pension fund, he or she may receive the sum of five thousand dollars cash in lieu of all future monthly pension payments, and other benefits, including benefits to any child and/or children. [1973 1st ex.s. c 154 § 72; 1965 c 109 § 1; 1961 c 255 § 5; 1955 c 382 § 9.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.18.100 PAYMENT ON DEATH IN LINE OF DUTY OR WHILE RETIRED ON ACCOUNT OF SERVICE CONNECTED DISABILITY. In the event a fireman is killed in the performance of duty, or in the event a fireman retired on account of service connected disability shall die from any cause, his widow or her widower shall receive a monthly pension under one of the following applicable provisions: (1) If a fireman is killed in the line of duty his widow or her widower shall receive a monthly pension equal to fifty percent of his or her basic salary at the time of his or her death; (2) if a fireman who has retired on account of a service connected disability dies, his widow or her widower shall receive a monthly pension equal to the amount of the monthly pension such retired fireman was receiving at the time of his or her death. If she or he at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, he or she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow or widower at the time of such fireman's death or upon the widow's or widower's death the monthly pension benefits hereinabove provided for shall be paid to and divided among his or her child or children share and share alike, until they reach the age of eighteen or are married, whichever occurs first. The widow's or widower's monthly pension benefit, including increased benefits to his or her children shall cease if and when he or she remarries. All pensions payable under the provisions of this section shall be subject to an annual cost of living increase which shall be equal to two percent of the pension granted the widow or widower at the time of the death of the fireman. This increase shall be effective and be paid starting with the January payment of each succeeding year. [1973 1st ex.s. c 154 § 73; 1969 ex.s. c 209 § 28; 1965 ex.s. c 45 § 4; 1955 c 382 § 8.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.18.200 MINIMUM PENSION. All retirees and survivors receiving a pension under the provisions of this chapter shall from and after April 25, 1973 receive a minimum pension of three hundred dollars per month. [1973 1st ex.s. c 181 § 2.]

Chapter 41.20  
POLICE RELIEF AND PENSIONS IN FIRST CLASS  
CITIES

41.20.010 BOARD OF TRUSTEES--COMPOSITION. (1) The mayor or his designated representative who shall be an elected official of the city, and the clerk, treasurer, president of the city council or mayor pro tem of each city of the first class, or in case any such city has no city council, the commissioner who has supervision of the police department, together with three members of the police department, to be elected as herein provided, in addition to the duties now required of them, are constituted a board of trustees of the relief and pension fund of the police department of each such city, and shall provide for the disbursement of the fund, and designate the beneficiaries thereof.

(2) The police department of each city of the first class shall elect three regularly appointed, qualified, and acting members of the department to act as members of the board. On the first election following adoption of this 1955 amendatory act [1955 c 69], one member shall be elected for a three year term, one for a two year term, and one for a one year term. Thereafter, one new member shall be elected each year for a three year term. Existing members shall continue in office until replaced as provided for in this section.

(3) Such election shall be held in the following manner. Not more than thirty nor less than fifteen days preceding the first day of June in each year, written notice of the nomination of any member of the department for membership on the board may be filed with the secretary of the board. Each notice of nomination shall be signed by not less than five members of the department, and nothing herein contained shall prevent any member of the department from signing more than one notice of nomination. The election shall be held on a date to be fixed by the secretary during the month of June. Notice of the dates upon which notice of nomination may be filed and of the date fixed for the election of such members of the board shall be given by the secretary of the board by posting written notices thereof in a prominent place in the police headquarters. For the purpose of such election, the secretary of the board shall prepare and furnish printed or typewritten ballots in the usual form, containing the names of all persons regularly nominated for membership and shall furnish a ballot



box for the election. Each member of the police department shall be entitled to vote at the election for one nominee as a member of the board except in the first election where each may cast three votes. The chief of the department shall appoint two members to act as officials of the election, who shall be allowed their regular wages for the day, but shall receive no additional compensation therefor. The election shall be held in the police headquarters of the department and the polls shall open at 7:30 a.m. and close at 8:30 p.m. The one nominee receiving the highest number of votes shall be declared elected to the board and his term shall commence on the first day of July succeeding the election. In the first election the nominee receiving the greatest number of votes shall be elected to the three year term, the second greatest to the two year term and the third greatest to the one year term. [1973 1st ex.s. c 16 § 1; 1955 c 69 § 1; 1911 c 18 § 1; 1909 c 39 § 1; RRS § 9579.]

41.20.020 OFFICERS OF BOARD--ANNUAL REPORT. The mayor, or his designated representative, shall be ex officio chairman, the clerk shall be ex officio secretary, and the treasurer shall be ex officio treasurer of said board. The secretary of said board, at the time of making his annual reports as said city clerk, shall annually report the condition of said fund, the receipts and disbursements on account of the same, together with a complete list of the beneficiaries of said fund, and the amounts paid to each of them. [1973 1st ex.s. c 16 § 2; 1909 c 39 § 2; RRS § 9580.]

41.20.030 MEETINGS--DISBURSEMENTS OF FUND--QUORUM. The board herein provided for shall hold monthly meetings on the first Mondays of each month and upon the call of its president. It shall issue warrants, signed by its president and secretary, to the persons entitled thereto under provisions of this chapter other than RCW 41.20.050, 41.20.060, 41.20.080 and 41.20.085 for the amounts of money ordered paid to such persons from such fund by said board, which warrants shall state for what purpose such payments are made; it shall keep a record of its proceedings, which record shall be a public record; it shall, at each monthly meeting, send to the treasurer of such city a written or printed list of all persons entitled to payment under provisions of this chapter other than RCW 41.20.050, 41.20.060, 41.20.080 and 41.20.085 from the fund herein provided for, stating the amount of such payments and for what granted, which list shall be certified to and signed by the president and secretary of such board, attested under oath. The treasurer of such city shall thereupon enter a copy of said list

upon a book to be kept for that purpose and which shall be known as "the police relief and pension fund book", and the said board shall direct payment of the amounts named therein to the persons entitled thereto, out of such fund. The treasurer shall prepare and enter into such book an additional list showing those persons entitled to payment under RCW 41.20.050, 41.20.060, 41.20.080 and 41.20.085 and shall on the last day of each month issue warrants in the appropriate amounts to such persons. A majority of all the members of said board herein provided for shall constitute a quorum, and have power to transact business. [1973 c 143 § 1; 1911 c 18 § 5; 1909 c 39 § 11; RRS § 9589.]

41.20.050 PENSION ON RETIREMENT FOR YEARS OF SERVICE. Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing, if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired hereafter shall be paid from the fund during his lifetime a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position held by the retired member for the year preceding the date of his retirement: PROVIDED, That, except as to a position higher than that of captain held for at least three calendar years prior to date of retirement, no such pension shall exceed an amount equivalent to fifty percent of the salary of captain, and all existing pensions shall be increased to not less than three hundred dollars per month as of April 25, 1973: PROVIDED FURTHER, That a person hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Any person who has served in a position higher than the rank of captain for a minimum of three years may elect to retire at such higher position and receive for his lifetime a pension equal to fifty percent of the amount of the salary at any time hereafter attached to the position held by such retired member for the year preceding his date of retirement: PROVIDED, That such person make the said election to retire at a higher position by September 1, 1969 and at the time of making the said election, pay into the relief and pension fund in addition to the contribution required by RCW 41.20.130: (1) an amount equal to six percent of that portion of all monthly salaries previously received upon which a sum equal to six

percent has not been previously deducted and paid into the police relief and pension fund; (2) and such person agrees to continue paying into the police relief and pension fund until the date of retirement, in addition to the contributions required by RCW 41.20.130, an amount equal to six percent of that portion of monthly salary upon which a six percent contribution is not currently deducted pursuant to RCW 41.20.130.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and is a veteran as defined in RCW 41.04.005, shall have added to his period of employment as computed under this chapter, his period of war service in the armed forces, but such credited service shall not exceed five years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in RCW 41.20.130. [1973 1st ex.s. c 181 § 3; 1969 ex.s. c 269 § 6; 1969 ex.s. c 219 § 1; 1969 ex.s. c 209 § 36; 1969 c 123 § 1; 1961 c 191 § 1; 1959 c 78 § 3; 1959 c 6 § 1. Prior: 1957 c 84 § 1; 1955 c 69 § 3; 1945 c 45 § 1; 1937 c 24 § 1; 1915 c 40 § 2; 1911 c 18 § 2; 1909 c 39 § 4; Rem. Supp. 1945 § 9582.]

41.20.060 PENSION ON RETIREMENT FOR DISABILITY. Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position which he held in the department at the date of his retirement, but not to exceed an amount equivalent to fifty percent of the salary of captain except as to a position higher than that of captain held for at least three calendar years prior to the date of retirement in which case as to such position the provisions of RCW 41.20.050 shall apply, and all existing pensions shall be increased to not less than three hundred dollars per month as of April 25, 1973: PROVIDED, That where, at the time of retirement hereafter for disability under this section, such person has served honorably for a period of more than twenty-five years as a member, in any capacity, of the regularly constituted police department of a city subject to the

provisions of this chapter, the foregoing percentage factors to be applied in computing the pension payable under this section shall be increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature. [1973 1st ex.s. c 181 § 4; 1969 ex.s. c 219 § 2; 1969 ex.s. c 209 § 37; 1969 c 123 § 2; 1961 c 191 § 2; 1959 c 78 § 4; 1959 c 6 § 2; 1957 c 84 § 2; 1955 c 69 § 5; 1937 c 24 § 2; 1911 c 18 § 3; 1909 c 39 § 5; RRS § 9583.]

41.20.080 PENSION ON DEATH BEFORE OR AFTER RETIREMENT. Whenever any member of the police department of any such city loses his life while actually engaged in the performance of duty, or as the proximate result thereof, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension, equal to one-half of the amount of the salary at any time hereafter attached to the position which such member held in the police department at the time of his death, shall be paid to the surviving spouse for life, or if there is no surviving spouse, or if the surviving spouse shall die, then to the child or children until they are eighteen years of age: PROVIDED, That if such spouse or child or children marry, the person so marrying shall thereafter receive no further pension from the fund: PROVIDED FURTHER, That all existing pensions shall be increased to not less than three hundred dollars per month as of April 25, 1973.

If any member so losing his life, leaves no spouse, or child or children under the age of eighteen years, the board shall pay the sum of two hundred dollars toward the funeral expenses of such member. [1973 1st ex.s. c 181 § 5; 1961 c 191 § 3; 1959 c 78 § 5; 1959 c 6 § 3; 1957 c 84 § 3; 1955 c 69 § 6; 1937 c 24 § 3; 1915 c 40 § 3; 1909 c 39 § 7; RRS § 9585.]

41.20.085 PENSION ON DEATH BEFORE OR AFTER RETIREMENT—SURVIVING SPOUSE NOT FORMERLY COVERED—"SURVIVING SPOUSE" DEFINED. Whenever any member of the police department of any such city shall die, or shall have heretofore died, or whenever any such member who has been heretofore retired or who is hereafter retired for

length of service or a disability, shall have died, or shall die, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension equal to one-third of the amount of salary at any time hereafter attached to the position held by such member in the police department at the time of his death or retirement, not to exceed one-third of the salary of captain, shall be paid to the surviving spouse during the surviving spouse's life, and in addition, to the child or children, until they are eighteen years of age, as follows: For one child, one-eighth of the salary on which such pension is based; for two children, a total of one-seventh of said salary; and for three or more children, a total of one-sixth of said salary: PROVIDED, If such spouse or child or children marry, the person so marrying shall receive no further pension from the fund. In case there is no surviving spouse, or if the surviving spouse shall die, the child or children shall be entitled to the spouse's share in addition to the share specified herein until they reach eighteen years of age. No spouse shall be entitled to any payments on the death of a retired officer unless such surviving spouse has been married to such officer for a period of at least five years prior to the date of his retirement.

As of April 25, 1973, a surviving spouse not otherwise covered by the provisions of section 2, chapter 78, Laws of 1959, shall be entitled to a pension of three hundred dollars per month.

"Surviving spouse" as used in this section means surviving female or male spouse. [1973 1st ex.s. c 181 § 6; 1969 ex.s. c 209 § 26; 1961 c 140 § 1; 1959 c 78 § 2.]

41.20.170 TRANSFER OF MEMBERSHIP. Any former employee of a department of a city of the first class who (1) was a member of the employees' retirement system of such city, and (2) is now employed within the police department of such city, may transfer his membership from the city employees' retirement system to the city's police relief 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. For the purpose of the transfer contemplated by this section, the affected individuals shall be allowed to restore withdrawn contributions to the city employees' retirement system and reinstate their membership service records.

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 city.

No person so transferring shall thereafter be entitled to any other public pension, except that provided by chapter 41.26 RCW or social security, which is based upon service with the city.

The right of any employee to file a written request for transfer of membership as set forth herein shall expire December 31, 1973. [1973 c 143 § 2; 1969 ex.s. c 209 § 27; 1963 c 82 § 1.]

#### Chapter 41.24

#### VOLUNTEER FIREMEN'S RELIEF AND PENSIONS

#### 41.24.030 STATE TRUST FUND CREATED-- COMPOSITION--INVESTMENT--USE--TREASURER'S REPORT.

There is created in the state treasury a trust fund for the benefit of the firemen of the state covered by this chapter, which shall be designated the volunteer firemen's relief and pension fund and shall consist of:

(1) All bequests, fees, gifts, emoluments, or donations given or paid to the fund.

(2) An annual fee for each member of its fire department to be paid by each municipal corporation for the purpose of affording the members of its fire department with protection from death or disability as herein provided as follows:

(a) three dollars for each volunteer or part-paid member of its fire department;

(b) a sum equal to one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department, prorated for 1970 on the basis of services prior to March 1, 1970.

(3) Where a municipal corporation has elected to make available to the members of its fire department the retirement provisions as herein provided, an annual fee of thirty dollars for each of its firemen electing to enroll therein, ten dollars of which shall be paid by the municipality and twenty dollars of which shall be paid by the fireman.

(4) Forty percent of all moneys received by the state from its tax on fire insurance premiums shall be paid into the state treasury and credited to the fund.

(5) The state finance committee, upon request of the state treasurer shall invest such portion of the amounts credited to the fund as is not, in the judgment of the treasurer, required to meet current withdrawals. Such investments may be made

in such bonds, notes or other obligations now or hereafter authorized as an investment for the funds of the state employees' retirement system.

(6) All bonds or other obligations purchased according to subdivision (5) shall be forthwith placed in the custody of the state treasurer, and he shall collect the principal thereof and interest thereon when due.

The state finance committee may sell any of the bonds or obligations so acquired and the proceeds thereof shall be paid to the state treasurer.

The interest and proceeds from the sale and redemption of any bonds or other obligations held by the fund shall be credited to and form a part of the fund.

All amounts credited to the fund shall be available for making the payments required by this chapter.

The state treasurer shall make an annual report showing the condition of the fund. [1973 1st ex.s. c 170 § 1; 1970 ex.s. c 6 § 19; 1967 c 160 § 2; 1957 c 116 § 1; 1955 c 223 § 1; 1945 c 261 § 3; Rem. Supp. 1945 § 9578-17. Prior: 1935 c 121 § 1; RRS § 9578-1.]

Effective date—1973 1st ex.s. c 170: "This 1973 amendatory act shall take effect on July 1, 1973." [1973 1st ex.s. c 170 § 5.] This applies to the amendments to RCW 41.24.030, 41.24.170, 41.24.180 and 41.24.200 by 1973 1st ex.s. c 170.

41.24.160 DEATH BENEFITS. Whenever a fireman dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his or her duties, the board of trustees shall order and direct the payment of the sum of one thousand dollars to his widow or her widower, or if there be no widow or widower, then to his or her dependent child or children, or if there be no dependent child or children, then to his or her parents or either of them, and the sum of one hundred dollars per month to his widow or her widower during his or her life together with the additional monthly sums of twenty-five dollars for the youngest or only child and twenty dollars for each additional child of the member, unemancipated or under eighteen years of age, dependent upon the member for support at the time of his or her death, to a maximum total of two hundred dollars per month: PROVIDED, That if there is no widow or widower, or the widow or widower dies while there are children, unemancipated or under eighteen years of age, then the amount of one hundred dollars per month shall be paid for the youngest or only child together with an additional twenty dollars per month for each additional of such children to a maximum of two hundred dollars per month until they become emancipated or reach the age of eighteen years; and if there are no

widow or widower, child or children entitled thereto, then to his or her parents or either of them the sum of one hundred dollars per month for life, if it is proved to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his or her death: PROVIDED, That if the widow or widower, child or children, or the parents, or either of them, marry while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

In the case provided for herein, the monthly payment provided may be converted in whole or in part, into a lump sum payment, not in any case to exceed eight thousand five hundred dollars, equal or proportionate, as the case may be, to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payments shall cease in whole or in part accordingly or proportionately. Such conversion may be made either upon written application to the state board and shall rest in the discretion of the state board; or the state board is authorized to make, and authority is hereby given it to make, on its own motion, lump sum payments, equal or proportionate, as the case may be, to the value of the annuity then remaining in full satisfaction of claims due to dependents. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the applicant and the state board. Any person receiving a monthly payment hereunder at the time of the effective date of this act may elect, within two years, to convert such payments into a lump sum payment as herein provided. [1973 1st ex.s. c 154 § 74; 1965 c 86 § 2; 1961 c 57 § 1; 1957 c 159 § 2; 1953 c 253 § 2; 1951 c 103 § 2; 1945 c 261 § 16; Rem. Supp. 1945 § 9578-30. Prior: 1935 c 121 § 6; RRS § 9578-6.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.24.170 RETIREMENT PENSIONS. Whenever any fireman has been a member and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and which municipality and fireman are enrolled under the retirement provisions, and the fireman has reached the age of sixty-five years, the board of trustees shall order and direct that he be retired and be paid a monthly pension as provided in this section.

Whenever a fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and he has

reached the age of sixty-five years, and the annual retirement fee has been paid for a period of twenty-five years, the board of trustees shall order and direct that he be retired and such fireman be paid a monthly pension of one hundred dollars from the fund for the balance of his life.

Whenever any fireman has been a member, and served honorably for a period of twenty-five years or more as an active member in any capacity, of any regularly organized volunteer fire department of any municipality in this state, and the fireman has reached the age of sixty-five years, and the annual retirement fee has been paid for a period of less than twenty-five years, the board of trustees shall order and direct that he be retired and that such fireman shall receive a minimum monthly pension of twenty-five dollars increased by the sum of three dollars each month for each year the annual fee has been paid, but not to exceed the maximum monthly pension herein provided, for the balance of his life.

No pension herein provided shall become payable before the sixty-fifth birthday of the fireman, nor for any service less than twenty-five years: PROVIDED, HOWEVER, That:

(1) Any fireman, upon completion of twenty-five years' service and attainment of age sixty, may irrevocably elect, in lieu of the pension to which he would be entitled hereunder at age sixty-five, to receive for the balance of his life a monthly pension equal to sixty percent of such pension.

(2) Any fireman, upon completion of twenty-five years' service and attainment of age sixty-two, may irrevocably elect, in lieu of the pension to which he would be entitled hereunder at age sixty-five, to receive for the balance of his life a monthly pension equal to seventy-five percent of such pension. [1973 1st ex.s. c 170 § 2; 1969 c 118 § 5; 1961 c 57 § 2; 1953 c 253 § 3; 1951 c 103 § 1; 1945 c 261 § 17; Rem. Supp. 1945 § 9578-31.]

Effective date--1973 1st ex.s. c 170:  
See note following RCW 41.24.030.

41.24.180 LUMP SUM PAYMENTS (AS AMENDED BY 1973 1ST EX.S. C 170 § 3). The board of trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

(1) To any volunteer fireman, upon attaining the age of sixty-five years, who, for any reason, is not qualified to receive the monthly retirement pension herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself.

(2) If any fireman dies before attaining the age at which a pension shall be payable to him under the provisions of

this chapter, there shall be paid to his widow, or if there be no widow to his child or children, or if there be no widow or child or children then to his heirs at law as may be determined by the board of trustees or to his estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself.

(3) If any fireman dies after beginning to receive the pension provided for in this chapter, and before receiving an amount equal to the amount paid by himself and the municipality or municipalities in whose department he shall have served, there shall be paid to his widow, or if there be no widow then to his child or children, or if there be no widow or child or children then to his heirs at law as may be determined by the board of trustees, or to his estate if it be administered and there be no heirs as above determined, an amount equal to the difference between the amount paid into said fund by himself and the municipality or municipalities in whose department he shall have served and the amount received by him as a pensioner.

(4) If any volunteer fireman retires from the fire service before attaining the age of sixty-five years, he may make application for the return of the amount paid into said fund by himself. [1973 1st ex.s. c 170 § 3; 1961 c 57 § 3; 1945 c 261 § 18; Rem. Supp. 1945 § 9578-22.]

Effective date--1973 1st ex.s. c 170:  
See note following RCW 41.24.030.

Reviser's note: RCW 41.24.180 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

41.24.180 LUMP SUM PAYMENTS (AS AMENDED BY 1973 1ST EX.S. C 154 § 75). The board of trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

(1) To any volunteer fireman, upon attaining the age of sixty-five years, who, for any reason, is not qualified to receive the monthly retirement pension herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself or herself: PROVIDED, HOWEVER, That this provision shall not be construed as depriving any active fireman from completing the requisite number of years of active service after attaining the age of sixty-five years as may be necessary to entitle him or her to the pension as herein provided.

(2) If any fireman dies before attaining the age at which a pension shall be payable to him or her under the provisions

of this chapter, there shall be paid to his widow or her widower, or if there be no widow or widower to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself or herself.

(3) If any fireman dies after beginning to receive the pension provided for in this chapter, and before receiving an amount equal to the amount paid by himself and the municipality or municipalities in whose department he or she shall have served, there shall be paid to his widow or her widower, or if there be no widow or widower then to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees, or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the difference between the amount paid into said fund by himself or herself and the municipality or municipalities in whose department he or she shall have served and the amount received by him or her as a pensioner.

(4) If any volunteer fireman retires from the fire service before attaining the age of sixty-five years, he or she may make application for the return of the amount paid into said fund by himself or herself. [1973 1st ex.s. c 154 § 75; 1961 c 57 § 3; 1945 c 261 § 18; Rem. Supp. 1945 § 9578-22.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Reviser's note: RCW 41.24.180 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

41.24.200 SERVICE NEED NOT BE CONTINUOUS NOR IN A SINGLE DEPARTMENT. The aggregate term of service of any fireman need not be continuous nor need it be confined to a single fire department nor a single municipality in this state to entitle such fireman to a pension: PROVIDED, That he has been duly enrolled in a fire department of a municipality which has elected to make provisions for the retirement of its firemen at the time he becomes eligible for such pension as in this chapter provided, and has paid all fees prescribed. To be eligible to the full pension a fireman must have an aggregate of twenty-five years service, have made twenty-five annual payments into the fund, and be sixty-five years of age at the time he commences drawing the

pension provided for by this chapter, all of which twenty-five years service must have been in the fire department of a municipality or municipalities which have elected to make provisions for the retirement of its volunteer firemen: PROVIDED, HOWEVER, That nothing herein contained shall require any fireman having twenty-five years active service to continue as a fireman and no fireman who has completed twenty-five years of active service for which annual pension fees have been paid and who continues as a fireman shall be required to pay any additional annual pension fees. [1973 1st ex.s. c 170 § 4; 1961 c 57 § 4; 1953 c 253 § 5; 1945 c 261 § 20; Rem. Supp. 1945 § 9578-34.]

Effective date—1973 1st ex.s. c 170:  
See note following RCW 41.24.030.

Chapter 41.26  
LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM

41.26.040 SYSTEM CREATED—MEMBERSHIP—FUNDS, TRANSFERS—AMORTIZATION OF UNFUNDED LIABILITIES. The Washington law enforcement officers' and fire fighters' retirement system is hereby created for fire fighters and law enforcement officers.

(1) All fire fighters and law enforcement officers employed as such on or after March 1, 1970, on a full time fully compensated basis in this state shall be members of the retirement system established by this chapter with respect to all periods of service as such, to the exclusion of any pension system existing under any prior act except as provided in subsection (2) of this section.

(2) Any employee serving as a law enforcement officer or fire fighter on March 1, 1970, who is then making retirement contributions under any prior act shall have his membership transferred to the system established by this chapter as of such date. Upon retirement for service or for disability, or death, of any such employee, his retirement benefits earned under this chapter shall be computed and paid. In addition, his benefits under the prior retirement act to which he was making contributions at the time of this transfer shall be computed as if he had not transferred. For the purpose of such computations, the employee's creditability of service and eligibility for service or disability retirement and survivor and all other benefits shall continue to be as provided in such prior retirement act, as if transfer of membership had not occurred. The excess, if any, of the benefits so computed, giving full value to survivor benefits, over the benefits payable under this chapter shall be paid. If the employee's prior retirement system was the Washington public employees' retirement system, payment of such excess shall be made by that system; if the employee's



prior retirement system was the state-wide city employees' retirement system, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred: PROVIDED, That any death in line of duty lump sum benefit payment shall continue to be the obligation of that system as provided in RCW 41.44.210; in the case of all other prior retirement systems, payment of such excess shall be made by the employer which was the member's employer when his transfer of membership occurred.

(3) All funds held by any firemen's or policemen's relief and pension fund shall remain in that fund for the purpose of paying the obligations of the fund. The municipality shall continue to levy the dollar rate as provided in RCW 41.16.060, and this dollar rate shall be used for the purpose of paying the benefits provided in chapters 41.16 and 41.18 RCW. The obligations of chapter 41.20 RCW shall continue to be paid from whatever financial sources the city has been using for this purpose.

(4) Any member transferring from the Washington public employees' retirement system or the state-wide city employees' retirement system shall have transferred from the appropriate fund of the prior system of membership, a sum sufficient to pay into the Washington law enforcement officers' and fire fighters' retirement system fund the amount of the employees' and employers' contributions plus credited interest in the prior system for all service, as defined in this chapter, from the date of the employee's entrance therein until March 1, 1970. Except as provided for in subsection (2), such transfer of funds shall discharge said state retirement systems from any further obligation to pay benefits to such transferring members with respect to such service.

(5) All unfunded liabilities created by this or any other section of this chapter shall be computed by the actuary in his biennial evaluation. Such computation shall provide for amortization of the unfunded liabilities over a period of not more than forty years from March 1, 1970. The amount thus computed as necessary shall be reported to the governor by the board of the retirement system for inclusion in the budget. The legislature shall make the necessary appropriation to fund the unfunded liability from the state general fund beginning with the 1971-1973 biennium. [1973 1st ex.s. c 195 § 44; 1970 ex.s. c 6 § 2; 1969 ex.s. c 209 § 4.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195; See notes following RCW 84.52.043.

41.26.070 WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT FUND—CREATED—TRUSTEES—CUSTODIAN—RETIREMENT SYSTEM EXPENSE FUND—EMPLOYER REIMBURSEMENT—LEGISLATIVE APPROPRIATION.  
A fund is hereby created and established

in the state treasury to be known as the Washington law enforcement officers' and fire fighters' retirement fund, and shall consist of all moneys paid into it in accordance with the provisions of this chapter, whether such moneys shall take the form of cash, securities, or other assets. The members of the retirement board shall be the trustees of these funds created by this chapter and the retirement board shall have full power to invest or reinvest these funds in the securities authorized by RCW 43.84.150 and 41.40.072: PROVIDED, That the board shall authorize the state finance committee to execute all transactions in connection with the purchase, sale, or exchange of any investment that it has authorized pursuant to its statutory authority.

(1) The state treasurer shall be the custodian of all 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.

(2) 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 and placed to the credit of the retirement fund or the retirement system expense fund.

(3) Into the retirement system fund shall be paid all moneys received by the retirement board, and paid therefrom shall be all refunds, adjustments, retirement allowances and other benefits provided for herein. All 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.

(4) There is hereby utilized for the purposes of this chapter, the retirement system expense fund, as provided for in RCW 41.40.080 and from which shall be paid the expenses of the administration of this retirement system.

(5) In order to reimburse the retirement system expense fund on an equitable basis the retirement board shall 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 monthly salaries of the employer's members bears



to the total salaries of all 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 system 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 percentage rate of salary established by the board: 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.

(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.

(8) RCW 41.26.060, 41.26.070 and 41.26.085 shall take effect commencing on January 1, 1972. [1973 1st ex.s. c 103 § 2; 1971 ex.s. c 216 § 2; 1969 ex.s. c 209 § 7.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

Chapter 41.32  
TEACHERS' RETIREMENT

41.32.030 RETIREMENT SYSTEM FUNDS.

Cross Reference:

Certain moneys payable during 1973-1975 biennium to be from interest earnings: RCW 41.32.4982.

41.32.190 ANNUAL INTEREST TO BE CREDITED. From interest and other earnings on the moneys of the retirement system, and except as otherwise provided in RCW 41.32.405 and 41.32.499, at the close of each fiscal year the board of trustees shall make such allowance of regular interest on the balance which was on hand at the beginning of the fiscal year in each of the funds as they may deem advisable; however, no interest shall be credited to the expense fund or the pension fund. [1973 1st ex.s. c 189 § 7; 1955 c 274 § 5; 1947 c 80 § 19; Rem. Supp. 1947 § 4995-38. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; Rem. Supp. 1941 § 4995-7, part.]

Severability—1973 1st ex.s. c 189: "If any provision of this 1973 amendatory act, or its application to any person or

circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 1st ex.s. c 189 § 12.] This applies to RCW 41.32.190, 41.32.245, 41.32.260, 41.32.350, 41.32.405, 41.32.4944, 41.32.497, 41.32.498, 41.32.4982 and 41.32.499.

41.32.200 AUTHORITY OVER FUNDS—INVESTMENTS AUTHORIZED. [1969 ex.s. c 150 § 6; 1965 ex.s. c 81 § 2; 1963 ex.s. c 14 § 3; 1961 c 297 § 1; 1955 c 274 § 6; 1947 c 80 § 20; Rem. Supp. 1947 § 4995-39. Prior: 1941 c 97 § 6, part; 1939 c 86 § 6, part; 1937 c 221 § 7, part; 1923 c 187 § 14; Rem. Supp. 1941 § 4995-7, part.] Repealed by 1973 1st ex.s. c 103 § 17.

41.32.201 INVESTMENTS—GENERAL CRITERION SPECIFIED. Any investments under RCW 43.84.150 shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which men of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived. [1973 1st ex.s. c 103 § 3; 1961 c 297 § 2.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

41.32.202 SECURITIES PURCHASED OR HELD FOR FUNDS UNDER STATE TREASURER'S CONTROL TO BE IN HIS CUSTODY. All securities purchased or held on behalf of funds, pursuant to RCW 43.84.150 and 41.32.207, held or disbursed through the state treasury shall be in the physical custody of the state treasurer who may deposit with the fiscal agent of the state, or with a state depository, such of said securities as he shall consider advisable to be held in safekeeping by said agent or bank for collection of principal and interest, or of the proceeds of sale thereof. [1973 1st ex.s. c 103 § 4; 1961 c 297 § 3.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

41.32.207 AUTHORITY OVER FUNDS—INVESTMENT. 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 manner prescribed by RCW 43.84.150, and not otherwise. [1973 1st ex.s. c 103 § 15.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

41.32.245 CERTAIN PHYSICALLY INCAPACITATED MAY ENTER SYSTEM--LIMITATIONS. Notwithstanding the provisions of RCW 41.32.240, any person who has left employment within the state for any reason at least fifteen years prior to April 25, 1973 with at least fifteen years of service credit at the time of such withdrawal and who because of physical incapacibilities is no longer employable as a teacher within this state may be admitted into the system upon acceptance by the board and making such reasonable payments as the board shall determine necessary therefor. Said application to be submitted before January 1, 1974. [1973 1st ex.s. c 189 § 13.]

Severability--1973 1st ex.s. c 189: See note following RCW 41.32.190.

41.32.260 CREDIT FOR MILITARY SERVICE OR AS STATE LEGISLATOR. Any member whose public school service is interrupted by active service to the United States as a member of its military, naval or air service, or to the state of Washington, as a member of the legislature, may upon becoming reemployed in the public schools, receive credit for such service upon presenting satisfactory proof, and contributing to the annuity fund, either in a lump sum or installments, such amounts as shall be determined by the board of trustees: PROVIDED, That no such military service credit in excess of five years shall be established or reestablished after July 1, 1961, unless the service was actually rendered during time of war: PROVIDED FURTHER, That a member of the retirement system who is a member of the state legislature or a state official eligible for the combined pension and annuity provided by RCW 41.32.497, or 41.32.498, as now or hereafter amended shall have deductions taken from his salary in the amount of seven and one-half percent of compensation and that service credit shall be established with the retirement system while such deductions are reported to the retirement system, unless he has by reason of his employment become a contributing member of another public retirement system in the state of Washington: AND PROVIDED FURTHER, That a member of the retirement system who had previous service as an elected or appointed official, for which he did not contribute to the retirement system, may receive credit for such legislative service unless he has received credit for that service in another state retirement system, upon making contributions in such amounts as shall be determined by the board of trustees. [1973 1st ex.s. c 189 § 1; 1971 ex.s. c 271 § 1; 1967 c 50 § 2; 1961 c 132 § 2; 1955 c 274 § 8; 1947 c 80 § 26; Rem. Supp. 1947 § 4995-45. Prior: 1941 c 97 § 4, part; 1939 c 86 § 4, part; 1937 c 221 § 1, part; Rem. Supp. 1941 § 4995-5, part.]

Severability--1973 1st ex.s. c 189: See note following RCW 41.32.190.

Parts of sections retroactive: See note following RCW 41.32.498.

41.32.310 TIME LIMIT FOR CLAIMING SERVICE CREDIT--PAYMENTS. Any member desiring to establish credit for services previously rendered, must present proof and make the necessary payments before January 31, 1974. Payments covering all types of membership service credit must be made in a lump sum prior to January 31, 1974: PROVIDED, That a member who had the opportunity under this section prior to July 1, 1965 to establish credit for services previously rendered and failed to do so shall be permitted to establish such credit only for previous public school service rendered in the state of Washington: PROVIDED FURTHER, That a member who had the opportunity under chapter 41.32 RCW prior to July 1, 1969, to establish credit for active United States military service or credit for professional preparation and failed to do so shall be permitted to establish such additional credit within the provisions of RCW 41.32.260 and 41.32.330. Any member desiring to establish credit under the provisions of this 1969 amendment must present proof and make the necessary payment before June 30, 1974; or, if not employed on the effective date of this amendment, before June 30th of the fifth school year upon returning to public school employment in this state. [1973 2nd ex.s. c 32 § 2; 1969 ex.s. c 150 § 9; 1965 ex.s. c 81 § 8; 1955 c 274 § 12; 1947 c 80 § 31; Rem. Supp. 1947 § 4995-50.]

Emergency--1973 2nd ex.s. c 32: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately." [1973 2nd ex.s. c 32 § 7.]

Severability--1973 2nd ex.s. c 32: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 2nd ex.s. c 32 § 6.]

The foregoing annotations apply to RCW 41.32.310, 41.32.4931, 41.32.499, 41.32-.520 and 41.32.580.

Reviser's note: "this 1969 amendment" added the last proviso to this section relating to the establishment of military service credit.

Effective date--1969 1st ex.s. c 150: July 1, 1969, see note following RCW 41.32.030.

41.32.350 CONTRIBUTIONS TO ANNUITY, DISABILITY RESERVE, AND DEATH BENEFIT FUNDS—ADDITIONAL CONTRIBUTIONS. 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: PROVIDED, That effective July 1, 1974, the amount of contribution required from each member by this section shall be increased to six percent of his earnable compensation. [1973 1st ex.s. c 189 § 6; 1963 ex.s. c 14 § 7; 1955 c 274 § 16; 1947 c 80 § 35; Rem. Supp. 1947 § 4995-54. Prior: 1941 c 97 § 5, part; 1939 c 86 § 5, part; 1937 c 221 § 6, part; 1931 c 115 § 4, part; 1923 c 115 § 11, part; 1917 c 163 § 10, part; Rem. Supp. 1941 § 4995-6, part.]

Severability—1973 1st ex.s. c 189: See note following RCW 41.32.190.

41.32.405 INCOME FUND CREATED. An income fund is hereby created for the purpose of crediting regular interest and such other income as may be derived from the deposits and investments of the various funds of the teachers' retirement fund. All accumulated contributions in the account of a terminated member which remain unclaimed after the expiration of ten years from the date of termination shall thereafter be transferred to the income fund as provided in RCW 41.32.510. Any moneys that may come into the possession of the retirement system in the form of gifts or bequests which are not allocated to a specific fund, or any other moneys the disposition of which is not otherwise provided herein, shall be credited to the income fund. The moneys accumulated in the income fund shall be available for transfer, upon board authorization, to the expense fund toward payment of the members' share of the operating costs of the system as provided in RCW 41.32.410, and for regular interest allowance to the various funds of the teachers' retirement fund as provided in RCW 41.32.190 and 41.32.460: PROVIDED, That from such accumulated moneys the board shall have sole discretion to determine an amount thereof to be credited to the annuity fund which will thereupon be credited as regular interest to the individual members' accounts: PROVIDED FURTHER, That from interest and other earnings on the moneys in the annuity fund the board may specifically allocate up to one percent per annum of such interest and other earnings for the purpose of making sufficient funds available to facilitate the adjustment in the retirement allowance provided in RCW 41.32.499. [1973 1st ex.s. c 189 § 8; 1969 ex.s. c 150 § 12.]

Severability—1973 1st ex.s. c 189: See note following RCW 41.32.190.

41.32.4931 RIGHTS OF FORMER MEMBERS RECEIVING RETIREMENT ALLOWANCE FOR SERVICE OR DISABILITY ON JULY 1, 1967. (1) Any former member of the teachers' retirement system or a former fund who is receiving a retirement allowance for service or disability on July 1, 1967, shall upon application approved by the board of trustees of the retirement system receive a pension of five dollars and fifty cents per month for each year of creditable service established with the retirement system: PROVIDED, That such former members who were retired pursuant to option 2 or option 3 of RCW 41.32.530 shall upon like application receive a pension which is actuarially equivalent under said option to the benefits provided in this section: PROVIDED FURTHER, That the benefits provided under this section shall be available only to former members who have reached age sixty-five or are disabled for further public school service and are not receiving federal old age, survivors or disability benefit payments (social security) and are not able to qualify for such benefits: PROVIDED FURTHER, That anyone qualifying for benefits pursuant to this section shall not receive a smaller pension than he was receiving prior to July 1, 1967.

(2) Effective the first day of the month following \*the effective date of this 1973 amendatory act, former members who have qualified for and have been granted benefits under this section shall receive an additional special pension of three dollars per month per year of service credit. Such special pension shall be in addition to the minimum pension provided by RCW 41.32.497 and the cost-of-living increases provided under section 9, chapter 189, Laws of 1973 1st ex. sess., RCW 41.32.499. [1973 2nd ex.s. c 32 § 3; 1967 c 151 § 6.]

\*Reviser's note: "the effective date of this 1973 amendatory act", because of the emergency clause footnoted to RCW 41.32-.310, is September 27, 1973, the date of approval by the governor. Note retroactive effect of amendment to RCW 41.32.499 (4).

Emergency—Severability—1973 2nd ex.s. c 32: See notes following RCW 41.32.310.

41.32.4944 FUNDS REQUIRED FOR PAYMENT OF BENEFITS TO ELECTED AND APPOINTED OFFICIALS UNDER RCW 41.32.497 AND 41.32.498. The board of trustees shall determine the amount of employer contribution rate necessary to properly fund the increased benefits granted elected and appointed officials by RCW 41.32.497 and 41.32.498. Upon determining the amount of employer contribution necessary, the board shall inform, bill and collect from the employer of those elected or appointed

officials the amount so determined in the same manner and to the same extent as the public employees' retirement system pursuant to RCW 41.40.370. [1973 1st ex.s. c 189 § 5.]

Severability--1973 1st ex.s. c 189: See note following RCW 41.32.190.

41.32.497 RETIREMENT ALLOWANCE FOR MEMBERS ENTERING SYSTEM BEFORE APRIL 25, 1973--ELECTION. Any person who became a member on or before April 25, 1973 and who qualifies for a retirement allowance shall, at time of retirement, make an irrevocable election to receive either the retirement allowance by RCW 41.32.498 or to receive a retirement allowance pursuant to this section consisting of: (1) An annuity which shall be the actuarial equivalent of his accumulated contributions at his age of retirement, (2) A basic service pension of one hundred dollars per annum, and (3) A service pension which shall be equal to one one-hundredth of his average earnable compensation for his two highest compensated consecutive years of service times the total years of creditable service established with the retirement system: PROVIDED, That no beneficiary now receiving benefits or who receives benefits in the future, except those beneficiaries receiving reduced benefits pursuant to RCW 41.32.520 (1), options 2 and 3 provided in RCW 41.32.530, or options 2 or 3 of RCW 41.32.498, shall receive a pension of less than six dollars and fifty cents 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 notwithstanding the provisions of subsections (1) through (3) of this section, the retirement allowance payable for service where a member was elected or appointed to the office of state senator, state representative or superintendent of public instruction shall be equal to three percent of the average earnable compensation of his two highest consecutive years of service, whether or not elected or appointed service, for each year of such elected or appointed service. However, the initial retirement allowance of a member retiring only under the provisions of this proviso shall not exceed the average final compensation upon which the retirement allowance is based. In addition, the member shall be allowed to have the pension provided by this proviso adjusted and paid pursuant to the options provided in RCW 41.32.530, as now or hereafter amended. [1973 1st ex.s. c 189 § 2; 1970 ex.s. c 35 § 3; 1969 ex.s. c 150 § 15; 1963 ex.s. c 14 § 16.]

Severability--1973 1st ex.s. c 189: See note following RCW 41.32.190.

Parts of sections retroactive: See note following RCW 41.32.498.

41.32.498 RETIREMENT ALLOWANCE FOR MEMBERS ENTERING SYSTEM AFTER APRIL 25, 1973 OR IN LIEU OF ALLOWANCE UNDER RCW 41.32.497. Any person who becomes a member subsequent to April 25, 1973 or who has made the election, provided by RCW 41.32.497, to receive the benefit provided by this section, shall receive a retirement allowance consisting of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions on full salary as provided by chapter 274, Laws of 1955 and his lump sum payment in excess of the required contribution rate made at date of retirement, pursuant to RCW 41.32.350, if any; and

(2) A combined pension and annuity service retirement allowance which shall be equal to two percent of his average earnable compensation for his two highest compensated consecutive years of service times the total years of creditable service established with the retirement system, to a maximum of sixty percent of such average earnable compensation: PROVIDED, That any member may irrevocably elect, at time of retirement, to withdraw all or a part of his accumulated contributions and to receive, in lieu of the full retirement allowance provided by this subsection, a reduction in the standard two percent allowance, of the actuarially determined amount of monthly annuity which would have been purchased by said contributions: PROVIDED FURTHER, That no member may withdraw an amount of accumulated contributions which would lower his retirement allowance below the minimum allowance provided by RCW 41.32.497 as now or hereafter amended: AND PROVIDED FURTHER, That said reduced amount may be reduced even further pursuant to the options provided in subsection (4) below;

(3) Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum. However, the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected to the office of state senator or state representative. Accumulated contributions for elected or appointed service may only be withdrawn if the member elects to waive

the pension provided by this subsection. In addition, the member shall be allowed to have the pension provided by this subsection adjusted and paid pursuant to the options provided in subsection (4) below.

(4) Upon an application for retirement approved by the board of trustees every member shall receive the maximum retirement allowance available to him throughout life unless prior to the time the first installment thereof becomes due he has elected to receive the reduced amount provided in subsection (2) and/or has elected by executing the proper application therefor, to receive the actuarial equivalent of his retirement allowance in reduced payments throughout his life, with the options listed below:

Option 1. If he dies before he has received the present value of his accumulated contributions at the time of his retirement by virtue of the annuity portion of his retirement allowance, the unpaid balance shall be paid to his estate or to such person as he shall have nominated by written designation executed and filed with the board of trustees.

Option 2. Upon his death his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation duly executed and filed with the board of trustees at the time of his retirement.

Option 3. Upon his death one-half of his adjusted retirement allowance shall be continued throughout the life of and paid to such person as he shall have nominated by written designation executed and filed with the board of trustees at the time of his retirement. [1973 1st ex.s. c 189 § 3.]

Parts of sections as retroactive: "Subsection (3) of section 3 of this 1973 amendatory act and the equivalent language contained in the last proviso in section 1 of this 1973 amendatory act, relating to elected and appointed officials, shall be retroactive to January 1, 1973." [1973 1st ex.s. c 189 § 4.]

Reviser's note: The reference to "subsection (3) of section 3" appears to be erroneous. Section 13 of the original bill (House Bill No. 419) referred to equivalent language in subsection (3) of section 12 and the last proviso in section 4, amending RCW 41.32.497. The language referred to in section 4 remains in section 2 of the final bill which amends RCW 41.32.497, but was deleted by senate committee amendment from section 3 (formerly section 12 of the original bill) of the engrossed substitute bill, codified herein as RCW 41.32.498.

Severability--1973 1st ex.s. c 189: See note following RCW 41.32.190.

Cross Reference:

Certain moneys payable during 1973-1975 biennium to be from interest earnings: RCW 41.32.4982.

41.32.4982 CERTAIN MONEYS PAYABLE DURING 1973-1975 BIENNIUM TO BE FROM INTEREST EARNINGS. Notwithstanding any other provision of this chapter, moneys necessary to pay the combined pension and annuity service retirement allowance provided for in RCW 41.32.498 (2) shall be payable for the 1973-1975 biennium from interest earnings on the pension reserve fund as provided for in RCW 41.32.030. [1973 1st ex.s. c 189 § 10.]

Severability--1973 1st ex.s. c 189: See note following RCW 41.32.190.

41.32.499 SERVICE RETIREMENT ALLOWANCE ADJUSTMENTS BASED ON COST-OF-LIVING FACTORS. (1) "Index" for the purposes of this section shall mean, for any calendar year, that year's annual average consumer price index for urban wage earners and clerical workers, all items (1957-1959 equal one hundred)--compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Cost-of-living factor" for the purposes of this section for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that, in no event, shall the cost-of-living factor, for any year subsequent to 1971, be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor; or

(c) such as to yield a retirement allowance, for any individual, less than that which was in effect July 1, 1972;

(3) The "initial date of payment" for the purposes of adjusting the annuity portion of a retirement allowance for the purposes of this section shall mean the date of retirement of a member.

(4) The "initial date of payment" for the purposes of adjusting the pension portion of a retirement allowance for the purposes of this section shall mean the date of retirement of a member or July 1, 1972, whichever is later: PROVIDED, That \*this 1973 amendment to this subsection shall be retroactive to July 1, 1973.

(5) Each service retirement allowance payable from July 1, 1973, until any subsequent adjustment pursuant to subsection (6) of this section shall be adjusted so as to equal the product of the cost-of-living factor for 1973 and the amount of said retirement allowance on the initial date of payment.

(6) Each service retirement allowance payable from July 1st of any year after 1973 until any subsequent adjustment pursuant to this subsection shall be adjusted so as to equal the product of the cost-of-

living factor for such year and the amount of said retirement allowance on the initial date of payment: PROVIDED, That the board finds, at its sole discretion, that the cost of such adjustments shall have been met by the excess of the growth in the assets of the system over that required for meeting the actuarial liabilities of the system at that time. [1973 2nd ex.s. c 32 § 1; 1973 1st ex.s. c 189 § 9.]

\*Reviser's note: "this 1973 amendment" changed the date in subsection (4) from "June 30, 1970" to "July 1, 1972", as appears above.

Emergency--Severability--1973 2nd ex.s. c 32: See notes following RCW 41.32.310.

Severability--1973 1st ex.s. c 189: See note following RCW 41.32.190.

41.32.520 PAYMENT ON DEATH BEFORE RETIREMENT. Upon receipt of proper proofs of death of any member before retirement or before the first installment of his retirement allowance shall become due his accumulated contributions and/or other benefits payable upon his death shall be paid to his estate or to such persons as he shall have nominated by written designation duly executed and filed with the board of trustees. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, or reestablishment of membership following termination by withdrawal, lapsation, or retirement, payment of his accumulated contributions and/or other benefits upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his estate. If a member had established ten or more years of Washington membership service credit, the beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund of the member's accumulated contributions, the following survivor benefit plan:

(1) A widow or widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit.

(2) The beneficiary, if the surviving spouse or a dependent child or dependent parent, may elect to receive a retirement allowance under Option 2 of RCW 41.32.530 until attainment of majority or so long as the board judges that the circumstances which created his dependent status continue to exist. If at the time dependent status ceases, an amount equal to the amount of accumulated contributions of the deceased member has not been paid to the beneficiary, the remainder shall then be paid in a lump sum to the beneficiary:

PROVIDED, That if at the time of death, the member was not then qualified for a service retirement allowance, such Option 2 benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance.

If no qualified beneficiary survives a member, at his death his accumulated contributions shall be paid to his estate, or his dependents may qualify for survivor benefits under benefit plan (2) in lieu of a cash refund of the members accumulated contributions in the following order: Widow or widower, guardian of a dependent child or children under age eighteen, or dependent parent or parents.

Under survivors' benefit plan (1) the board of trustees shall transfer to the survivors' benefit fund the accumulated contributions of the deceased member together with an amount from the pension fund determined by actuarial tables to be sufficient to fully fund the liability. Benefits shall be paid from the survivors' benefit fund monthly and terminated at the marriage of the beneficiary. [1973 2nd ex.s. c 32 § 4; 1973 1st ex.s. c 154 § 76; 1967 c 50 § 7; 1965 ex.s. c 81 § 6; 1957 c 183 § 3; 1955 c 274 § 25; 1947 c 80 § 52; Rem. Supp. 1947 § 4995-71. Prior: 1941 c 97 § 6; 1939 c 86 § 6; 1937 c 221 § 7; 1923 c 187 § 22; 1917 c 163 § 21; Rem. Supp. 1941 § 4995-7.]

Emergency--Severability--1973 2nd ex.s. c 32: See notes following RCW 41.32.310.

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.32.565 FUTURE BENEFITS AS CONTRACTUAL RIGHTS FOR PERSONS RETIRING AFTER APRIL 25, 1973. Any member of the teachers' retirement system who decides to retire after April 25, 1973 shall be entitled as a matter of contractual right to receive any new or increased benefits resulting from the enactment of legislation creating a new retirement system through a merger of the public employees' retirement system and the teachers' retirement system or from benefit liberalizations of the teachers' retirement system until June 30, 1974. [1973 1st ex.s. c 190 § 1.]

Reviser's note: Session law language "the effective date of this act" has been changed in RCW 41.32.565, 41.40.150 and 41.40.180 to read "April 25, 1973" as 1973 1st ex.s. c 190 contained an emergency clause. Note however that section 15 of the 1973 act [see RCW 41.40.011] provided that certain subsections in sections 2 and 13 of the 1973 act [see RCW 41.40.010 and 41.40.361] did not take effect until January 1, 1974.

Severability--1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.32.580 RETIRED TEACHER MAY REENTER SYSTEM--BENEFIT LIMITATIONS. A retired teacher upon returning to service in the public schools of Washington may elect to again become a member of the retirement system: PROVIDED, That if such a retired teacher elects to be restored to membership he must establish two full years of service credit before he will be eligible to retire under the provision of a formula other than the one in effect at the time of his previous retirement: PROVIDED FURTHER, That where any such right to again retire is exercised to become effective before a member has established two full years of service credit he may elect to retire only under the provisions of the formula in effect at the time of his previous retirement: AND PROVIDED FURTHER, That this section shall not apply to any individual who has returned to service and is presently in service on \*the effective date of this 1973 amendatory act. [1973 2nd ex.s. c 32 § 5; 1947 c 80 § 58; Rem. Supp. 1947 § 4995-77.]

\*Reviser's note: "the effective date of this 1973 amendatory act", because of the emergency clause footnoted to RCW 41.32.310, is September 27, 1973, the date of approval by the governor. Note retroactive effect of amendment to RCW 41.32.499 (4).

Emergency--Severability--1973 2nd ex.s. c 32: See notes following RCW 41.32.310.

Chapter 41.33  
TEACHERS' RETIREMENT--FEDERAL  
SOCIAL SECURITY

41.33.020 TERMS AND PROVISIONS OF PLAN. The terms and provisions of the plan are as follows:

(1) Each political subdivision of the state employing members of the teachers' retirement system and the members of the teachers' retirement system, after the approval of this plan by the legislature, and by the eligible employees through a referendum as provided in RCW 41.48.030 (3) and (4), shall be deemed to have accepted and agreed to be bound by the following terms and conditions in consideration of extension of the existing agreement between the secretary of health, education and welfare and the governor to make the protection of the federal old age and survivors insurance program available and applicable to such employees.

(2) As used in this plan the terms quoted below shall have the meanings assigned thereto in this section.

"Political subdivision" means any political subdivision, or instrumentality of one or more subdivisions, or proprietary

enterprise acquired, purchased or originated by one or more such subdivisions after December, 1950, which employs members of the teachers' retirement system. The state, its agencies, instrumentalities and institutions of higher learning shall be grouped and considered as a single political subdivision.

"Employee" means any person who is a member of the teachers' retirement system and is employed by a political subdivision.

"Wages" shall have the meaning given in RCW 41.48.020 (1) and section 209 of the social security act (42 U.S.C.A. Sec. 409).

"State" where not otherwise clearly indicated by the context, means the commissioner of employment security or other officer designated by the governor to administer the plan at the state level for all participating political subdivisions.

(3) The terms and conditions of this plan are intended and shall be construed to be in conformity with the requirements of the federal social security act as amended and with the requirements of chapter 41.48 RCW, and particularly RCW 41.48.050, as amended by chapter 4, Laws of 1955 extraordinary session.

(4) The rights and benefits accruing to employees from membership in the teachers' retirement system shall in no way be altered or impaired by this plan or by the additional and supplementary OASI coverage which such employees may receive hereunder, other than the elimination of (1), (2) and (3) of section 52, chapter 80, Laws of 1947 and RCW 41.32.520 as each are amended, with the exception of that part of (1) which permits a widow or widower without a child or children under age eighteen to receive a monthly payment of fifty dollars at age fifty, provided that the member had fifteen or more years of Washington membership service credit at date of death.

(5) There shall be no additional cost to or involvement of the state or a political subdivision with respect to OASI coverage of members of the teachers' retirement system until this plan has been approved by the legislature.

(6) Each employee to whom OASI coverage is made applicable under this plan pursuant to an extension or modification under RCW 41.48.030 of the existing agreement between the secretary of health, education and welfare and the governor shall be required to pay into the OASI contribution fund established by RCW 41.48.060 during the period of such coverage contributions with respect to his wages in an amount equal to the employee tax imposed by the federal insurance contributions act (section 3101, Internal Revenue Code of 1954), in consideration of the employee's retention in service by the political subdivision. The subdivision shall withhold such contributions from the wages paid to the employee; and shall remit the contributions so withheld in each calendar quarter



to the state for deposit in the contribution fund not later than the twentieth calendar day of the month following that quarter.

(7) Each political subdivision shall pay into the contribution fund with respect to the wages of its employees during the period of their OASI coverage pursuant to this plan contributions in an amount equal to the employer tax imposed by the federal insurance contributions act (section 3111, Internal Revenue Code of 1954), from the fund of the subdivision from which such employees' wages are paid. The subdivision shall remit such contributions to the state for deposit in the contribution fund on a quarterly basis, not later than the twentieth calendar day of the month following each calendar quarter.

(8) If any political subdivision other than that comprising the state, its agencies, instrumentalities and institutions of higher learning fails to remit as provided herein employer contributions or employee contributions, or any part of either, such delinquent contributions may be recovered with interest at the rate of six percent per annum by action in a court of competent jurisdiction against the political subdivision; or such delinquent contributions may at the request of the governor be deducted from any moneys payable to such subdivision by the state.

(9) Each political subdivision shall be charged with a share of the cost of administration of this plan by the state, to be computed as that proportion of the overall cost of administration which its total annual contributions bear to the total annual contributions paid by all subdivisions on behalf of employees covered by the plan. The state shall compute the share of cost allocable to each subdivision and bill the subdivision therefor at the end of each fiscal year. The subdivision shall within ninety days thereafter remit its share of the cost to the state for deposit in the general fund of the state.

(10) Each political subdivision shall submit to the state, through the employment security department, P. O. Box 367, Olympia, Washington, or such other officer or agency as the governor may subsequently designate, on forms furnished by the state, not later than the twentieth calendar day of the month following the end of each calendar quarter, the following information:

A. The social security account number of each employee;

B. the name of each employee;

C. the amount of wages subject to contributions as required hereunder paid to each employee during the quarter;

D. the total amount of wages subject to contributions paid to all employees during the quarter;

E. the total amount of employee contributions withheld and remitted for the quarter; and

F. the total amount of employer contributions paid by the subdivision for the quarter.

(11) Each political subdivision shall furnish in the same manner as provided in subsection (10), upon reasonable notice, such other and further reports or information as the governor may from time to time require. Each subdivision shall comply with such requirements as the secretary of health, education and welfare or the governor may from time to time establish with respect to any or all of the reports or information which are or may be provided for under subsection (10) or this subsection in order to assure the correctness and verification thereof.

(12) The governing body of each political subdivision shall designate an officer of the subdivision to administer such accounting, reporting and other functions as will be required for the effective operation of this plan within the subdivision, as provided herein. The commissioner of employment security or such other officer as the governor may designate, shall perform or supervise those functions with respect to employees of the subdivision comprising the state, its agencies, instrumentalities and institutions of higher learning; and shall serve as the representative of the participating political subdivisions in the administration of this plan with the secretary of health, education and welfare.

(13) The legislature shall designate the first day of any month beginning with January, 1956, as the effective date of OASI coverage for such employees, except that after January 1, 1958, the effective date may not be prior to the first day of the current year.

The employer's contribution for any retroactive coverage shall be transferred by the board of trustees from the teachers' retirement pension reserve fund to the official designated by the governor to administer the plan at the state level.

Each employee's contributions for any retroactive coverage shall be transferred by the board of trustees from his accumulated contributions in the teachers' retirement fund, to the official designated above. Each employee, if he so desires, may, within one year from the date of transfer, reimburse his accumulated contributions for the amount so transferred.

(14) The governor may terminate the operation of this plan in its entirety with respect to any political subdivision, in his discretion, if he finds that the subdivision has failed to comply substantially with any requirement or provision of this plan. The plan shall not be so terminated until reasonable notice and opportunity for hearing thereon have been given to the subdivision under such conditions, consistent with the provisions of the social security act, as shall have been established in regulations by the governor. [1973 1st ex.s. c 154 § 77; 1957 c 183 § 2.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 41.40  
WASHINGTON PUBLIC EMPLOYEES' RETIREMENT  
SYSTEM

41.40.010 TERMS DEFINED. As used in this chapter, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the public employees' retirement system provided for in this chapter.

(2) "Retirement board" means the board provided for in this chapter and chapter 41.26 RCW 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, any political subdivision or association of political subdivisions of the state admitted into the retirement system, and legal entities authorized by RCW 36.70.060 and 35.63.070 or chapter 39.34 RCW as now or hereafter amended; 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. The term may also include any city of the first class that has its own 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, 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 five 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: PROVIDED, That if a leave of absence is taken by an individual for the purpose of serving in the state legislature, the salary which would have been received for the position from which the leave of absence was taken, shall be considered as compensation earnable if the employee's contribution is paid by the employee and the employer's contribution is paid by the employer or employee.

(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: PROVIDED FURTHER, That where an individual is employed by two employers he shall only receive a total of twelve months of service credit during any calendar year.

(10) "Prior service" means all service of an original member rendered to any employer prior to October 1, 1947.

(11) "Membership service" means:

(a) All service rendered, as a member, after October 1, 1947;

(b) All service after October 1, 1947, to any employer prior to the time of its admission into the retirement system: PROVIDED, That an amount equal to the employer and employee contributions which would have been paid to the retirement system on account of such service shall have been paid to the retirement system with interest (as computed by the retirement board) on the employee's portion prior to retirement of such person, by the employee or his employer, except as qualified by RCW 41.40.120;

(c) Service not to exceed six consecutive months of probationary service rendered after April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member, prior to July 1, 1974 of the total amount of the employer's contribution to the retirement fund which would have been required under the law in effect when such probationary service was rendered if the member had been a member during such period.

(d) Service not to exceed six consecutive months of probationary service, rendered after October 1, 1947, and before April 1, 1949, and prior to becoming a member, in the case of any member, upon payment in full by such member prior to July 1, 1974, of five percent of such member's salary during said period of probationary service.

(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.

(14) "Accumulated contributions" means the sum of all contributions 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 two year period of service for which service credit is allowed; or if he has less than two 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) "Employee" means any person who may become eligible for membership under this chapter, as set forth in RCW 41.40.120.

(21) "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.

(22) "Retirement" means withdrawal from active service with a retirement allowance as provided by this chapter.

(23) "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.

(24) "Ineligible position" means any position which does not conform with the requirements set forth in subdivision (23).

(25) "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.

(26) "Totally incapacitated for duty" means total inability to perform the duties of a member's employment or office or any other work for which the member is qualified by training or experience. [1973 1st ex.s. c 190 § 2; 1972 ex.s. c 151 § 1; 1971 ex.s. c 271 § 2; 1969 c 128 § 1; 1969 c 155 § 1; 1963 c 225 § 1; 1963 c 174 § 1; 1961 c 291 § 1; 1957 c 231 § 1; 1955 c 277 § 1; 1953 c 200 § 1; 1951 c 50 § 1; 1949 c 240 § 1; 1947 c 274 § 1; Rem. Supp. 1949 § 11072-1.]

Severability--1973 1st ex.s. c 190: "If any provision of this 1973 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." [1973 1st ex.s. c 190 § 16.] This applies to RCW 41.32.565, 41.40.010, 41.40.011, 41.40.030, 41.40.100, 41.40.120, 41.40.150, 41.40.170, 41.40.180, 41.40.185, 41.40.190, 41.40.193, 41.40.195, 41.40.330 and 41.40.361.

Effective date of certain subsections: See RCW 41.40.011.

41.40.011 EFFECTIVE DATE OF CERTAIN SUBSECTIONS. The amendments contained in subsections 11 (a) and (b) of section 2 of this 1973 amendatory act and subsection 5 of section 13 of this 1973 amendatory act shall take effect January 1, 1974. [1973 1st ex.s. c 190 § 15.]

Severability--1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.030 RETIREMENT BOARD—ELECTION, TERMS. The retirement board shall consist of eleven members, as follows: The insurance commissioner, the attorney general, the state treasurer, the state auditor, the members provided by RCW 41.26.050, 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, except those board members provided by RCW 41.26.050. 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.

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 April 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 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. [1973 1st ex.s. c 190 § 3; 1971 ex.s. c 271 § 3; 1963 c 174 § 2; 1961 c 291 § 2; 1947 c 274 § 3; Rem. Supp. 1947 § 11072-3.]

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.071 INVESTMENT OF FUNDS—DEPOSIT FOR CURRENT USE—VALIDATION. [1969 c 128 § 3; 1965 c 155 § 8.] Repealed by 1973 1st ex.s. c 103 § 17.

41.40.072 AUTHORITY OVER FUNDS—INVESTMENT. 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 reinvest, or to authorize the state finance committee to invest or reinvest, such funds in the manner prescribed by RCW 43.84.150, and not otherwise: PROVIDED, That the board shall authorize the state finance committee to execute all transactions in connection with the purchase, sale or exchange of any investment that it has authorized pursuant to its statutory authority. [1973 1st ex.s. c 103 § 16.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

41.40.100 SYSTEM FUNDS CREATED. 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.

(1) The employees' savings fund shall be the fund in which shall be accumulated the contributions from the compensation of members. 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 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 retirement, 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 retirement allowances and death benefits, if any, in respect of any beneficiary. 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 retirement allowances, 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 excess, if any, of his individual account at the date of his retirement over any service retirement allowance received since that date.

(3) An income fund is hereby created for the purpose of crediting 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 quarterly allow interest 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 quarterly credited on the previous quarterly balance by the retirement board and paid from the income fund.

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.

The board shall have sole discretion to determine the amount of interest to be credited to the employees' savings fund which will thereupon be credited as regular interest to the individual members' accounts. The board may specifically allocate not more than one percent per annum of the investment earnings for the purpose of making sufficient funds available to facilitate the adjustment in service retirement allowances provided by RCW 41.40.195 as now or hereafter amended. [1973 1st ex.s. c 190 § 4; 1972 ex.s. c 151 § 2; 1967 c 127 § 2; 1963 c 174 § 7; 1953 c 200 § 4; 1949 c 240 § 6; 1947 c 274 § 11; Rem. Supp. 1949 § 11072-11.]

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.016.

41.40.120 MEMBERSHIP. 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 or who are employed, appointed or elected on or after July 1, 1965, with the following exceptions:

(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 application for those taking elective office for the first time after May 21, 1971 shall be submitted within eight years of the beginning of their initial term of office: 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: AND PROVIDED FURTHER, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership and be accepted by action of the retirement board, to be effective during such term or terms of office, and shall be allowed to recover or regain the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee and employer contributions therefor by the employer or employee: AND PROVIDED FURTHER, That any person who was an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system, shall have the option to recover service credit for such elected service upon payment to the retirement system of the employee and employer contributions which would have been made had the person been a member during the period of such elective service;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of 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 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 41.40.190 or 41.40.185;

(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 institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college 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.

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees 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.

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system.

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971 shall have the option of continuing his membership in this system in lieu of becoming a member of the city system. A member who so elects to maintain his membership shall make his contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary

to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010 (4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. [1973 1st ex.s. c 190 § 5; 1971 ex.s. c 271 § 4; 1969 c 128 § 5; 1967 c 127 § 3; 1965 c 155 § 2; 1963 c 225 § 2; 1963 c 210 § 1; 1957 c 231 § 2; 1955 c 277 § 2; 1953 c 200 § 5; 1951 c 50 § 2; 1949 c 240 § 7; 1947 c 274 § 13; Rem. Supp. 1949 § 11072-13.]

Severability--1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.150 TERMINATION 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 41.40.190, he shall thereupon cease to be a member except;

(1) As provided in RCW 41.40.170.

(2) An employee who reenters service shall upon completion of two years of continuous service and upon the restoration of all withdrawn contributions with interest as computed by the retirement board, which restoration must be completed within a total period of five years of membership service following his first resumption of employment, be returned to the status, either as an original member or new member which he held at time of separation: PROVIDED, That any member who reentered service outside the ten-year period formerly provided by this subsection, and by reason of the former language of this section was not allowed to restore withdrawn contributions, shall have two years from April 25, 1973 to restore said contributions: AND PROVIDED FURTHER, That any member who reentered service within the ten-year period formerly provided by this section, and who failed to restore withdrawn contributions within the three or five years previously allowed, shall now have two years from April 25, 1973 to restore said contributions, with interest as determined by the retirement board.

(3) A member who separates or has separated after having completed at least five years of service shall remain a member during the period of his absence from service for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty-five, however,



such a member may upon thirty days written notice to the 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 contributions, he shall thereupon cease to be a member and this section shall not apply.

(4) (a) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy and who shall be employed in an eligible position shall be considered to have terminated his retirement status and he shall immediately become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended during the period of his eligible employment and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered two uninterrupted years of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available;

(b) The recipient of a retirement allowance who has not yet reached the compulsory retirement age of seventy, following his election to office or appointment to office directly by the governor, and who shall apply for and be accepted in membership as provided in RCW 41.40.120 (3) shall be considered to have terminated his retirement status and he shall become a member of the retirement system with the status of membership he had as of the date of his retirement. Retirement benefits shall be suspended from the date of his return to membership until the date when he again retires and he shall make contributions and receive membership credit. Such a member shall have the right to again retire if eligible in accordance with RCW 41.40.180: PROVIDED, That where any such right to retire is exercised to become effective before the member has rendered six uninterrupted months of service the type of retirement allowance he had at the time of his previous retirement shall be reinstated, but no additional service credit shall be available: AND PROVIDED FURTHER, That if such a recipient of a retirement allowance does not elect to apply for reentry into membership as provided in RCW 41.40.120 (3), or should he have reached the age of seventy and be ineligible to apply as provided in RCW 41.40.125, he shall be considered to remain in a retirement status and his retirement benefits shall continue without interruption.

(5) Subject to the provisions of RCW 41.04.070, 41.04.080 and 41.04.100, any

member who leaves the employment of an employer and enters the employ of a public agency or agencies of the state of Washington, other than those within the jurisdiction of the state employees' retirement system, and who establishes membership in a retirement system or a pension fund operated by such agency or agencies and who shall continue his membership therein until attaining age sixty, shall remain a member for the exclusive purpose only of receiving a retirement allowance without the limitation found in RCW 41.40.180 (1) to begin on attainment of age sixty-five, however, such a member may upon thirty days written notice to the 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. [1973 1st ex.s. c 190 § 6; 1969 c 128 § 6; 1967 c 127 § 4; 1965 c 155 § 3; 1963 c 174 § 8; 1955 c 277 § 3; 1953 c 200 § 7; 1951 c 50 § 3; 1949 c 240 § 10; 1947 c 274 § 16; Rem. Supp. 1949 § 11072-16.]

Effective date of certain subsections:  
See RCW 41.40.011.

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

Reviser's note: See note following RCW 41.32.565.

#### 41.40.170 CREDIT FOR MILITARY SERVICE.

(1) A member who has served or shall serve on active federal service in the military or naval forces of the United States and who left or shall leave an employer to enter such service shall be deemed to be on military leave of absence if he has resumed or shall resume employment as an employee within one year from termination thereof.

(2) If he has applied or shall apply for reinstatement of employment, within one year from termination of the military service, and is refused employment for reasons beyond his control, he shall, upon resumption of service within ten years have such service credited to him.

(3) In any event, after completing twenty-five years of creditable service, any member may have his service in the armed forces credited to him as a member whether or not he left the employ of an employer to enter such armed service: PROVIDED, That in no instance, described in subsections (1), (2), and (3) of this section, shall military service in excess of five years be credited: AND PROVIDED FURTHER, That in each instance the member must restore all withdrawn accumulated contributions, which restoration must be



completed within five years of membership service following his first resumption of employment: AND PROVIDED FURTHER, That this section will not apply to any individual, not a veteran within the meaning of RCW 41.04.005, as now or hereafter amended: AND PROVIDED FURTHER, That in no instance, described in subsections (1), (2) and (3) of this section, shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code. [1973 1st ex.s. c 190 § 14; 1972 ex.s. c 151 § 3; 1969 c 128 § 7; 1967 c 127 § 8; 1963 c 174 § 10; 1953 c 200 § 9; 1949 c 240 § 12; 1947 c 274 § 18; Rem. Supp. 1949 § 11072-18.]

Severability--1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.180 RETIREMENT--OPTIONAL--COMPULSORY--LENGTH OF SERVICE. (1) On and after April 1, 1949, any member with five years of creditable service who has attained age sixty and any original member who has attained age sixty 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.

(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, 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: PROVIDED FURTHER, That any member holding elective office, having a fixed term to which he has been elected, who has attained age seventy may continue to serve as an elective official and to receive retirement credit for such service.

(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) On and after May 21, 1971 any member who has completed twenty-five years of service and attained age fifty-five may retire on his written application to the retirement board setting forth at which 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.

(5) Any individual who is eligible to retire pursuant to subsections (1) through (4) of this section shall be allowed to retire while on any authorized leave of absence not in excess of one hundred and twenty days.

(6) The retirement board is authorized to waive advance notice of retirement upon good cause shown. [1973 1st ex.s. c 190 § 7; 1972 ex.s. c 151 § 4; 1971 ex.s. c 271 § 7; 1967 c 127 § 5; 1963 c 174 § 11; 1955 c 277 § 4; 1953 c 200 § 10; 1951 c 81 § 1; 1949 c 240 § 13; 1947 c 274 § 19; Rem. Supp. 1949 § 11072-19.]

Severability--1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.185 RETIREMENT ALLOWANCES--MEMBERS RETIRING AFTER FEBRUARY 25, 1972--OPTIONS. Upon retirement from service, as provided for in RCW 41.40.180 or 41.40-.210, a member shall be eligible for a service retirement allowance computed on the basis of the law in effect at the time of retirement, together with such post-retirement pension increases as may from time to time be expressly authorized by the legislature. The service retirement allowance payable to members retiring on and after February 25, 1972 shall consist of:

(1) An annuity which shall be the actuarial equivalent of his additional contributions made pursuant to RCW 41.40.330 (2).

(2) A membership service pension, subject to the provisions of subsection (4) of this section, which shall be equal to two percent of his average final compensation for each year or fraction of a year of membership service.

(3) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event, except as provided in this 1972 amendatory act, shall any member receive a retirement allowance pursuant to subsections (2) and (3) of this section of more than sixty percent of his average final compensation: PROVIDED, That no member shall receive a pension under this section of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if

such member has twenty or more years of service credit.

(4) Notwithstanding the provisions of subsections (1) through (3) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: PROVIDED, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected to the office of state senator or state representative.

(5) Upon making application for a service retirement allowance under RCW 41.40-.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

(a) Standard Allowance. A member selecting this option shall receive a retirement allowance, which shall be computed as provided in subsections (1), (2) and (3) of this section. The retirement allowance shall be payable throughout his life. However, if he dies before the total of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance 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, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative.

(b) Option II. A member who selects this option shall receive a reduced retirement allowance which upon his death shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall

have nominated by written designation duly executed and filed with the retirement board at the time of his retirement.

(c) Option III. A member who selects this option shall receive a reduced retirement allowance and upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. [1973 1st ex.s. c 190 § 8; 1972 ex.s. c 151 § 5.]

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.190 RETIREMENT ALLOWANCE—IN LIEU OF ALLOWANCE PROVIDED IN RCW 41.40-.185—ELECTION—OPTIONS. In lieu of the retirement allowance provided in RCW 41.40.185, an individual employed on or before April 25, 1973 may, after complying with RCW 41.40.180 or 41.40.210, make an irrevocable election to receive the retirement allowance provided by this section which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and

(2) A basic service pension of one hundred dollars per annum; and

(3) A membership service pension, subject to the provisions of subdivision (4) of this section, which shall be equal to one one-hundredth of his average final compensation for each year or fraction of a year of membership service credited to his service account; and

(4) A prior service pension which shall be equal to one-seventieth of his average final compensation for each year or fraction of a year of prior service not to exceed thirty years credited to his service accounts. In no event shall any original member upon retirement at age seventy with ten or more years of service credit receive less than nine hundred dollars per annum as a retirement allowance, nor shall any member upon retirement at any age receive a retirement allowance of less than nine hundred dollars per annum if such member has twelve or more years of service credit, or less than one thousand and two hundred dollars per annum if such member has sixteen or more years of service credit, or less than one thousand five hundred and sixty dollars per annum if such member has twenty or more years of service credit. In the event that the retirement allowance as to such member provided by subdivisions (1), (2), (3), and (4) hereof shall amount to less than the aforesaid minimum retirement allowance, the basic service pension of the member shall be increased from one hundred dollars to a sum sufficient to

make a retirement allowance of the applicable minimum amount.

(5) Notwithstanding the provisions of subsections (1) through (4) of this section, the retirement allowance payable for service where a member was elected or appointed pursuant to Articles II or III of the Constitution of the state of Washington or RCW 48.02.010 and the implementing statutes shall be a combined pension and annuity. Said retirement allowance shall be equal to three percent of the average final compensation for each year of such service. Any member covered by this subsection who upon retirement has served ten or more years shall receive a retirement allowance of at least one thousand two hundred dollars per annum; such member who has served fifteen or more years shall receive a retirement allowance of at least one thousand eight hundred dollars per annum; and such member who has served twenty or more years shall receive a retirement allowance of at least two thousand four hundred dollars per annum: PROVIDED, That the initial retirement allowance of a member retiring only under the provisions of this subsection shall not exceed the average final compensation upon which the retirement allowance is based. The minimum benefits provided in this subsection shall apply to all retired members or to the surviving spouse of deceased members who were elected under the provisions of Article II of the Washington state Constitution.

(6) Upon making application for a service retirement allowance under RCW 41.40.180, a member who is eligible therefor shall make an election as to the manner in which such service retirement shall be paid from among the following designated options, calculated so as to be actuarially equivalent to each other:

Option IA. A member electing this option shall receive a retirement allowance payable throughout his life only with termination at death, which shall be computed as provided for in subsections (1) through (4) or (5) of this section.

Option I. If he dies before the total of the annuity portions of the retirement allowance paid to him equals the amount of his accumulated contributions at the time of retirement, then the balance 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, or if there be no such designated person or persons, still living at the time of his death, then to his surviving spouse, or if there be neither such designated person or persons still living at the time of his death nor a surviving spouse, then to his legal representative; or

Option II. Upon his death his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by

written designation duly executed and filed with the retirement board at the time of his retirement. Unless payment shall be made under RCW 41.40.270, option II shall automatically be given effect as if selected for the benefit of the surviving spouse upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified for a service retirement allowance or has completed ten years of service at the time of death, except that if the member is not then qualified for a service retirement allowance, such option II benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance; or

Option III. Upon his death, one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the retirement board at the time of his retirement. [1973 1st ex.s. c 190 § 9; 1972 ex.s. c 151 § 6; 1971 ex.s. c 271 § 5; 1969 c 128 § 8; 1967 c 127 § 7; 1961 c 291 § 6; 1953 c 200 § 11; 1951 c 50 § 5; 1949 c 240 § 14; 1947 c 274 § 20; Rem. Supp. 1949 § 11072-20.]

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

Reviser's note: See note following RCW 41.32.565.

41.40.193 DATES UPON WHICH RETIREMENT ALLOWANCES ACCRUE. Retirement allowances paid to members eligible to retire under the provisions of RCW 41.40.180, 41.40.200, 41.40.210, 41.40.220, 41.40.230, 41.40.240 and 41.40.250 shall accrue from the first day of the calendar month immediately following the calendar month during which the member is separated from service. Retirement allowance paid to members eligible to retire under any other provisions of this 1972 amendatory act shall accrue from the first day of a calendar month but in no event earlier than the first day of the calendar month immediately following the calendar month during which the member is separated from service. [1973 1st ex.s. c 190 § 10; 1972 ex.s. c 151 § 7.]

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.195 ADJUSTMENT IN PENSION PORTION OF SERVICE RETIREMENT ALLOWANCE FOR PRIOR PENSIONS. (1) "Index" for the purposes of this section, shall mean, for any calendar year, that year's annual average consumer price index for urban

wage earners and clerical workers, all items (1957-1959 equal one hundred)--compiled by the Bureau of Labor Statistics, United States Department of Labor;

(2) "Cost-of-living factor", for any year shall mean the ratio of the index for the previous year to the index for the year preceding the initial date of payment of the retirement allowance, except that, in no event, shall the cost-of-living factor, for any year subsequent to 1971, be

(a) less than 1.000;

(b) more than one hundred three percent or less than ninety-seven percent of the previous year's cost-of-living factor; or

(c) such as to yield a retirement allowance, for any individual, less than that which was in effect July 1, 1971;

(3) "Initial date of payment" shall mean:

(a) The date of retirement of a member, or

(b) In the case of beneficiary receiving an allowance pursuant to the automatic application of option II pursuant to RCW 41.40.270 (2), the first day of the month following the date of death;

(4) Each service retirement allowance payable from July 1, 1973 until any subsequent adjustment pursuant to subsection (5) of this section shall be adjusted so as to equal the product of the cost-of-living factor for 1973 and the amount of said retirement allowance on the initial date of payment.

(5) Each service retirement allowance payable from July 1st of any year after 1973 until any subsequent adjustment pursuant to this subsection shall be adjusted so as to equal the product of the cost-of-living factor for such year and the amount of said retirement allowance on the initial date of payment: PROVIDED, That the board finds, at its sole discretion, that the cost of such adjustments shall have been met by the excess of the growth in the assets of the system over that required for meeting the actuarial liabilities of the system at that time.

(6) The cost-of-living increases provided by this section shall be applicable to those individuals receiving benefits calculated pursuant to chapter 41.44 RCW and paid by the public employees' retirement system pursuant to RCW 41.40.407. [1973 2nd ex.s. c 14 § 1; 1973 1st ex.s. c 190 § 11; 1971 ex.s. c 271 § 6; 1970 ex.s. c 68 § 1.]

Severability--1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.280 BOARD MAY WITHHOLD REFUNDS OF CONTRIBUTIONS. The retirement board may, in its discretion, withhold payment of all or part of a member's contributions for not more than six months after a member has ceased to be an employee: PROVIDED, That termination of employment

with one employer for the purpose of accepting employment with another employer or termination with one employer and reemployment with the same employer within a period of thirty days shall not qualify a member for a refund of his accumulated contributions. In addition, a member who files an application for a refund of his accumulated contributions and subsequently becomes employed in an eligible position before the expiration of thirty days or before a refund payment has been made, shall not be eligible for such refund payment. [1973 2nd ex.s. c 14 § 2; 1947 c 274 § 29; Rem. Supp. 1947 § 11072-29.]

41.40.330 CONTRIBUTIONS. (1) Each employee who is a member of the retirement system shall contribute five percent of his total compensation earnable: PROVIDED, HOWEVER, That a retirement system expense fund contribution of two dollars and fifty cents per annum shall be transferred in semiannual payments of one dollar and twenty-five cents from each employee account balance in the employees' savings fund to the retirement expense fund account, as set forth in this section. On and after July 1, 1973, each employee who is a member of the retirement system shall contribute six percent of his total compensation earnable. The officer responsible for making up the payroll shall deduct from the compensation of each member, on each and every payroll of such member for each and every payroll period subsequent to the date on which he became a member of the retirement system the contribution as provided by this section.

(2) Any member may, pursuant to regulations formulated from time to time by the board, provide for himself, by means of an increased rate of contribution to his account in the employees' savings fund, an increased prospective retirement allowance pursuant to RCW 41.40.190 and 41.40.185.

(3) The officer responsible for making up the payroll shall deduct from the compensation of each member covered by the provisions of RCW 41.40.190 (5) and 41.40.185 (4) on each and every payroll of such member for each and every payroll period subsequent to the date on which he thereafter becomes a member of the retirement system, an amount equal to seven and one-half percent of such member's compensation earnable. [1973 1st ex.s. c 190 § 12; 1972 ex.s. c 151 § 13; 1971 ex.s. c 271 § 10; 1969 c 128 § 12; 1953 c 200 § 17; 1951 c 50 § 11; 1949 c 240 § 24; 1947 c 274 § 34; Rem. Supp. 1949 § 11072-34.]

Severability--1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.361 EMPLOYER'S CONTRIBUTION. (1) For the purpose of this section, the "fundable employer liability" at any date shall be the present value of

(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.

(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 effective July 1, 1973 the total combined contributions of the normal contribution and unfunded liability contribution shall not exceed a total combined percentage rate of seven percent for each employer unless authorized by the legislature.

(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. In addition the board shall determine the additional employer contribution rate necessary to fund the benefits granted officials holding office pursuant to Articles II and III of the Constitution of the state of Washington and RCW 48.02.010. Said additional employer contribution rate shall be paid in the same manner as the normal contribution and the unfunded liability contribution. 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 valuation 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 the uniform and constant percentage of the

prospective compensation of all members of the retirement system for the forty-year period following the date of such valuation which is equivalent to the unfunded liability. 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 and employee would have been required to contribute between April 1, 1949, and the date of such employer's admission to the retirement system: PROVIDED, That either the employee or employer may make the contributions the employee would have made during the same period of time: PROVIDED FURTHER, That 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. Employee contributions for these periods must be made before the member will receive credit for those periods of service, pursuant to such regulations as the retirement board may adopt.

(6) For the biennium beginning July 1, 1971, and ending June 30, 1973, only, and notwithstanding any other provision of the chapter, the rate determined by the board for state employer contributions shall be only the percentage of compensation for members equal to the "normal contribution" computed to be four and thirty-six one-hundredths percent of compensation. [1973 1st ex.s. c 190 § 13; 1972 ex.s. c 151 § 14; 1971 ex.s. c 271 § 11; 1963 c 174 § 15; 1961 c 291 § 11; 1957 c 231 § 4. Prior: 1953 c 200 § 18; 1951 c 50 § 12; 1949 c 240 § 25; 1947 c 274 § 37; Rem. Supp. 1949 § 11072-37.]

Effective date of certain subsections:  
RCW 41.40.011.

Severability—1973 1st ex.s. c 190: See note following RCW 41.40.010.

41.40.450 CLASSIFIED EMPLOYEES—SCHOOL DISTRICTS—COMPUTATION PROVISIONS. Notwithstanding any other law, or rule or regulation of the retirement board, contributions to the retirement system relating to any classified employee of a school district actually employed by the district on a continuous nine month basis shall be pro-rated on a twelve month basis and counted in the computation of any retirement allowance or other benefits provided

for in this chapter as for twelve months of service. [1973 c 23 § 1.]

41.40.500 OPTIONAL ENTRY OF WSU CLASSIFIED EMPLOYEES--DEFINITIONS. For the purposes of RCW 41.40.500 through 41.40.508, unless a different meaning is plainly required by context:

(1) "Classified employees" shall mean all employees of Washington State University: PROVIDED, That the following employees shall not be included as classified employees for the purposes of RCW 41.40.500 through 41.40.508: The president of the university; employees of Washington State University in the resident instructional staff, consisting of the vice president--academic, the registrar, deans and directors of teaching units, chairmen of teaching departments, and all members of the faculty who hold academic rank and who conduct courses of instruction; the research staff consisting of the administrative officers and professional personnel of the organized research units and other professional personnel engaged in research who are paid at least in part by the university; the library staff consisting of the director of libraries and professional personnel of the library; the extension staff consisting of the administrative officers and professional personnel whose work pertains primarily to extension services and faculty members in responsible charge of instruction and demonstration work for persons who are not officially enrolled on the campus; the student affairs staff consisting of the administrative officers and professional personnel concerned with student affairs; the intercollegiate athletic staff consisting of the administrative officers and coaching personnel; persons employed in a position scheduled for less than twenty hours per week or on an intermittent employment schedule; and persons employed in a position primarily as an incident to and furtherance of their education and training, or the education or training of a spouse.

(2) The "Retirement Plan" shall mean the Washington State University retirement system established by the board of regents pursuant to authority heretofore conferred by law for the purpose of providing retirement income and related benefits to certain employees through private insurers.

(3) "Board" shall mean the retirement board as provided for in RCW 41.40.029, as now or hereafter amended.

(4) "Employer share" shall mean one-half or fifty percent of the total of any employee's accumulation and/or cash value in the contract(s) attributable to contributions made in accordance with the Retirement Plan.

(5) "Applicable income" shall mean that income provided by law and regulations had the person been a member of the Washington public employees' retirement system during

each month of Washington State University service and shall include that income earned during the initial six months of Washington State University service irrespective of any provisions of law or regulations promulgated thereunder to the contrary.

(6) "Contributory membership" shall mean that period of time during which an employee was making contributions under the Retirement Plan for purposes of being eligible for a retirement entitlement. [1973 1st ex.s. c 168 § 1.]

Appropriation--1973 1st ex.s. c 168: "There is hereby appropriated to Washington State University from the general fund for the biennium ending June 30, 1975, four hundred fifteen thousand dollars or so much thereof as may be necessary, as the employer's share of the retirement plan contribution costs associated and incident to those members of the retirement plan electing to transfer to the Washington public employees' retirement system as provided for in sections 1 through 9 of this 1973 act. Washington State University shall transfer this appropriation or so much thereof as may be necessary, to the Washington public employees' retirement system on or before January 30, 1974. Should this appropriation be insufficient Washington State University shall request in its 1975-77 budget request an amount sufficient to fully reimburse the Washington public employees' retirement system for any costs associated and incident to those members of the retirement plan electing to transfer to the Washington public employees' retirement system as provided for in sections 1 through 9 of this 1973 act. The retirement plan for the purposes of this section shall be as defined in section 1, subsection (2) of this 1973 act." [1973 1st ex.s. c 168 § 10.]

Severability--1973 1st ex.s. c 168: "If any provision of this 1973 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." [1973 1st ex.s. c 168 § 12.]

The above annotations apply to RCW 41.40.500 through 41.40.508.

41.40.501 OPTIONAL ENTRY OF WSU CLASSIFIED EMPLOYEES--TRANSFER AUTHORIZED--WHEN MEMBERSHIP MANDATORY. (1) On and after April 24, 1973 and until January 1, 1974, classified employees at Washington State University presently members of the Retirement Plan may irrevocably transfer membership therein to the Washington public employees' retirement system, such transfer being subject to such conditions and limitations as hereinafter set forth in RCW 41.40.502 through 41.40.508, including rules and regulations promulgated to effect the purposes of RCW 41.40.500



through 41.40.508: PROVIDED, That such irrevocable transfers of membership shall be made at the following stated intervals: June 1, 1973, October 1, 1973, or January 1, 1974.

(2) All classified employees employed by Washington State University on and after April 24, 1973 and otherwise eligible shall become members of the Washington public employees' retirement system to the exclusion of any other retirement benefit system at such institution unless otherwise hereafter provided by law. [1973 1st ex.s. c 168 § 2.]

Appropriation--Severability--1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.502 OPTIONAL ENTRY OF WSU CLASSIFIED EMPLOYEES--AMOUNTS TO BE TRANSFERRED. (1) Except as otherwise provided in RCW 41.40.500 through 41.40.508, upon election by a person to transfer his membership to the Washington public employees' retirement system, as authorized in RCW 41.40.501 (1), there shall be transferred from the contract(s) issued under the Retirement Plan to the Washington public employees' retirement system the amount which would have been paid at the rates and on the applicable income (as defined RCW 41.40.500 (5)) as provided by law and regulations promulgated pursuant thereto had the person been a member of the Washington public employees' retirement system during each month of service at Washington State University: PROVIDED, That any person so transferring may elect to eliminate from the membership service credit to be transferred the period of service at Washington State University prior to his contributory membership in the Retirement Plan.

(2) The board shall compute separately the employee and employer amounts that would have been paid from the date of membership service credit to be transferred to the Washington public employees' retirement system. The employee share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to employee contributions made in accordance with the Retirement Plan. The employer share shall be transferred from the accumulation and/or cash value in the contract(s) attributable to Washington State University contributions made in accordance with the Retirement Plan. [1973 1st ex.s. c 168 § 3.]

Appropriation--Severability--1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.503 OPTIONAL ENTRY OF WSU CLASSIFIED EMPLOYEES--DEFICIENCY PAYMENTS. (1) Any person electing to transfer his membership to the Washington public employees' retirement system shall pay,

prior to January 1, 1978, an amount equal to the deficiency, if any, between the employee computed share and the employee accumulation or cash value in the contract(s) required to be transferred as provided for in RCW 41.40.502.

(2) As specifically provided for by appropriation and subject to the limitations of section 10, chapter 168, Laws of 1973 1st ex. sess., Washington State University shall pay to the Washington public employees' retirement system an amount equal to the deficiency, if any, between the employer computed share and the employer accumulation or cash value in the contract(s) required to be transferred as provided for in RCW 41.40.502. [1973 1st ex.s. c 168 § 4.]

Appropriation--Severability--1973 1st ex.s. c 168: See notes following RCW 41.40.500.

Reviser's note: Section 10, chapter 168, Laws of 1973 1st ex. sess., an appropriation section, is footnoted to RCW 41.40.500.

41.40.504 OPTIONAL ENTRY OF WSU CLASSIFIED EMPLOYEES--RETENTION OF RIGHTS AND BENEFITS UNDER RETIREMENT PLAN. Nothing in RCW 41.40.500 through 41.40.508 shall prevent any classified employee at Washington State University presently a member within the Retirement Plan from electing to join the Washington public employees' retirement system if otherwise eligible not later than January 1, 1974 and from electing to retain his rights and benefits under the Retirement Plan, such person's rights under the Washington public employees' retirement system to begin to accrue from such date of membership transfer. [1973 1st ex.s. c 168 § 5.]

Appropriation--Severability--1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.505 OPTIONAL ENTRY OF WSU CLASSIFIED EMPLOYEES--VOLUNTARY RELINQUISHMENT OF RIGHTS TO EMPLOYER CONTRIBUTIONS TRANSFERRED. Any classified employee at Washington State University electing to transfer membership to the Washington public employees' retirement system from the Retirement Plan and seeking to transfer employee contributions made to the Retirement Plan shall be deemed to have voluntarily relinquished any right to any refund of the amounts transferred to the Washington public employees' retirement system as an employer contribution in accordance with RCW 41.40.502 except as otherwise provided by chapter 41.40 RCW. [1973 1st ex.s. c 168 § 6.]

Appropriation--Severability--1973 1st ex.s. c 168: See notes following RCW 41.40.500.



41.40.506 OPTIONAL ENTRY OF WSU CLASSIFIED EMPLOYEES--EMPLOYEE SHARE RIGHTS UPON TERMINATION FROM SYSTEM PRIOR TO DEATH. Any classified employee at Washington State University electing to transfer to the Washington public employees' retirement system from the Retirement Plan and transferring his employee share in the Retirement Plan shall be entitled to a refund of his employee share of the total contributions made in his behalf as determined by the board upon termination from the system prior to his death. [1973 1st ex.s. c 168 § 7.]

Appropriation--Severability--1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.507 OPTIONAL ENTRY OF WSU CLASSIFIED EMPLOYEES--RULES AND REGULATIONS. Subject to chapter 34.04 RCW, the administrative procedure act, the board shall make rules and regulations necessary to carry out the purposes of RCW 41.40.500 through 41.40.508. [1973 1st ex.s. c 168 § 8.]

Appropriation--Severability--1973 1st ex.s. c 168: See notes following RCW 41.40.500.

41.40.508 OPTIONAL ENTRY OF WSU CLASSIFIED EMPLOYEES--DEFICIENCY PAYMENTS THROUGH REDUCTION IN RETIREMENT ALLOWANCE. Notwithstanding any other provision of RCW 41.40.500 through 41.40.508, any person transferring membership to the Washington public employees' retirement system as authorized in RCW 41.40.501 through 41.40.508 and who retires on or before January 1, 1978 may elect to make the payments required in RCW 41.40.503 by a reduction in his or her retirement allowance at such stated intervals as the board shall determine: PROVIDED, That should any such person die before the total of such payments as required in RCW 41.40.503 have been made, such person having exercised option I, II or III under RCW 41.40.185 or 41.40.190, such payments shall be deducted at the stated intervals from amounts otherwise owing any beneficiary until such time as they become paid in full. [1973 1st ex.s. c 168 § 9.]

Appropriation--Severability--1973 1st ex.s. c 168: See notes following RCW 41.40.500.

#### Chapter 41.44

#### STATE-WIDE CITY EMPLOYEES' RETIREMENT

41.44.170 ALLOWANCE ON RETIREMENT FOR DISABILITY. On retirement for permanent and total disability not incurred in line of duty a member shall receive a retirement allowance which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated normal contributions; and

(2) A pension provided by the contributions of the city which, together with his annuity provided by his accumulated normal contributions, shall make his retirement allowance equal to thirty percent of his final compensation for the first ten years of service, which allowance shall be increased by one and one-half percent for each year of service in excess of ten years to a maximum of fifty percent of his final compensation; otherwise he shall receive a retirement allowance of forty dollars per month or, except as to a part time employee, such sum, monthly, not in excess of sixty dollars per month, as is equal to six dollars per month for each year of his creditable service, whichever is greater. If the retirement allowance of a part time employee, based upon the pension hereinabove provided, does not exceed forty dollars per month, then such part time employee shall receive a retirement allowance of forty dollars per month and no more.

Nothing herein contained shall be construed in a manner to increase or to decrease any pension being paid or to be paid to a member retired prior to August 6, 1965.

(3) If it appears to the satisfaction of the board that permanent and total disability was incurred in line of duty, a member shall receive in lieu of the retirement allowance provided under subdivisions (1) and (2) of this section full pay from, and be furnished all hospital and medical care by, the city for a period of six months from the date of his disability, and commencing at the expiration of such six month period, shall receive a retirement allowance, regardless of his age or years of service, equal to fifty percent of his final compensation exclusive of any other benefit he may receive.

(4) No disability retirement allowance shall exceed seventy-five percent of final compensation, anything herein to the contrary notwithstanding, except as provided in subdivision (7) of this section.

(5) 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. In the alternative, if there be a surviving spouse, or if no surviving spouse, there are surviving a child or children under the age of eighteen years, upon written notice to the board by such spouse, or if there be no such spouse, by the duly appointed, qualified and acting guardian of such child or children, within sixty days of the date of such member's death, there shall be paid

to such spouse during his or her lifetime, or, if there be no such spouse, to such child or children, until they shall reach the age of eighteen years, a monthly pension equal to one-half of the monthly final compensation of such deceased member. If any such spouse or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided.

(6) If disability is due to intemperance, wilful misconduct, or violation of law, on the part of the member, the board, in its discretion, may pay to said member, in one lump sum his accumulated contribution, in lieu of a retirement allowance, and such payment shall constitute full satisfaction of all obligations of the city to such member.

(7) In addition to the annuity and pension provided for in subdivisions (1) and (2) of this section, a member shall receive an annuity which shall be the actuarial equivalent of his accumulated additional contributions. [1973 1st ex.s. c 154 § 78; 1965 ex.s. c 99 § 7; 1961 c 227 § 7; 1957 c 158 § 5; 1953 c 228 § 7; 1951 c 275 § 13; 1947 c 71 § 17; Rem. Supp. 1947 § 9592-146.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

41.44.210 BENEFIT ON DEATH IN LINE OF DUTY. Upon the death of any member who dies from injuries or disease arising out of or incurred in the performance of his duty or duties, of which the board of trustees shall be the judge, if death occurs within one year from date of discontinuance of city service caused by such injury, there shall be paid to his estate or 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 board, the sum of one thousand dollars, purchased by the contributions of the cities participating in the retirement system; and in addition thereto there shall be paid to the surviving spouse during such spouse's lifetime, or if there be no surviving spouse, then to his minor child or children until they shall have reached the age of eighteen years, a monthly pension equal to one-half the monthly final compensation of such deceased member. If any such spouse, or child or children shall marry, then such person so marrying shall thereafter receive no further pension herein provided. Cost of the lump sum benefit above provided shall be determined by actuarial calculation and prorated equitably to each city. The benefits provided in this section shall be exclusive of any other benefits due the member under this chapter. [1973 1st ex.s. c 154 § 79; 1961 c 227 § 10; 1957 c 158 § 6; 1947 c 71 § 21; Rem. Supp. 1947 § 9592-150.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

Chapter 41.48  
FEDERAL SOCIAL SECURITY FOR  
PUBLIC EMPLOYEES

41.48.060 OASI CONTRIBUTION FUND. (1) There is hereby established a special fund in the state treasury to be known as the OASI contribution fund. All interest earnings presently in and all interest earnings accruing to this fund in accordance with RCW 39.58.120 shall be deposited in the state's general fund. Such fund shall consist of and there shall be deposited in such fund: (a) All contributions and penalties collected under RCW 41.48.040 and 41.48.050; (b) all moneys appropriated thereto under this chapter; (c) any property or securities belonging to the fund; and (d) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the fund and all other moneys received for the fund from any other source. All moneys in the fund shall be mingled and undivided. Subject to the provisions of this chapter, the governor is vested with full power, authority and jurisdiction over the fund, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter.

(2) The OASI contribution fund shall be established and held separate and apart from any other funds of the state and shall be used and administered exclusively for the purpose of this chapter. Withdrawals from such fund shall be made for, and solely for (a) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under RCW 41.48.030; (b) payment of refunds provided for in RCW 41.48.040 (3); and (c) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(3) From the OASI contribution fund the custodian of the fund shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the governor in accordance with any agreement entered into under RCW 41.48.030 and the social security act.

(4) The treasurer of the state shall be ex officio treasurer and custodian of the OASI contribution fund and shall administer such fund in accordance with the provisions of this chapter and the directions of the governor and shall pay all warrants drawn upon it in accordance with the provisions of this section and with the regulations as the governor may prescribe pursuant thereto. [1973 c 126 § 14; 1967 c 213 § 1; 1951 c 184 § 6.]

Chapter 41.56  
PUBLIC EMPLOYEES' COLLECTIVE BARGAINING

41.56.030 DEFINITIONS. As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter as designated by RCW 41.56.020, or any subdivision of such public body.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to the executive head or body of the applicable bargaining unit, or any person elected by popular vote or appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Department" means the department of labor and industries.

(6) "Uniformed personnel" means (a) law enforcement officers as defined in RCW 41.26.030 as now or hereafter amended, of cities with a population of fifteen thousand or more or law enforcement officers employed by the governing body of AA counties or (b) fire fighters as that term is defined in RCW 41.26.030, as now or hereafter amended. [1973 c 131 § 2; 1967 ex.s. c 108 § 3.]

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.110 DUES—DEDUCTION FROM PAY. Upon the written authorization of any public employee within the bargaining unit and after the certification or recognition of such bargaining representative, the public employer shall deduct from the pay of such public employee the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative. [1973 c 59 § 1; 1967 ex.s. c 108 § 11.]

41.56.122 COLLECTIVE BARGAINING AGREEMENTS—AUTHORIZED PROVISIONS. A collective bargaining agreement may:

(1) Contain union security provisions: PROVIDED, That nothing in this section shall authorize a closed shop provision: PROVIDED FURTHER, That agreements involving union security provisions must safeguard the right of nonassociation of public employees based on bona fide religious tenets or teachings of a church or religious body of which such public employee is a member. Such public employee shall pay an amount of money equivalent to regular union dues and initiation fee to a nonreligious charity or to another charitable organization mutually agreed upon by the public employee affected and the bargaining representative to which such public employee would otherwise pay the dues and initiation fee. The public employee shall furnish written proof that such payment has been made. If the public employee and the bargaining representative do not reach agreement on such matter, the department of labor and industries shall designate the charitable organization. When there is a conflict between any collective bargaining agreement reached by a public employer and a bargaining representative on a union security provision and any charter, ordinance, rule, or regulation adopted by the public employer or its agents, including but not limited to, a civil service commission, the terms of the collective bargaining agreement shall prevail.

(2) Provide for binding arbitration of a labor dispute arising from the application or the interpretation of the matters contained in a collective bargaining agreement. [1973 c 59 § 2.]

41.56.125 ARBITRATORS—SELECTION—ADDITIONAL METHOD. In addition to any other method for selecting arbitrators, the parties may request the department of labor and industries to, and the department shall, appoint a qualified person who may be an employee of the department to act as an arbitrator to assist in the resolution of a labor dispute between such public employer and such bargaining representative arising from the application of the matters contained in a collective bargaining agreement. The arbitrator shall

conduct such arbitration of such dispute in a manner as provided for in the collective bargaining agreement: PROVIDED, That the department shall not collect any fees or charges from such public employer or such bargaining representative for services performed by the department under the provisions of this chapter: PROVIDED FURTHER, That the provisions of chapter 49.08 RCW shall have no application to this chapter. [1973 c 59 § 3.]

41.56.420 INTERIM COMMITTEE ON PUBLIC EMPLOYEES' COLLECTIVE BARGAINING--DUTIES--REPORTS--RECOMMENDATIONS TO INCLUDE PROPOSED LEGISLATION. The committee shall study the operation of chapter 108, Laws of 1967 extraordinary session, relating to public employees collective bargaining, including an evaluation of the collective bargaining practices and procedures of uniformed personnel, and review the efficacy of RCW 28.75.130 (28B.16.130), 41.06-.340, 41.56.140 through 41.56.190 and 41.56.400 through 41.56.420 or any part thereof as a means of furthering and improving management relationships within public service. The committee shall submit its report to the governor and the state legislature, with a copy to the legislative council, prior to the convening of any regular session of the legislature, or to any special session if the committee deems it appropriate. The report shall contain specific recommendations as to necessary or desirable changes, if any, in the law, and shall also include any proposed legislation necessary to implement the recommendations of the committee. [1973 c 131 § 9; 1969 ex.s. c 215 § 11.]

Construction--1973 c 131: See RCW 41.56.905.

Severability--1973 c 131: See RCW 41.56.910.

41.56.430 UNIFORMED PERSONNEL--LEGISLATIVE DECLARATION. The intent and purpose of \*this 1973 amendatory act is to recognize that there exists a public policy in the state of Washington against strikes by uniformed personnel as a means of settling their labor disputes; that the uninterrupted and dedicated service of these classes of employees is vital to the welfare and public safety of the state of Washington; that to promote such dedicated and uninterrupted public service there should exist an effective and adequate alternative means of settling disputes. [1973 c 131 § 1.]

\*Reviser's note: "this 1973 amendatory act" [1973 c 131] consists of RCW 41.56-.430-41.56.490, 41.56.905, 41.56.910, and the 1973 c 131 amendments to RCW 41.56.030 and 41.56.420.

Construction--1973 c 131: See RCW 41.56.905.

Severability--1973 c 131: See RCW 41.56.910.

41.56.440 UNIFORMED PERSONNEL--NEGOTIATIONS--IMPASSE DEFINED--FACT-FINDING PANEL--HEARINGS--FINDINGS. Negotiations between representatives of the public employer and uniformed personnel shall be commenced at least five months prior to the submission of the budget to the legislative body of the public employer. If after a forty-five day period of negotiation between representatives of the public employer and uniformed personnel, an agreement has not been concluded, then an impasse is declared to exist, and either party may voluntarily submit the matters in dispute to mediation, as provided for in RCW 41.56.100. If the parties have still not reached agreement after a ten day period of mediation, a fact-finding panel shall be created in the following manner: Each party shall appoint one member within two days; the two appointed members shall then choose a third member within two days who shall act as chairman of the panel. If the two members so appointed cannot agree within two days to the appointment of a third member, either party may request, and the department shall name a third member who shall be chairman of the fact-finding panel and who may be an employee of the department. The panel shall begin hearings on the matters in dispute within five days of the formation of the fact-finding panel and shall conclude such hearings and issue findings of fact and recommendations to the parties within thirty days of the date upon which hearings were commenced.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Minutes of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements, and documents as may be deemed by the panel material to a just determination of the issues in dispute and to issue subpoenas. Costs of each party's appointee shall be paid by the party, and the costs of proceedings otherwise shall be borne by the department.

In making its findings, the fact-finding panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards of guidelines to aid it in developing its recommendations, it

shall take into consideration those factors set forth in RCW 41.56.460. [1973 c 131 § 3.]

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.450 UNIFORMED PERSONNEL—ARBITRATION PANEL—POWERS AND DUTIES—HEARINGS—FINDINGS AND DETERMINATION. If an agreement has not been reached within forty-five days after mediation and fact-finding has commenced, an arbitration panel shall be created in the following manner: Each party shall submit a list of three persons to the director, who shall then name one from each list as members to the panel, all within two days. The two appointed members shall utilize one of the two following options in the appointment of the third member, who shall act as chairman of the panel: (1) By mutual consent, the two appointed members may jointly request the department, and the department shall appoint a third member within two days of such request. Costs of each party's appointee shall be borne by each party respectively; other costs of the arbitration proceedings shall be borne by the department; or (2) The two appointed members shall choose a third member within two days. The costs of each party's appointee shall be borne by each party respectively, and the costs of the proceedings otherwise shall be shared equally between the parties.

If the two members so appointed under alternative (2) cannot agree within two days to the appointment of a third member, either party may apply to the superior court of the county where the labor disputes exist and request that the third member of the panel be appointed as provided by RCW 7.04.050. The panel thus composed shall be deemed an agency of the director and a state agency for the purposes of \*this 1973 amendatory act. The panel shall hold hearings on the matters in dispute within five days after the formation of the arbitration panel and take oral or written testimony.

Reasonable notice of such hearings shall be given to the parties who shall appear and be heard either in person or by counsel or other representative. Hearings shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. A recording of the proceedings shall be taken. Any oral or documentary evidence and other data deemed relevant by the panel may be received in evidence. The panel shall have the power to administer oaths, require the attendance of witnesses, and the production of such books, papers, contracts, agreements and documents as may be deemed by the panel material to a just determination of

the issues in dispute and to issue subpoenas. If any person refuses to obey such subpoena or refuses to be sworn to testify, or any witness, party or attorney of a party is guilty of any contempt while in attendance at any hearing held hereunder, the panel may invoke the jurisdiction of the superior court in the county where a labor dispute exists and such court shall have jurisdiction to issue an appropriate order. Any failure to obey such order may be punished by the court as a contempt thereof.

The hearing conducted by the panel shall be concluded within twenty days of the time of commencement and, within fifteen days after conclusion of the hearings, the chairman shall make written findings of fact and a written determination of the dispute based upon the issues presented, a copy of which shall be mailed or otherwise delivered to the employees' negotiating agent or its attorney or other designated representative and to the employer or the employer's attorney or designated representative. The decision made by the panel shall be final and binding upon both parties, subject to review by the superior court upon the application of either party solely upon the question of whether the decision of the panel was arbitrary or capricious. [1973 c 131 § 4.]

\*Reviser's note: "this 1973 amendatory act", see note following RCW 41.56.430.

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.460. UNIFORMED PERSONNEL—ARBITRATION PANEL—BASIS FOR DETERMINATION. In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and as additional standards or guidelines to aid it in reaching a decision, it shall take into consideration the following factors:

(a) The constitutional and statutory authority of the employer.

(b) Stipulations of the parties.

(c) Comparison of the wages, hours and conditions of employment of the uniformed personnel of cities and counties involved in the proceedings with the wages, hours, and conditions of employment of uniformed personnel of cities and counties respectively of similar size on the west coast of the United States.

(d) The average consumer prices for goods and services, commonly known as the cost of living.

(e) Changes in any of the foregoing circumstances during the pendency of the proceedings.

(f) Such other factors, not confined to the foregoing, which are normally or traditionally taken into consideration in

the determination of wages, hours and conditions of employment.

(g) Findings of fact made by the fact-finder pursuant to RCW 41.56.440. [1973 c 131 § 5.]

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.470 UNIFORMED PERSONNEL—ARBITRATION PANEL—RIGHTS OF PARTIES. During the pendency of the proceedings before the arbitration panel, existing wages, hours and other conditions of employment shall not be changed by action of either party without the consent of the other but a party may so consent without prejudice to his rights or position under \*this 1973 amendatory act. [1973 c 131 § 6.]

\*Reviser's note: "this 1973 amendatory act", see note following RCW 41.56.430.

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.480 UNIFORMED PERSONNEL—REFUSAL TO SUBMIT TO PROCEDURES—INVOKING JURISDICTION OF SUPERIOR COURT—CONTEMPT. If the representative of either or both the uniformed personnel and the public employer refuse to submit to the procedures set forth in RCW 41.56.440 and 41.56.450, the parties, or the department on its own motion, may invoke the jurisdiction of the superior court for the county in which the labor dispute exists and such court shall have jurisdiction to issue an appropriate order. A failure to obey such order may be punished by the court as a contempt thereof. A decision of the arbitration panel shall be final and binding on the parties, and may be enforced at the instance of either party, the arbitration panel or the department in the superior court for the county where the dispute arose. [1973 c 131 § 7.]

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.490 UNIFORMED EMPLOYEES—STRIKES PROHIBITED—VIOLATIONS—FINES. The right of uniformed employees to engage in any strike, work slowdown or stoppage is not granted. Where an organization, recognized as the bargaining representative of uniformed employees subject to this chapter, as amended by \*this 1973 amendatory act, wilfully disobeys a lawful order of

enforcement by a superior court pursuant to RCW 41.56.480 and 41.56.490, or wilfully offers resistance to such order, whether by strike or otherwise, the punishment for each day that such contempt persists, may be a fine fixed in the discretion of the court in an amount not to exceed two hundred fifty dollars per day. Where an employer wilfully disobeys a lawful order of enforcement by a superior court pursuant to RCW 41.56.480 or wilfully offers resistance to such order, the punishment for each day that such contempt persists may be a fine, fixed at the discretion of the court in an amount not to exceed two hundred fifty dollars per day to be assessed against the employer. [1973 c 131 § 8.]

\*Reviser's note: "this 1973 amendatory act", see note following RCW 41.56.430.

Construction—1973 c 131: See RCW 41.56.905.

Severability—1973 c 131: See RCW 41.56.910.

41.56.905 UNIFORMED PERSONNEL—PROVISIONS ADDITIONAL—LIBERAL CONSTRUCTION—1973 C 131. The provisions of \*this 1973 amendatory act relating to uniformed personnel are intended to be additional to other remedies and shall be liberally construed to accomplish their purpose. If any provision of \*this 1973 amendatory act conflicts with any other statute, ordinance, rule or regulation of any public employer as it relates to uniformed employees, the provisions of \*this 1973 amendatory act shall control. [1973 c 131 § 10.]

\*Reviser's note: "this 1973 amendatory act", see note following RCW 41.56.430.

41.56.910 SEVERABILITY—1973 C 131. If any provisions of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1973 c 131 § 11.]

#### TITLE 42 PUBLIC OFFICERS AND AGENCIES

Sections added, amended, or repealed:

#### Chapter 42.04 General Provisions.

42.04.060 Offices to be open certain days and hours.

#### Chapter 42.17 Disclosure—Campaign Finances—Lobbying—Records. [Initiative Measure No. 276.]

- 42.17.010 Declaration of policy.  
42.17.020 Definitions.
- CAMPAIGN FINANCING
- 42.17.030 Applicability.  
42.17.040 Obligation of political committees to file statement of organization.  
42.17.050 Campaign treasurer—  
Depositories.  
42.17.060 Deposit of contributions—  
Statement of campaign treasurer—Anonymous contributions.  
42.17.070 Authorization of expenditures and restrictions thereon.  
42.17.080 Candidates' and treasurers' duty to report.  
42.17.090 Contents of report.  
42.17.100 Special reports.  
42.17.110 Commercial advertisers' duty to report.  
42.17.120 Identification of contributions and communications.  
42.17.130 Forbids use of public office facilities in campaigns.  
42.17.140 Campaign expenditure limitations.
- LOBBYIST REPORTING
- 42.17.150 Registration of lobbyists.  
42.17.160 Exemption from registration.  
42.17.170 Reporting by lobbyists.  
42.17.180 Reports by employers of registered lobbyists.  
42.17.190 Legislative activities of state agencies and other units of government.  
42.17.200 Grass roots lobbying campaigns.  
42.17.210 Employment of legislators, attaches, or state employees—  
Statement, contents and filing.  
42.17.220 Employment of unregistered persons.  
42.17.230 Duties of lobbyists.
- REPORTING OF ELECTED OFFICIALS FINANCIAL AFFAIRS
- 42.17.240 Elected officials reports of financial affairs.
- PUBLIC RECORDS
- 42.17.250 Duty to publish procedures.  
42.17.260 Documents and indexes to be made public.  
42.17.270 Facilities for copying.  
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42.17.300 Charges for copying.  
42.17.310 Certain personal and other records exempt.  
42.17.320 Prompt responses required.  
42.17.330 Court protection of records.  
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- ADMINISTRATION AND ENFORCEMENT
- 42.17.350 Public disclosure commission—  
Established—Membership.  
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42.17.380 Secretary of state, attorney general—Duties.  
42.17.390 Civil remedies and sanctions.  
42.17.400 Enforcement.  
42.17.410 Limitation on actions.  
42.17.420 Date of mailing deemed date of receipt.  
42.17.430 Certification of reports.  
42.17.440 Statements and reports public records.  
42.17.450 Duty to preserve statements and reports.  
42.17.900 Effective date.  
42.17.910 Severability.  
42.17.920 Construction.  
42.17.930 Chapter, section headings not part of law.  
42.17.940 Repealer.
- Chapter 42.18 Executive Conflict of Interest Act.
- 42.18.130 State employee.  
42.18.290 Civil action against persons violating this chapter.  
42.18.300 Civil action against other violators.  
42.18.340 General penalty.
- Chapter 42.28 Notaries Public and Commissioners of Deeds.
- 42.28.080 Deposit of records with county clerk.
- Chapter 42.30 Open Public Meetings Act.
- 42.30.070 Times and places for meetings—  
Emergencies—Exception.  
42.30.110 Executive sessions.  
42.30.120 Violations—Personal liability—Penalty.  
42.30.140 Chapter controlling—  
Application.
- Chapter 42.04  
GENERAL PROVISIONS
- 42.04.060 OFFICES TO BE OPEN CERTAIN DAYS AND HOURS. All state elective and appointive officers shall keep their offices open for the transaction of business from eight o'clock a.m. to five o'clock p.m. of each business day from Monday through Friday, state legal holidays excepted. On Saturday, such offices may be closed.  
This section shall not apply to the courts of record of this state or to their officers nor to the office of the attorney general and the lieutenant governor.  
[1973 2nd ex.s. c 1 § 2; 1955 ex.s. c 9 § 3. Prior: 1951 c 100 §§ 3, 4; 1941 c 113 § 1; Rem. Supp. 1941 § 9963-1.]



Chapter 42.17  
 DISCLOSURE—CAMPAIGN FINANCES—LOBBYING—  
 RECORDS  
 [ INITIATIVE MEASURE NO. 276. ]

42.17.010 DECLARATION OF POLICY. It is hereby declared by the sovereign people to be the public policy of the state of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interests.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information

concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provisions of this chapter shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence in fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected. [1973 c 1 § 1 (Initiative Measure No. 276 § 1).]

42.17.020 DEFINITIONS. (1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, public official, department, division, bureau, board, commission or other state agency. "Local agency" includes every county, city, city and county, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

(2) "Ballot proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of any specific constituency which has been filed with the appropriate election officer of that constituency.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to RCW 42.17.050.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political committee, pursuant to RCW 42.17.050, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall be deemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under RCW 42.17.350.

(8) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between

political committees, or transfer of anything of value, including personal and professional services for less than full consideration, but does not include ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses not in excess of twenty-five dollars personally paid for by any volunteer campaign worker. "Part time" services, for the purposes of this chapter, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this chapter, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this chapter, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

(9) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(10) "Election" includes any primary, general or special election for public office and any election in which a ballot proposition is submitted to the voters.

(11) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(12) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(13) "Final report" means the report described as a final report in RCW 42.17-.080 (2).

(14) "Immediate family" includes the spouse and children living in the household and other relatives living in the household.

(15) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the

subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the governor.

(16) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, or the adoption or rejection of any rule, standard, rate or other legislative enactment of any state agency under the state Administrative Procedure Acts, chapter 34.04 RCW and chapter 28B.19 RCW.

(17) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

(18) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(19) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(20) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

(21) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(22) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(23) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(24) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(25) "Writing" means handwriting, type-writing, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words,

pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

As used in this chapter, the singular shall take the plural and any gender, the other, as the context requires. [1973 c 1 § 2 (Initiative Measure No. 276 § 2).]

#### CAMPAIGN FINANCING

42.17.030 APPLICABILITY. The provisions of this chapter relating to election campaigns shall apply in all election campaigns other than (a) for precinct committeeman; (b) for the president and vice president of the United States; and (c) for an office the constituency of which does not encompass a whole county and which contains less than five thousand registered voters as of the date of the most recent general election in such district. [1973 c 1 § 3 (Initiative Measure No. 276 § 3).]

#### 42.17.040 OBLIGATION OF POLITICAL COMMITTEES TO FILE STATEMENT OF ORGANIZATION.

(1) Every political committee, within ten days after its organization or, within ten days after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides). Each political committee in existence on the effective date of this act shall file a statement of organization with the commission within ninety days after such effective date.

(2) The statement of organization shall include but not be limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses and titles of its responsible leaders;

(d) The name and address of its campaign treasurer and campaign depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made in the event of dissolution; and

(i) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county auditor within the ten days following the change. [1973 c 1 § 4 (Initiative Measure No. 276 § 4).]

Effective date: See RCW 42.17.900.

42.17.050 CAMPAIGN TREASURER--DEPOSITORIES. (1) Each candidate, at or before the time he announces publicly or files for office, and each political committee, at or before the time it files a statement of organization, shall designate and file with the commission the names and addresses of:

(a) One legally competent individual, who may be the candidate, to serve as a campaign treasurer; and

(b) One bank doing business in this state to serve as campaign depository.

(2) A candidate, a political committee or a campaign treasurer may appoint as many deputy campaign treasurers as is considered necessary and may designate not more than one additional campaign depository in each other county in which the campaign is conducted. The candidate or political committee shall file the names and addresses of the deputy campaign treasurers and additional campaign depositories with the commission.

(3) (a) A candidate or political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository.

(b) In the event of the death, resignation, removal, or change of a campaign treasurer, deputy campaign treasurer or depository, the candidate or political committee shall designate and file with the commission the name and address of any successor.

(4) No campaign treasurer, deputy campaign treasurer, or campaign depository shall be deemed to be in compliance with the provisions of this chapter until his name and address is filed with the commission. [1973 c 1 § 5 (Initiative Measure No. 276 § 5).]

42.17.060 DEPOSIT OF CONTRIBUTIONS--STATEMENT OF CAMPAIGN TREASURER--ANONYMOUS CONTRIBUTIONS. (1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a

campaign depository in an account designated, "Campaign Fund of \_\_\_\_\_" (name of candid (2) All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person: PROVIDED, That contributions not exceeding five dollars from any one person may be deposited without identifying the contributor. The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records, one copy to be filed by the campaign treasurer with the commission, and one copy to be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the third copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) (a) Accumulated anonymous contributions in excess of one dollar from any individual contributor, and

(b) Accumulated anonymous contributions in excess of one percent of the total accumulated contributions received to date or three hundred dollars (whichever is less),

shall not be deposited, used or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund. [1973 c 1 § 6 (Initiative Measure No. 276 § 6).]

42.17.070 AUTHORIZATION OF EXPENDITURES AND RESTRICTIONS THEREON. No expenditures shall be made or incurred by any candidate or political committee except on the authority of the campaign treasurer or the candidate, and a record of all such expenditures shall be maintained by the campaign treasurer. [1973 c 1 § 7 (Initiative Measure No. 276 § 7).]

42.17.080 CANDIDATES' AND TREASURERS' DUTY TO REPORT. (1) On the day the campaign treasurer is designated, each candidate or political committee shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides), in addition to any statement of organization required under RCW 42.17.040, a report of all contributions received and expenditures made in the election campaign prior to that date: PROVIDED, That if the political committee is an organization of continuing existence not established in

anticipation of any particular election the campaign treasurer shall report, at the times required by this chapter, and at such other times as are designated by the commission, all contributions received and expenditures made since the date of his or his predecessor's last report. In addition to any statement of organization required under RCW 42.17.040, the initial report of the campaign treasurer of such a political committee in existence at the time this chapter becomes effective need include only:

(a) The funds on hand at the time of the report, and

(b) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter.

(2) At the following intervals each campaign treasurer shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition the county in which the campaign treasurer resides) a further report of the contributions received and expenditures made since the date of the last report:

(a) On the fifth and nineteenth days immediately preceding the date on which the election is held; and

(b) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

(c) On the tenth day of each month preceding the election in which no other reports are required to be filed under this section.

The report filed under paragraph (b) above shall be the final report if there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and if in the case of a political committee, the committee has ceased to function and has dissolved. If the candidate or political committee has any outstanding debt or obligation, additional reports shall be filed at least once every six months until the obligation or indebtedness is entirely satisfied at which time a final report shall be filed. A continuing political committee shall file reports as required by this chapter until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(3) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection during normal business hours at

the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(4) All reports filed pursuant to this section shall be certified as correct by the candidate and the campaign treasurer.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer. [1973 c 1 § 8 (Initiative Measure No. 276 § 8).]

42.17.090 CONTENTS OF REPORT. (1) Each report required under RCW 42.17.080 shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the preceding twelve-month period: PROVIDED, That contributions not exceeding five dollars in aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names and amounts of each such contributor;

(c) Each loan, promissory note or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates and purpose of all such transfers;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of twenty-five dollars or more, and the amount, date and purpose of each such expenditure;

(g) The total sum of expenditures;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made of any surplus of contributions over expenditures;

(j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this chapter; and

(k) Funds received from a political committee not domiciled in Washington state and not otherwise required to report under this chapter (a "nonreporting committee"). Such funds shall be forfeited to the state of Washington unless the nonreporting committee has filed with the commission a statement disclosing: (i) its name and address; (ii) the purposes of the nonreporting committee; (iii) the names, addresses and titles of its officers or if it has no officers, the names, addresses and titles of its responsible leaders; (iv) a statement whether the nonreporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the state of Washington whom the nonreporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the state of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the state of Washington or corporation which has a place of business in the state of Washington who has made one or more contributions to the nonreporting committee during the preceding twelve-month period, together with the money value and date of such contributions; (viii) the name and address of each person in the state of Washington to whom an expenditure was made by the nonreporting committee on behalf of a candidate or political committee in the aggregate amount of twenty-five dollars or more, the amount, date and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(2) The campaign treasurer and the candidate shall certify the correctness of each report. [1973 c 1 § 9 (Initiative Measure No. 276 § 9).]

42.17.100 SPECIAL REPORTS. In addition to the other reports required by this chapter

(1) Any person who makes an expenditure in support of or in opposition to any candidate or proposition (except to the extent that a contribution is made directly to a candidate or political committee), in the aggregate amount of one hundred dollars or more during an election campaign, shall file with the commission a report signed by the contributor disclosing (a) the contributor's name and address, and (b) the date, nature, amount and recipient of such contribution or expenditure; and

(2) Any person who contributes in the aggregate amount of one hundred dollars or more during the preceding twelve-month period to any political committee not domiciled in the state of Washington or not otherwise required to report under

this chapter, if the person reasonably expects such political committee to make contributions in respect to any election covered by this chapter, shall file with the commission a report signed by the contributor disclosing (a) the contributor's name and address, and (b) the date, nature, amount and recipient of such contribution, and (c) any instructions given as to the use or disbursement of such contribution. [1973 c 1 § 10 (Initiative Measure No. 276 § 10).]

**42.17.110 COMMERCIAL ADVERTISERS' DUTY TO REPORT.** (1) Within fifteen days after an election each commercial advertiser who has accepted or provided political advertising during the election campaign shall file a report with the commission which shall be certified as correct and shall specify:

(a) The names and addresses of persons from whom it accepted political advertising;

(b) The exact nature and extent of the advertising services rendered;

(c) The consideration and the manner of paying that consideration for such services; and

(d) Such other facts as the commission may by regulation prescribe, in keeping with the policies and purposes of this chapter.

(2) No report shall be required from any commercial advertiser as to any single candidate or political committee when the total value of such political advertising does not exceed fifty dollars. [1973 c 1 § 11 (Initiative Measure No. 276 § 11).]

**42.17.120 IDENTIFICATION OF CONTRIBUTIONS AND COMMUNICATIONS.** No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative or other person in such a manner as to conceal the identity of the source of the contribution. [1973 c 1 § 12 (Initiative Measure No. 276 § 12).]

**42.17.130 FORBIDS USE OF PUBLIC OFFICE FACILITIES IN CAMPAIGNS.** No elective official nor any employee of his office may use or authorize the use of any of the facilities of his public office, directly or indirectly, for the purpose of assisting his campaign for reelection to the office he holds, or for election to any other office, or for election of any other person to any office or for the promotion or opposition to any ballot proposition. Facilities of public office include, but are not limited to, use of stationery, postage, machines and equipment, use of employees of the office during working hours, vehicles, office space, publications of the office, and clientele lists of persons served by the office: PROVIDED,

That this section shall not apply to those activities performed by the official or his office which are part of the normal and regular conduct of the office. [1973 c 1 § 13 (Initiative Measure No. 276 § 13).]

**42.17.140 CAMPAIGN EXPENDITURE LIMITATIONS.** (1) The total of expenditures made in any election campaign in connection with any public office shall not exceed the larger of the following amounts:

(a) Ten cents multiplied by the number of voters registered in the constituency at the last general election for the public office; or

(b) Five thousand dollars; or

(c) A sum equal to the public salary which will be paid to the occupant of the office which the candidate seeks, during the term for which the successful candidate will be elected: PROVIDED, That with respect to candidates for the office of governor and lieutenant governor of the state of Washington only, a sum equal to the public salary which will be paid to the governor during the term sought, multiplied by two; and with respect to candidates for the state legislature only, a sum equal to the public salary which will be paid to a member of the state senate during his term.

(2) In any election campaign in connection with any state-wide ballot proposition the total of expenditures made shall not exceed one hundred thousand dollars. The total of such expenditures in any election campaign in connection with any other ballot proposition shall not exceed ten cents multiplied by the number of voters registered in the constituency voting on such proposition. [1973 c 1 § 14 (Initiative Measure No. 276 § 14).]

#### LOBBYIST REPORTING

**42.17.150 REGISTRATION OF LOBBYISTS.** (1) Before doing any lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, showing:

(a) His name, permanent business address, and any temporary residential and business addresses in Thurston county during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of his employment;

(d) His compensation for lobbying; how much he is to be paid for expenses, and what expenses are to be reimbursed; and a full and particular description of any agreement, arrangement or understanding according to which his compensation, or

any portion thereof, is or will be contingent upon the success of any attempt to influence legislation;

(e) Whether the person from whom he receives said compensation employs him solely as a lobbyist or whether he is a regular employee performing services for his employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects of his legislative interest;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this chapter;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars to such entity during the current year.

(2) Any lobbyist who receives or is to receive compensation from more than one person for his services as a lobbyist shall file a separate notice of representation with respect to each such person; except that where a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation is, or is to be, paid or contributed to by more than one person then such lobbyist may file a single statement, in which he shall detail the name, business address and occupation of each person so paying or contributing, and the amount of the respective payments or contributions made by each such person.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one week of such change, modification or termination, furnish full information regarding the same by filing with the commission an amended registration statement.

(4) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, each January, and failure to do so shall terminate his registration. [1973 c 1 § 15 (Initiative Measure No. 276 § 15).]

42.17.160 EXEMPTION FROM REGISTRATION. The following persons and activities shall be exempt from registration and reporting under RCW 42.17.150, 42.17.170, 42.17.190 and 42.17.200:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies.

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station.

(3) Lobbying without compensation or other consideration: PROVIDED, Such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the state of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this chapter.

(4) The governor.

(5) The lieutenant governor.

(6) Except as provided by RCW 42.17.190 (1), members of the legislature.

(7) Except as provided by RCW 42.17.190 (1), persons employed by the legislature for the purpose of aiding in the preparation and enactment of legislation.

(8) Except as provided by RCW 42.17.190 elected state officers, state officers appointed by the governor subject to confirmation by the senate, and employees of any state agency. [1973 c 1 § 16 (Initiative Measure No. 276 § 16).]

42.17.170 REPORTING BY LOBBYISTS. (1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the commission. They shall be due quarterly and shall be filed within thirty days after the end of the calendar quarter covered by the report. In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday.

(2) Each such quarterly and weekly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including



food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: PROVIDED HOWEVER, That unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported: AND PROVIDED FURTHER, That the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments; living accommodations; travel; contributions; and such other categories as the commission shall prescribe by rule. Each individual expenditure of more than fifteen dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rulemaking; the proposed rules, standards, rates or other legislative enactments under chapter 34.04 RCW and chapter 28B.19 RCW (the state Administrative Procedure Acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period: PROVIDED, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed. [1973 c 1 § 17 (Initiative Measure No. 276 § 17).]

42.17.180 REPORTS BY EMPLOYERS OF REGISTERED LOBBYISTS. Every employer of a lobbyist registered under this chapter shall file with the commission on or before January 31st of each year a statement disclosing for the preceding twelve months the following information:

(1) The name of each elected official, candidate, or any member of his immediate family to whom such employer has paid any

compensation, the value of such compensation and the consideration given or performed in exchange for such compensation.

(2) The name of any corporation, partnership, joint venture, association, union or other entity of which any elected official, candidate, or any member of his immediate family is a member, officer, partner, director, associate or employee and to which the employer has paid compensation, the value of such compensation and the consideration given or performed in exchange for such compensation. [1973 c 1 § 18 (Initiative Measure No. 276 § 18).]

42.17.190 LEGISLATIVE ACTIVITIES OF STATE AGENCIES AND OTHER UNITS OF GOVERNMENT.

(1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation and enactment of legislation during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter.

(2) Unless expressly authorized by law, no state funds shall be used directly or indirectly for lobbying: PROVIDED, This shall not prevent state officers or employees from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection shall not apply to the legislative branch.

(3) Each state agency which expends state funds for lobbying pursuant to an express authorization by law or whose officers or employees communicate to members of the legislature on request of any member or communicate to the legislature requests for legislation or appropriations shall file with the commission quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each employee engaged in such legislative activity, a general description of the nature of his legislative activities, and the proportionate amount of his time spent on such activities;

(c) In the case of any communications to a member of the legislature in response to a request from the member, the name of the member making the request and the nature and subject of the request.

The statements shall be in the form and the manner prescribed by the commission

and shall be filed within thirty days after the end of the quarter covered by the report.

(4) The provisions of this section shall not relieve any state officer or any employee of a state agency from complying with other provisions of this chapter, if such officer or employee is not otherwise exempted. [1973 c 1 § 19 (Initiative Measure No. 276 § 19).]

**42.17.200 GRASS ROOTS LOBBYING CAMPAIGNS.** (1) Any person who has made expenditures, not reported under other sections of this chapter, exceeding five hundred dollars in the aggregate within any three month period or exceeding two hundred dollars in the aggregate within any one month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report, as provided in subsection (2), as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe, showing:

(a) The sponsor's name, address, and business or occupation, and, if the sponsor is not an individual, the names, addresses and titles of the controlling persons responsible for managing the sponsor's affairs.

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons.

(c) The names and addresses of all persons contributing to the campaign, and the amount contributed by each contributor.

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards or proposals which are the subject matter of the campaign.

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: advertising, segregated by media, and in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly

reports with the commission, which shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement. [1973 c 1 § 20 (Initiative Measure No. 276 § 20).]

**42.17.210 EMPLOYMENT OF LEGISLATORS, ATTACHES, OR STATE EMPLOYEES—STATEMENT, CONTENTS AND FILING.** If any person registered or required to be registered as a lobbyist under this chapter employs, or if any employer of any person registered or required to be registered as a lobbyist under this chapter, employs any member of the legislature, or any member of any state board or commission, or any employee of the legislature, or any full time state employee, if such new employee shall remain in the partial employ of the state or any agency thereof, then the new employer shall file a statement under oath with the commission setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. The statement shall be filed within fifteen days after the commencement of such employment. [1973 c 1 § 21 (Initiative Measure No. 276 § 21).]

**42.17.220 EMPLOYMENT OF UNREGISTERED PERSONS.** It shall be a violation of this chapter for any person to employ for pay or any consideration, or pay or agree to pay any consideration to, a person to lobby who is not registered under this chapter except upon condition that such person register as a lobbyist as provided by this chapter, and such person does in fact so register as soon as practicable. [1973 c 1 § 22 (Initiative Measure No. 276 § 22).]

**42.17.230 DUTIES OF LOBBYISTS.** A person required to register as a lobbyist under this chapter shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this chapter:

(1) Such persons shall obtain and preserve all accounts, bills, receipts,

books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of at least six years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the commission at any time: PROVIDED, That if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:

(a) Engage in any activity as a lobbyist before registering as such;

(b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(d) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation. [1973 c 1 § 23 (Initiative Measure No. 276 § 23).]

#### REPORTING OF ELECTED OFFICIALS FINANCIAL AFFAIRS

42.17.240 ELECTED OFFICIALS REPORTS OF FINANCIAL AFFAIRS. (1) Every elected official (except president, vice president and precinct committeemen) shall on or before January 31st of each year, and every candidate (except for the offices of president, vice president and precinct committeeman) shall, within two weeks of becoming a candidate, file with the commission a written statement sworn as to its truth and accuracy stating for himself and his immediate family for the preceding twelve months:

(a) Occupation, name of employer, and business address; and

(b) Each direct financial interest in excess of five thousand dollars in a bank or savings account or cash surrender value of any insurance policy; each other direct financial interest in excess of five hundred dollars; and the name, address, nature of entity, nature and value of each such direct financial interest; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor;

the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom actual or proposed legislation, rules, rates, or standards has been prepared, promoted, or opposed for current or deferred compensation; the description of such actual or proposed legislation, rules, rates or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union or other entity in which is held any office, directorship or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship or partnership; the nature of ownership interest; and with respect to each such entity the name of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union or other business or commercial entity from which such entity has received compensation in any form in the amount of five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation; and

(h) A list, including legal descriptions, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal descriptions, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal descriptions, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report;

(k) A list, including legal descriptions, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(l) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Elected officials and candidates reporting under this section shall not be required to file the statements required to be filed with the secretary of state under RCW 42.21.060. [1973 c 1 § 24 (Initiative Measure No. 276 § 24).]

#### PUBLIC RECORDS

##### 42.17.250 DUTY TO PUBLISH PROCEDURES.

(1) Each state agency shall separately state and currently publish in the Washington Administrative Code and each local agency shall prominently display and make available for inspection and copying at the central office of such local agency, for guidance of the public:

(a) Descriptions of its central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain copies of agency decisions;

(b) Statements of the general course and method by which its operations are

channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) Rules of procedure;

(d) Substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(e) Each amendment or revision to, or repeal of any of the foregoing.

(2) Except to the extent that he has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published or displayed and not so published or displayed. [1973 c 1 § 25 (Initiative Measure No. 276 § 25).]

##### 42.17.260 DOCUMENTS AND INDEXES TO BE MADE PUBLIC.

(1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records. To the extent required to prevent an unreasonable invasion of personal privacy, an agency shall delete identifying details when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after June 30, 1972:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) Issue and publish a formal order specifying the reasons why and the extent

to which compliance would unduly burden or interfere with agency operations; and

(b) Make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) It has been indexed in an index available to the public; or

(b) Parties affected have timely notice (actual or constructive) of the terms thereof.

(5) This chapter shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law. [1973 c 1 § 26 (Initiative Measure No. 276 § 26).]

**42.17.270 FACILITIES FOR COPYING.** Public records shall be available to any person for inspection and copying, and agencies shall, upon request for identifiable records, make them promptly available to any person. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency. [1973 c 1 § 27 (Initiative Measure No. 276 § 27).]

**42.17.280 TIMES FOR INSPECTION AND COPYING.** Public records shall be available for inspection and copying during the customary office hours of the agency: PROVIDED, That if the agency does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m. Monday through Friday, excluding legal holidays, unless the person making the request and the agency or its representative agree on a different time. [1973 c 1 § 28 (Initiative Measure No. 276 § 28).]

**42.17.290 PROTECTION OF PUBLIC RECORDS.** Agencies shall adopt and enforce reasonable rules and regulations, consonant with the intent of this chapter to provide full public access to official records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information. [1973 c 1 § 29 (Initiative Measure No. 276 § 29).]

**42.17.300 CHARGES FOR COPYING.** No fee shall be charged for the inspection of public records. Agencies may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reimburse the agency for its actual costs incident to such copying. [1973 c 1 § 30 (Initiative Measure No. 276 § 30).]

**42.17.310 CERTAIN PERSONAL AND OTHER RECORDS EXEMPT.** (1) The following shall be exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

(b) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(d) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when

publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld. [1973 c 1 § 31 (Initiative Measure No. 276 § 31).]

**42.17.340 JUDICIAL REVIEW OF AGENCY ACTIONS.** (1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is required.

(2) Judicial review of all agency actions taken or challenged under RCW 42.17-.250 through 42.17.320 shall be de novo. Courts shall take into account the policy of this chapter that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record in camera in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record. [1973 c 1 § 34 (Initiative Measure No. 276 § 34).]

#### ADMINISTRATION AND ENFORCEMENT

**42.17.320 PROMPT RESPONSES REQUIRED.** Responses to requests for records shall be made promptly by agencies. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of judicial review. [1973 c 1 § 32 (Initiative Measure No. 276 § 32).]

**42.17.330 COURT PROTECTION OF RECORDS.** The examination of any specific record may be enjoined if, upon motion and affidavit, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions. [1973 c 1 § 33 (Initiative Measure No. 276 § 33).]

**42.17.350 PUBLIC DISCLOSURE COMMISSION—ESTABLISHED—MEMBERSHIP.** There is hereby established a "Public Disclosure Commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after the effective date of this act. The term of each member shall be five years except that the original five members shall serve initial terms of one, two, three, four and five years, respectively, as designated by the governor. No member of the commission, during his tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist. No member shall be eligible for appointment to more than one full term. A vacancy on the commission shall be filled within thirty

days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. Three members of the commission shall constitute a quorum. The commission shall elect its own chairman and adopt its own rules of procedure in the manner provided in chapter 34.04 RCW. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

Members shall serve without compensation, but shall be reimbursed for necessary traveling and lodging expenses actually incurred while engaged in the business of the commission as provided in chapter 43.03 RCW. [1973 c 1 § 35 (Initiative Measure No. 276 § 35).]

Effective date: See RCW 42.17.900.

42.17.360 COMMISSION—DUTIES. The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this chapter;

(2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

(3) Compile and maintain a current list of all filed reports and statements;

(4) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;

(5) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities;

(6) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities; and

(7) Enforce this chapter according to the powers granted it by law. [1973 c 1 § 36 (Initiative Measure No. 276 § 36).]

42.17.370 COMMISSION—ADDITIONAL POWERS. The commission is empowered to:

(1) Adopt, promulgate, amend and rescind suitable administrative rules and regulations to carry out the policies and purposes of this chapter;

(2) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this chapter, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this chapter;

(3) Make from time to time, on its own motion, audits and field investigations;

(4) Make public the fact that an alleged or apparent violation has occurred and the nature thereof;

(5) Administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memorandums or other records which the commission deems relevant or material for the purpose of any investigation authorized under this chapter, or any other proceeding under this chapter;

(6) Adopt and promulgate a code of fair campaign practices;

(7) Relieve, by published regulation of general applicability, candidates or political committees of obligations to comply with the provisions of this chapter relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; and

(8) Enact regulations prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities and other municipalities and political subdivisions in preparing, publishing and distributing legislative information. The term "legislative information", for the purposes of this subsection, means books, pamphlets, reports and other materials prepared, published or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 RCW shall review such regulations, accounts and reports and make appropriate findings, comments and recommendations in his examination reports concerning those agencies.

(9) The commission, after hearing, by order may suspend or modify any of the reporting requirements hereunder in a particular case if it finds that literal application of this chapter works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of the chapter. Any such suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required hereunder. Any citizen shall have standing to bring an action in Thurston county superior court to contest the propriety of any order entered hereunder within one year from the date of the entry of such order. [1973 c 1 § 37 (Initiative Measure No. 276 § 37).]

42.17.380 SECRETARY OF STATE, ATTORNEY GENERAL—DUTIES. (1) The secretary of state, through his office, shall perform such ministerial functions as may be



necessary to enable the commission to carry out its responsibilities under this chapter. The office of the secretary of state shall be designated as the place where the public may file papers or correspond with the commission and receive any form or instruction from the commission.

(2) The attorney general, through his office, shall supply such assistance as the commission may require in order to carry out its responsibilities under this chapter. The commission may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this section. [1973 c 1 § 38 (Initiative Measure No. 276 § 38).]

42.17.390 CIVIL REMEDIES AND SANCTIONS. (1) One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this chapter by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this chapter, his registration may be revoked or suspended and he may be enjoined from receiving compensation or making expenditures for lobbying: PROVIDED, HOWEVER, That imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this chapter.

(c) Any person who violates any of the provisions of this chapter may be subject to a civil penalty of not more than ten thousand dollars for each such violation.

(d) Any person who fails to file a properly completed statement or report within the time required by this chapter may be subject to a civil penalty of ten dollars per day for each day each such delinquency continues.

(e) Any person who fails to report a contribution or expenditure may be subject to a civil penalty equivalent to the amount he failed to report.

(f) The court may enjoin any person to prevent the doing of any act herein prohibited, or to compel the performance of any act required herein. [1973 c 1 § 39 (Initiative Measure No. 276 § 39).]

42.17.400 ENFORCEMENT. (1) The attorney general and the prosecuting authorities of political subdivisions of this state may bring civil actions in the name of the state for any appropriate civil remedy, including but not limited to the special remedies provided in RCW 42.17.390.

(2) The attorney general and the prosecuting authorities of political subdivisions of this state may investigate or cause to be investigated the activities of any person who there is reason to believe is or has been acting in violation of this chapter, and may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, papers, and documents which may be relevant or material to any investigation authorized under this chapter.

(3) When the attorney general or the prosecuting authority of any political subdivision of this state requires the attendance of any person to obtain such information or the production of the accounts, bills, receipts, books, papers, and documents which may be relevant or material to any investigation authorized under this chapter, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, shall be effective state-wide, and, upon application of the attorney general or said prosecuting authority, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the order were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in writing, and such action shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) Any person who has notified the attorney general in writing that there is reason to believe that some provision of this chapter is being or has been violated may himself bring in the name of the state any of the actions (hereinafter referred to as a citizen's action) authorized under this chapter if the attorney general has failed to commence an action hereunder within forty days after such notice and if the attorney general has failed to commence an action within ten days after a

notice in writing delivered to the attorney general advising him that a citizen's action will be brought if the attorney general does not bring an action. If the person who brings the citizen's action prevails, he shall be entitled to one-half of any judgment awarded, and to the extent the costs and attorney's fees he has incurred exceed his share of the judgment, he shall be entitled to be reimbursed for such costs and fees by the state of Washington: PROVIDED, That in the case of a citizen's action which is dismissed and which the court also finds was brought without reasonable cause, the court may order the person commencing the action to pay all costs of trial and reasonable attorney's fees incurred by the defendant.

(5) In any action brought under this section, the court may award to the state all costs of investigation and trial, including a reasonable attorney's fee to be fixed by the court. If the violation is found to have been intentional, the amount of the judgment, which shall for this purpose include the costs, may be trebled as punitive damages. If damages or treble damages are awarded in such an action brought against a lobbyist, the judgment may be awarded against the lobbyist, and the lobbyist's employer or employers joined as defendants, jointly, severally, or both. If the defendant prevails, he shall be awarded all costs of trial, and may be awarded a reasonable attorney's fee to be fixed by the court to be paid by the state of Washington. [1973 c 1 § 40 (Initiative Measure No. 276 § 40).]

42.17.410 LIMITATION ON ACTIONS. Any action brought under the provisions of this chapter must be commenced within six years after the date when the violation occurred. [1973 c 1 § 41 (Initiative Measure No. 276 § 41).]

42.17.420 DATE OF MAILING DEEMED DATE OF RECEIPT. When any application, report, statement, notice, or payment required to be made under the provisions of this chapter has been deposited postpaid in the United States mail properly addressed, it shall be deemed to have been received on the date of mailing. It shall be presumed that the date shown by the post office cancellation mark on the envelope is the date of mailing. [1973 c 1 § 42 (Initiative Measure No. 276 § 42).]

42.17.430 CERTIFICATION OF REPORTS. Every report and statement required to be filed under this chapter shall identify the person preparing it, and shall be certified as complete and correct, both by the person preparing it and by the person on whose behalf it is filed. [1973 c 1 § 43 (Initiative Measure No. 276 § 43).]

42.17.440 STATEMENTS AND REPORTS PUBLIC RECORDS. All statements and reports filed under this chapter shall be public records of the agency where they are filed, and shall be available for public inspection and copying during normal business hours at the expense of the person requesting copies, provided that the charge for such copies shall not exceed actual cost to the agency. [1973 c 1 § 44 (Initiative Measure No. 276 § 44).]

42.17.450 DUTY TO PRESERVE STATEMENTS AND REPORTS. Persons with whom statements or reports or copies of statements or reports are required to be filed under this chapter shall preserve them for not less than six years. The commission, however, shall preserve such statements or reports for not less than ten years. [1973 c 1 § 45 (Initiative Measure No. 276 § 45).]

42.17.900 EFFECTIVE DATE. The effective date of this act shall be January 1, 1973. [1973 c 1 § 49 (Initiative Measure No. 276 § 49).]

42.17.910 SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1973 c 1 § 46 (Initiative Measure No. 276 § 46).]

42.17.920 CONSTRUCTION. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern. [1973 c 1 § 47 (Initiative Measure No. 276 § 47).]

42.17.930 CHAPTER, SECTION HEADINGS NOT PART OF LAW. Chapter and section captions or headings as used in this act do not constitute any part of the law. [1973 c 1 § 48 (Initiative Measure No. 276 § 48).]

42.17.940 REPEALER. Chapter 9, Laws of 1965, as amended by section 9, chapter 150, Laws of 1965 ex. sess., and RCW 29.18.140; and chapter 131, Laws of 1967 ex. sess. and RCW 44.64; and chapter 82, Laws of 1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 24; and chapter 98, Laws of 1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 25 are each hereby repealed. [1973 c 1 § 50 (Initiative Measure No. 276 § 50).]

Chapter 42.18  
EXECUTIVE CONFLICT OF INTEREST ACT

42.18.130 STATE EMPLOYEE. "State employee" means any individual who is appointed by an agency head, as defined in RCW 42.18.040, or his designee, and serves under the supervision and authority of an agency as defined in RCW 42.18.030.

Notwithstanding the foregoing, the term "state employee" shall not include any of the following:

(1) Officers and employees in the legislative and judicial branches of the state of Washington; and

(2) A reserve of the Washington national guard, when he is not on active duty and is not otherwise a state employee.

An individual shall not be deemed an employee solely by reason of his being subject to recall to active service.

Every state employee shall be deemed either "intermittent" or "regular" as determined by the definitions contained in RCW 42.18.070 and 42.18.100 respectively.

The term "state employee" also includes any member of a commission, board, committee or any other multi-member governing body of an agency. [1973 c 137 § 1; 1969 ex.s. c 234 § 13.]

42.18.290 CIVIL ACTION AGAINST PERSONS VIOLATING THIS CHAPTER. The attorney general of the state of Washington may bring a civil action in the superior court of the county in which the violation was alleged to have occurred against any state employee, former state employee or other person who shall have violated or knowingly assisted any other person in violating any provision of this chapter and in such action may recover the following damages on behalf of the state of Washington: (1) From each such person a civil penalty of either five hundred dollars or an amount not exceeding three times the amount of the economic value of anything received or sought in violation of \*this 1973 amendatory act; and (2) any damages sustained by the state, which are caused by the conduct constituting the violation. [1973 c 137 § 2; 1969 ex.s. c 234 § 29.]

\*Reviser's note: "this 1973 amendatory act" [1973 c 137] consists of the 1973 c 137 amendments to RCW 42.18.130, 42.18.290, and 42.18.300 and the repeal of RCW 42.18.340.

42.18.300 CIVIL ACTION AGAINST OTHER VIOLATORS. The attorney general of the state of Washington may bring a civil action in the superior court of Thurston county against any person who shall violate RCW 42.18.230. In such action the attorney general shall be awarded the following damages for the state of Washington: (1) A civil penalty of either one thousand dollars or an amount

not exceeding three times the economic value of anything which has been given, transferred, or delivered in violation of RCW 42.18.230; and (2) any damages sustained by the state which are caused by the conduct constituting the violation. [1973 c 137 § 3; 1969 ex.s. c 234 § 30.]

42.18.340 GENERAL PENALTY. [1969 ex.s. c 234 § 39.] Repealed by 1973 c 137 § 4.

Chapter 42.28  
NOTARIES PUBLIC AND COMMISSIONERS OF DEEDS

42.28.080 DEPOSIT OF RECORDS WITH COUNTY CLERK. [1890 p 475 § 7; RRS § 9906. Prior: Code 1881 § 2621; 1877 p 254 § 8; 1873 p 469 § 9; 1854 p 444 § 3.] Repealed by 1973 1st ex.s. c 84 § 1.

Chapter 42.30  
OPEN PUBLIC MEETINGS ACT

42.30.070 TIMES AND PLACES FOR MEETINGS—EMERGENCIES—EXCEPTION. The governing body of a public agency shall provide the time for holding regular meetings by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body. Unless otherwise provided for in the act under which the public agency was formed, meetings of the governing body need not be held within the boundaries of the territory over which the public agency exercises jurisdiction. If at any time any regular meeting falls on a holiday, such regular meeting shall be held on the next business day. If by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the governing body: PROVIDED, That the notice requirements of this chapter shall be suspended during such emergency. It shall not be a violation of the requirements of this chapter for a majority of the members of a governing body to travel together or gather for purposes other than a regular meeting or a special meeting as these terms are used in this chapter: PROVIDED, That they take no action as defined in this chapter. [1973 c 66 § 1; 1971 ex.s. c 250 § 7.]

42.30.110 EXECUTIVE SESSIONS. Nothing contained in this chapter shall be construed to prevent a governing body from holding executive sessions during a regular or special meeting to consider matters affecting national security; the selection of a site or the acquisition of real

estate by lease or purchase, when publicity regarding such consideration would cause a likelihood of increased price; the appointment, employment, or dismissal of a public officer or employee; or to hear complaints or charges brought against such officer or employee by another public officer, person, or employee unless such officer or employee requests a public hearing. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body. [1973 c 66 § 2; 1971 ex.s. c 250 § 11.]

42.30.120 VIOLATIONS--PERSONAL LIABILITY--PENALTY. Each member of the governing body who attends a meeting of such governing body where action is taken in violation of any provision of this chapter applicable to him, with knowledge of the fact that the meeting is in violation thereof, shall be subject to personal liability in the form of a civil penalty in the amount of one hundred dollars. The civil penalty shall be assessed by a judge of the superior court and an action to enforce this penalty may be brought by any person. A violation of this chapter does not constitute a crime and assessment of the civil penalty by a judge shall not give rise to any disability or legal disadvantage based on conviction of a criminal offense. [1973 c 66 § 3; 1971 ex.s. c 250 § 12.]

42.30.140 CHAPTER CONTROLLING--APPLICATION. If any provision of this chapter conflicts with the provisions of any other statute, the provisions of this chapter shall control: PROVIDED, That this chapter shall not apply to:

(1) The proceedings concerned with the formal issuance of an order granting, suspending, revoking, or denying any license, permit, or certificate to engage in any business, occupation or profession or to any disciplinary proceedings involving a member of such business, occupation or profession, or to receive a license for a sports activity or to operate any mechanical device or motor vehicle where a license or registration is necessary; or

(2) That portion of a meeting of a quasi-judicial body which relates to a quasi-judicial matter between named parties as distinguished from a matter having general effect on the public or on a class or group; or

(3) Matters governed by Title 34 RCW, the administrative procedure act, except as expressly provided in RCW 34.04.025; or

(4) That portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by such governing body during the

course of any collective bargaining, professional negotiations, grievance or mediation proceedings, or reviewing the proposals made in such negotiations or proceedings while in progress. [1973 c 66 § 4; 1971 ex.s. c 250 § 14.]

## TITLE 43

## STATE GOVERNMENT--EXECUTIVE

Sections added, amended, or repealed:

Chapter 43.01 State Officers--General Provisions.

43.01.090 Certain departments to pay housing costs.

Chapter 43.03 Salaries and Expenses.

43.03.010 Salaries of elective state officers.

Chapter 43.06 Governor.

43.06.130 Federal funds and programs--Payment of expenses of committees, councils or other bodies.

43.06.140 Federal funds and programs--Reports to legislature.

43.06.280 Electric power use--Emergency curtailment, allocation.

Chapter 43.07 Secretary of State.

43.07.130 Secretary of state's revolving fund--Publication fees authorized, disposition.

43.07.140 Materials specifically authorized to be printed and distributed.

Chapter 43.08 State Treasurer.

43.08.120 Assistant--Deputies--Responsibility for acts.

43.08.190 State treasurer's service fund--Creation--Purpose.

43.08.200 State treasurer's service fund--Expenditure limitation.

Chapter 43.10 Attorney General.

43.10.010 Qualifications--Oath--Bond.

43.10.115 Private practice of law--Attorney general--Prohibited.

43.10.120 Private practice of law--Deputies and assistants--Prohibited.

43.10.125 Private practice of law--Special assistant attorney generals.

43.10.130 Private practice of law--Exceptions.

Chapter 43.19 Department of General Administration.

43.19.1925 Combined purchases of commonly used items--Advance payments by

- state agencies--Costs of operating central stores.
- 43.19.510 Forms management center--Established--Powers and duties.
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43.37.910 Effective date--1973 c 64.

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- 43.43.020 Appointment of personnel.
- 43.43.040 Disability of patrol officers.
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- 43.74.010 Committee created--Members.
- 43.74.037 Waiver of examination by examining board or committee--Effect.
- 43.74.040 Application to practice.
- 43.74.080 When chapter does not apply.
- 43.74.085 Requirements of chapter satisfied by proof medicine and

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- 43.75.010 through 43.75.190  
43.75.200 General obligation bonds—Refunding—Amount—Authority of state finance committee to issue.  
43.75.205 General obligation bonds—Form, terms, covenants, etc.—Sale—Redemption.  
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- 43.83A.060 Referral to electorate. (See note.)

Chapter 43.83B Water Supply Facilities Bond Issue.

- 43.83B.060 Referral to electorate. (See note.)

Chapter 43.83C Recreation Improvements Bond Issue.

- 43.83C.060 Referral to electorate. (See note.)

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- 43.83D.060 Referral to electorate. (See note.)

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- 43.85.010 Qualifications of depositaries—Record of commission proceedings.
- 43.85.030 Collateral—Segregation.
- 43.85.040 Approval of finance committee.
- 43.85.060 Monthly and quarterly statements.
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- 43.126.030 State board on geographic names--Powers and duties.
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- 43.126.050 Adoption of names--Procedure--Effect.
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- 43.130.020 Definitions.
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- 43.130.060 Reimbursement of public employees' retirement system.
- 43.130.900 Severability--1973 2nd ex.s. c 37.
- 43.130.910 Emergency--Operative dates--Termination of benefits.

Chapter 43.01

STATE OFFICERS--GENERAL PROVISIONS

43.01.090 CERTAIN DEPARTMENTS TO PAY HOUSING COSTS. The director of general administration may assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for occupancy of buildings, structures, or facilities including but not limited to all costs of operating and maintaining such buildings, structures, or facilities and the repair, remodeling, or furnishing thereof and for the rendering of any service or the furnishing or providing of any supplies, equipment, or materials.

The director of general administration may recover the full costs including appropriate overhead charges of the foregoing by billing either quarterly or semiannually as determined by the director including but not limited to transfers upon accounts and advancements into the general administration facilities and services revolving fund. Rates shall be established by the director of general administration after consultation with the director of the office of program planning and fiscal management. The director of general administration may allot, provide, or furnish any of such facilities, structures, services, equipment, supplies, or materials to any other public service type occupant or user at such rates or charges as are equitable and reasonably reflect the actual costs of the services provided: PROVIDED, HOWEVER, That the legislature, its duly constituted committees, interim committees and other committees shall be

exempted from the provisions of this section. Billings shall be adjusted at intervals of not to exceed six months to reflect any change in actual costs relative to whatever estimates may have been made for budget purposes.

Upon receipt of such bill, each entity, occupant, or user shall cause a warrant or check in the amount thereof to be drawn in favor of the department of general administration which shall be deposited in the state treasury to the credit of the general administration facilities and services revolving fund established in RCW 43.19.500 unless the director of the office of program planning and fiscal management has authorized another method for payment of costs. [1973 1st ex.s. c 82 § 1; 1971 ex.s. c 159 § 1; 1965 c 8 § 43.01.090. Prior: (i) 1951 c 131 § 1; 1941 c 228 § 1; Rem. Supp. 1941 § 10964-30. (ii) 1951 c 131 § 1; 1941 c 228 § 2; Rem. Supp. 1941 § 10964-31.]

Effective date--1973 1st ex.s. c 82: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1973." [1973 1st ex.s. c 82 § 2.]

Chapter 43.03

SALARIES AND EXPENSES

43.03.010 SALARIES OF ELECTIVE STATE OFFICERS. The annual salaries of the following named state elected officials shall be: Governor, thirty-four thousand three hundred dollars; lieutenant governor, ten thousand six hundred dollars; secretary of state, fifteen thousand eight hundred dollars; state treasurer, fifteen thousand eight hundred dollars; state auditor, seventeen thousand four hundred dollars; attorney general, twenty-four thousand three hundred dollars; superintendent of public instruction, twenty-three thousand seven hundred fifty dollars; commissioner of public lands, twenty-one thousand one hundred dollars; state insurance commissioner, seventeen thousand four hundred dollars; members of the legislature shall receive for their service three thousand eight hundred dollars per annum; and in addition, ten cents per mile for travel to and from legislative sessions. [Initiative Measure No. 282 § 2; 1967 ex.s. c 100 § 1; 1965 ex.s. c 127 § 4; 1965 c 8 § 43.03.010. Prior: 1965 c 1 § 2; 1961 c 5 § 1; 1959 c 316 § 1; 1949 c 48 § 1; Rem. Supp. 1949 § 10965-1; prior: 1947 c 79 § .02.04; 1945 c 116 § 1; 1939 c 226 § 1; 1925 ex.s. c 163 § 1; 1925 ex.s. c 90 § 1; 1919 c 124 §§ 1, 2; 1907 c 94 § 1.]

Severability--Initiative Measure No. 282: "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." [Initiative Measure No. 282 § 7.]

Salaries for Public Officials (As appears in Appropriation Law):

"NEW SECTION. Sec. 110. GENERAL FUND

APPROPRIATION TO THE GOVERNOR:

To be allocated by the governor in order to implement salary increases to enable the payment of salaries to the below described elective executive, judicial, and legislative officials according to the schedule of annual salaries prescribed in this section commencing January 1, 1974: PROVIDED, That such increases for legislators shall not take effect until the first date permitted by the Constitution of this state.....\$ 1,359,059

Schedule of Annual Salaries

Executive Officials

Governor.....	\$ 47,300
Lieutenant Governor...	\$ 22,000
Attorney General.....	\$ 37,950
Superintendent of Public Instruction..	\$ 37,950
Commissioner of Pub- lic Lands.....	\$ 33,000
Auditor.....	\$ 29,700
Insurance Commis- sioner.....	\$ 29,700
Secretary of State....	\$ 26,400
Treasurer.....	\$ 26,400

Judicial Officials

Supreme Court.....	\$ 38,000
Court of Appeals.....	\$ 35,000
Superior Court.....	\$ 32,000

Full Time District

Court Judges: PRO-VIDED, That no funds shall be allocated from this appropriation to implement these salary increases....\$ 26,000

Legislative Officials

Legislators.....\$ 10,560"

[1973 1st ex.s. c 137 § 110.]

Salaries for Public Officials (As amended by Initiative Measure No. 282):

"Section 1. Section 110, chapter 137, Laws of 1973 1st ex. sess. is amended to read as follows:

GENERAL FUND APPROPRIATION TO THE GOVERNOR:

To be allocated by the governor in order to implement salary increases to enable the payment of salaries to the below described elective executive, judicial, and legislative officials according to the schedule of

annual salaries prescribed in this section commencing January 1, 1974: PROVIDED, That such increases for legislators shall not take effect until the first date permitted by the Constitution of this state.....\$ 1,359,059

Schedule of Annual Salaries

Executive Officials

Governor.....	\$((47,300))	34,300
Lieutenant Governor...	\$((22,000))	10,600
Attorney General.....	\$((37,950))	24,300
Superintendent of Public Instruction..	\$((37,950))	23,750
Commissioner of Pub- lic Lands.....	\$((33,000))	21,100
Auditor.....	\$((29,700))	17,400
Insurance Commis- sioner.....	\$((29,700))	17,400
Secretary of State....	\$((26,400))	15,800
Treasurer.....	\$((26,400))	15,800

Judicial Officials

Supreme Court.....	\$((38,000))	34,825
Court of Appeals.....	\$((35,000))	31,650
Superior Court.....	\$((32,000))	28,500

Full Time District

Court Judges: PRO-VIDED, That no funds shall be allocated from this appropriation to implement these salary increases...\$((26,000)) 23,250

Legislative Officials

Legislators.....\$((40,560)) 3,800"

[Initiative Measure No. 282 § 1.]

Chapter 43.06  
GOVERNOR

Cross References:

Reports to higher education assistance authority: RCW 28B.17.170.

Water pollution control, powers and duties pertaining to: RCW 90.48.260, 90.48.262.

43.06.130 FEDERAL FUNDS AND PROGRAMS--- PAYMENT OF EXPENSES OF COMMITTEES, COUNCILS OR OTHER BODIES. Members of advisory committees, councils, or other bodies established to meet requirements of acts of congress may be paid actual expenses incurred for travel, subsistence, and lodging pursuant to RCW 43.03.050 and 43.03.060 as now or hereafter amended from such funds as may be available by legislative appropriation or as may otherwise be available as provided by law. [1973 2nd ex.s. c 17 § 1; 1967 ex.s. c 41 § 2.]

43.06.140 FEDERAL FUNDS AND PROGRAMS--- REPORTS TO LEGISLATURE. Not later than the first day of any regular legislative session, the governor shall submit to the legislature a report listing federal programs, including those programs in which funds have been received directly by any

state agency, in which the state has begun participation since the end of the last previous regular legislative session. [1973 2nd ex.s. c 17 § 2; 1967 ex.s. c 41 § 3.]

43.06.280 ELECTRIC POWER USE--EMERGENCY CURTAILMENT, ALLOCATION. See chapter 43.21D RCW.

Chapter 43.07  
SECRETARY OF STATE

43.07.130 SECRETARY OF STATE'S REVOLVING FUND--PUBLICATION FEES AUTHORIZED, DISPOSITION. There is created within the state treasury a revolving fund, to be known as the "secretary of state's revolving fund," which shall be used by the office of the secretary of state to defray the costs of printing, reprinting, or distributing printed matter authorized by law to be issued by the office of secretary of state. The secretary of state is hereby authorized to charge a fee for such publications in an amount which will compensate for the costs of printing, reprinting, and distributing such printed matter. Fees recovered shall be placed in the secretary of state's revolving fund. [1973 1st ex.s. c 85 § 1; 1971 ex.s. c 122 § 1.]

43.07.140 MATERIALS SPECIFICALLY AUTHORIZED TO BE PRINTED AND DISTRIBUTED. The secretary of state is hereby specifically authorized to print, reprint, and distribute the following materials:

- (1) Lists of active corporations;
- (2) The provisions of Title 23 RCW;
- (3) The provisions of Title 23A RCW;
- (4) The provisions of Title 24 RCW;
- (5) The provisions of Title 29 RCW;
- (6) The provisions of Title 62A RCW;
- (7) The provisions of chapter 18.100 RCW;
- (8) The provisions of chapter 19.77 RCW;
- (9) The provisions of chapter 43.07 RCW;
- (10) The provisions of the Washington state Constitution;
- (11) The provisions of Initiative Measure 276 and rules and regulations adopted by the public disclosure commission; and
- (12) Rules and regulations related to the statutory provisions set forth above. [1973 1st ex.s. c 85 § 2.]

Chapter 43.08  
STATE TREASURER

Cross References:

Gambling commission, payments for costs of audit: RCW 9.46.060.

Gambling revolving fund, treasurer as custodian: RCW 9.46.100.

Higher education assistance authority, treasurer may render assistance to: RCW 28B.17.160.

Surplus funds, investment program: Chapter 43.86 RCW.

43.08.120 ASSISTANT--DEPUTIES--RESPONSIBILITY FOR ACTS. The state treasurer may appoint an assistant state treasurer, who shall have the power to perform any act or duty which may be performed by the state treasurer, and in case of a vacancy in the office of state treasurer, perform the duties of the office until the vacancy is filled as provided by law.

The state treasurer may appoint no more than three deputy state treasurers, who shall have the power to perform any act or duty which may be performed by the state treasurer.

The assistant state treasurer and the deputy state treasurers shall be exempt from the provisions of chapter 41.06 RCW and shall hold office at the pleasure of the state treasurer; they shall, before entering upon the duties of their office, take and subscribe, and file with the secretary of state, the oath of office provided by law for other state officers.

The state treasurer shall be responsible on his official bond for all official acts of the assistant state treasurer and the deputy state treasurers. [1973 c 10 § 1; 1971 c 15 § 1; 1965 c 8 § 43.08.120. Prior: 1921 c 36 § 1; RRS § 11020.]

43.08.150 MONTHLY FINANCIAL REPORT.

Cross Reference:

Investment of surplus funds, rules and allocations to be published in report: RCW 43.86.050.

43.08.190 STATE TREASURER'S SERVICE FUND--CREATION--PURPOSE. There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund". Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office. [1973 c 27 § 2.]

Cross Reference:

Distribution of interest credited to deposit interest fund: RCW 43.85.241.

43.08.200 STATE TREASURER'S SERVICE FUND--EXPENDITURE LIMITATION. All moneys deposited in the state treasurer's service fund shall be expended only pursuant to legislative appropriation and for the purposes set forth in RCW 43.08.190, 43.08.200, and 43.85.241. [1973 c 27 § 3.]

Chapter 43.09  
STATE AUDITOR

Cross References:

Gambling commission, audit of books, records and affairs: RCW 9.46.060.  
Reports to higher education assistance authority: RCW 28B.17.170.

Chapter 43.10  
ATTORNEY GENERAL

Cross References:

Gambling activities, as affecting: Chapter 9.46 RCW.  
Gambling commission, counsel for: RCW 9.46.060.  
Higher education assistance authority, attorney general may render assistance to: RCW 28B.17.160.

43.10.010 QUALIFICATIONS--OATH--BOND. No person shall be eligible to be attorney general unless he is a qualified practitioner of the supreme court of this state. Before entering upon the duties of his office, any person elected or appointed attorney general shall take, subscribe, and file the oath of office as required by law; take, subscribe, and file with the secretary of state an oath to comply with the provisions of RCW 43.10.115; and execute and file with the secretary of state, a bond to the state, in the sum of five thousand dollars, with sureties to be approved by the governor, conditioned for the faithful performance of his duties and the paying over of all moneys, as provided by law. [1973 c 43 § 1; 1965 c 8 § 43.10.010. Prior: 1929 c 92 § 1, part; RRS § 11030, part; prior: 1921 c 119 § 1; 1888 p 7 § 4.]

Severability--1973 c 43: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 43 § 6.] This applies to the 1973 amendment to this section and to RCW 43.10.115-43.10.130.

43.10.115 PRIVATE PRACTICE OF LAW--ATTORNEY GENERAL--PROHIBITED. The attorney general shall not practice law for remuneration in his private capacity:

- (1) As an attorney in any court of this state during his continuance in office; or
- (2) As adviser or advocate for any person who may wish to become his client. [1973 c 43 § 2.]

43.10.120 PRIVATE PRACTICE OF LAW--DEPUTIES AND ASSISTANTS--PROHIBITED. No full time deputy or assistant attorney general shall practice law for remuneration in his private capacity:

- (1) As an attorney in any court of this state during his continuance in office; or
- (2) As adviser or advocate for any person who may wish to become his client. [1973 c 43 § 3.]

43.10.125 PRIVATE PRACTICE OF LAW--SPECIAL ASSISTANT ATTORNEY GENERALS. Special assistant attorney generals employed on less than a full time basis to transact business of a legal or quasi legal nature for the state, such assistants and attorneys may practice law in their private capacity as attorney. [1973 c 43 § 4.]

43.10.130 PRIVATE PRACTICE OF LAW--EXCEPTIONS. None of the provisions of RCW 43.10.010 and 43.10.115 through 43.10.125 shall be construed as prohibiting the attorney general or any of his full time deputies or assistants from:

- (1) Performing legal services for himself or his immediate family; or
- (2) Performing legal services of a charitable nature. [1973 c 43 § 5.]

Chapter 43.17  
ADMINISTRATIVE DEPARTMENTS AND AGENCIES--  
GENERAL PROVISIONS

Cross Reference:

Higher education assistance authority, state agencies may render assistance to: RCW 28B.17.160.

Chapter 43.19  
DEPARTMENT OF GENERAL ADMINISTRATION

43.19.1925 COMBINED PURCHASES OF COMMONLY USED ITEMS--ADVANCE PAYMENTS BY STATE AGENCIES--COSTS OF OPERATING CENTRAL STORES. To supply such funds as may be necessary for making combined purchases of items or services of common use by central stores, state agencies shall, upon request of the division of purchasing, from time to time, make advance payments into the central stores revolving fund from funds regularly appropriated to them for the procurement of supplies, equipment, and services: PROVIDED, That advance payment for services shall be on a quarterly basis: PROVIDED FURTHER, That any person, firm or corporation other than central stores rendering services for which advance payments are made shall deposit cash or furnish surety bond coverage to the state in an amount as shall be fixed by law, or if not fixed by law, then in such amounts as shall be fixed by the administrative board. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. Funds so advanced to central stores shall be used only for the combined procurement, storage, and delivery of such

stocks of supplies, equipment, and services as are requisitioned by the agency and shall be offset and repaid to the respective state agencies by an equivalent value in merchandise supplied and charged out from time to time from central stores. Costs of operation of central stores may be recovered by charging as part of the value of materials, supplies, or services an amount sufficient to cover the costs of operating central stores. [1973 c 104 § 2; 1965 c 8 § 43.19.1925. Prior: 1959 c 178 § 13.]

**43.19.510 FORMS MANAGEMENT CENTER—ESTABLISHED—POWERS AND DUTIES.** The director of the department of general administration shall establish and staff an activity within the department to be known as the "forms management center" for the coordination, orderly design, implementation and maintenance of a state-wide forms management program.

The director of general administration, through the forms management center, shall:

(1) Coordinate a forms management program for all state agencies, and educational institutions and provide assistance in establishing internal forms management capabilities;

(2) Study, develop, coordinate and initiate forms of interagency and common administrative usage, and establish basic state design and specification criteria to effect the standardization of state forms;

(3) Provide assistance to state agencies and educational institutions for economical forms design and forms art work composition and establish and supervise control procedures to prevent the undue creation and reproduction of state forms;

(4) Provide assistance, training and instruction in forms management techniques to state agencies and educational institutions forms management representatives and departmental forms coordinators, and provide direct administrative and forms management assistance to new state organizations or institutions as they are created;

(5) Maintain a central cross index of state forms to facilitate the standardization of such forms, to eliminate redundant forms, and to provide a central source of forms usage and availability information;

(6) Utilize appropriate procurement techniques to take advantage of competitive bidding, consolidated orders and contract procurement of forms, and work directly with the public printer toward more efficient, economical and timely procurement, receipt, storage and distribution of state forms;

(7) Coordinate the forms management program with the existing state archives and records management program to insure timely disposition of outdated forms and related records;

(8) Conduct periodic evaluation of the effectiveness of the overall forms management program and the forms management practices of the individual state educational institutions and state agencies, and maintain records which indicate net dollar savings which have been realized through centralized forms management;

(9) Enter into agreements which delegate implementing action to state agencies or educational institutions where such mutually developed arrangements will result in the most timely and economical method of accomplishing the responsibilities set forth in this section; and

(10) Develop and promulgate rules and standards to implement the overall purposes of this section.

All educational institutions and agencies of the state shall cooperate with and support the development and implementation of the state-wide forms management program. To assist in the coordination and implementation of the forms management program, each state educational institution and agency shall appoint a forms management representative. [1973 c 13 § 1.]

#### Chapter 43.20A

#### DEPARTMENT OF SOCIAL AND HEALTH SERVICES

##### Cross References:

Criminally insane, rights, responsibilities and duties: Chapter 10.77 RCW.

Sale of certain lands in Spokane county authorized: Chapter 109, Laws of 1973 1st ex.s.

Special adult supervision programs, reimbursement to counties: Chapter 9.95A RCW.

Victims of crimes, reimbursement by convicted person as condition of work release or parole: RCW 7.68.120.

#### Chapter 43.21A

#### DEPARTMENT OF ECOLOGY

##### Cross Reference:

Domestic waste treatment plants—Certification and regulation of operators: Chapter 70.95B RCW.

**43.21A.065 DETERMINATION AS TO WHETHER ITEM OF PROPERTY FORMING PART OF INDUSTRIAL, ETC. BUILDING IS A POLLUTION CONTROL FACILITY.** [1972 ex.s. c 54 § 2.] Repealed by 1973 c 132 § 15.

**43.21A.405 MARINE POLLUTION—BASELINE STUDY PROGRAM—LEGISLATIVE FINDING AND DECLARATION.** The legislature recognizes that there exists a great risk of potential damage from oil pollution of the waters of the state of Washington and further declares that immediate steps must be undertaken to reduce this risk. The legislature also is aware that such danger

is expected to increase in future years in proportion to the increase in the size and cargo capacity of ships, barges, and other waterborne carriers, the construction and operational characteristics of these carriers, the density of waterborne traffic, and the need for a greater supply of petroleum products.

A program of systematic baseline studies to be conducted by the department of ecology has been recognized as a vital part of the efforts to reduce the risk of oil pollution of marine waters, and the legislature recognizes that many factors combine to make this effort one of considerable magnitude and difficulty. The marine shoreline of the state is about two thousand seven hundred miles long, a greater length than the combined coastlines of Oregon and California. There are some three million acres of submerged land and more than three hundred islands in these marine waters. The average depth of Puget Sound is two hundred twenty feet. There is a great diversity of animal life in the waters of the state. These waters have a multitude of uses by both humans and nonhumans, and the interaction between man's activities and natural processes in these waters varies greatly with locale. [1973 2nd ex.s. c 30 § 1.]

Cross References:

Oil pollution: RCW 90.48.315-90.48.360.  
Shoreline management act: Chapter 90.58 RCW.

43.21A.410 MARINE POLLUTION--BASELINE STUDY PROGRAM ESTABLISHED--UTILIZATION OF RELATED PROGRAMS--COORDINATION--CONTRACTS. As part of the state effort to prevent and control oil pollution, a continuing, comprehensive program of systematic baseline studies for the waters of the state shall be established by the department of ecology. Full utilization of related historical data shall be made in planning these studies. Data from these and other scientific investigations made pursuant to RCW 43.21A.405 through 43.21A.420 should, whenever possible, have multiple use, including use as supporting evidence of environmental damage resulting from oil pollution, as indicators of the potential or existing risks and impacts of oil pollution, as aids to developing a methodology for implementing the reduction of risks, and as aids to maintaining water quality standards.

A baseline study program shall take full advantage of the data and information produced by related programs, such as the marine ecosystems analysis (MESA) program of the national oceanic and atmospheric administration, studies and inventories made pursuant to the state shorelines management act of 1971, and others. All phases of the program, including planning, operations, data analysis, interpretation, storage, retrieval, and dissemination

phases, shall be coordinated to the greatest possible extent with appropriate governmental, academic, and industrial organizations. Whenever possible, the department shall contract with existing state agencies, boards, commissions, and institutions of higher education for the scientific investigation programs to be conducted. [1973 2nd ex.s. c 30 § 2.]

43.21A.415 MARINE POLLUTION--BASELINE STUDY PROGRAM--SCOPE OF DATA BASE PRODUCED. The data base produced by such studies should include chemical, physical, and biological parameters of the waters, complete information on marine pollution accidents, and an economic evaluation of the marine resources and shoreline properties that may be damaged or impaired by oil pollution. Where oceanographic and water quality instrumentation is used to gather data, such instruments shall be standardized and intercalibrated. [1973 2nd ex.s. c 30 § 3.]

43.21A.420 MARINE POLLUTION--BASELINE STUDY PROGRAM--PRIORITY FACTORS. In planning the state baseline studies program, priority shall be given to those waters (1) in which the greatest risk of damage from oil spills exists; (2) which contain marine and fresh water life that is particularly sensitive to toxins contained in crude oil, oil products, and oil wastes; and (3) which are used or may be used for the harvesting, gathering, or production of food or food products. [1973 2nd ex.s. c 30 § 4.]

Chapter 43.21C  
STATE ENVIRONMENTAL POLICY

43.21C.070 ESTABLISHMENT OF CLASSIFICATIONS AND CATEGORIES OF BUILDING PERMITS AND ACTS OF GOVERNMENTAL AGENCIES CONCERNING FAMILY RESIDENCES--EXEMPTION FROM "DETAILED STATEMENT" REQUIREMENT. The department of ecology shall, within forty-five days from July 1, 1973, after notice and hearing, promulgate rules and regulations pursuant to chapter 34.04 RCW to establish classifications and categories of building permits and acts of governmental agencies concerning an individual single family residence, which classification and category shall be exempt from the "detailed statement" required by RCW 43.21C.030. Building permits and acts not so classified shall not be presumed to either require or not require a "detailed statement". [1973 1st ex.s. c 179 § 1.]

Effective date--1973 1st ex.s. c 179:  
"This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1,



1973: PROVIDED, HOWEVER, That prior thereto, the department of ecology may take such actions, including the issuing of notices and the conduct of public hearing, as are necessary to insure the implementation of section 1 of this act." [1973 1st ex.s. c 179 § 4.] This applies to RCW 43.21C.070-43.21C.090.

43.21C.080 PUBLICATION OF NOTICE OF ACTION BY GOVERNMENTAL AGENCY PERTAINING TO PRIVATE PROJECT--TIME LIMITATION FOR COMMENCING CHALLENGE TO ACTION. (1) Notice of any action taken by a governmental agency which is "a major action significantly affecting the quality of the environment" pertaining to any private project shall be published by the applicant for such project, in a form approved by the governmental agency, on the same day of each week for two consecutive weeks in a newspaper of general circulation in the county, city, or general area where the property which is the subject of the action and where such governmental agency has its principal offices.

(2) Any action to set aside, enjoin, review, or otherwise challenge any such action of a governmental agency with respect to any private project on grounds of noncompliance with the provisions of this chapter shall be commenced within sixty days from the final date of publication of notice of such action, or be barred. [1973 1st ex.s. c 179 § 2.]

43.21C.090 DECISION OF GOVERNMENTAL AGENCY TO BE ACCORDED SUBSTANTIAL WEIGHT. In any action involving an attack on a determination by a governmental agency relative to the requirement or the absence of the requirement, or the adequacy of a "detailed statement", the decision of the governmental agency shall be accorded substantial weight. [1973 1st ex.s. c 179 § 3.]

Chapter 43.21D  
ELECTRIC POWER USE--EMERGENCY CURTAILMENT,  
ALLOCATION

43.21D.010 LEGISLATIVE FINDING, DECLARATION AND INTENT. The legislature finds and declares that due to one of the most severe droughts in recorded history, the sources of electric power are in such short supply as to create a clear and foreseeable danger that without institution of appropriate measures to reduce and/or allocate the usage of electricity through a program of mandatory usage curtailment and/or allocation, an electric power system failure involving the entire Pacific Northwest may occur. The prevention of such a power system failure is

necessary for preservation of the public health, welfare, and safety of the citizens of this state.

It is the policy of the state of Washington and the intent of this legislation to prevent such a failure of the electric power system and to provide emergency procedures whereby such a failure can be averted. [1973 2nd ex.s. c 29 § 1.]

43.21D.020 DEFINITIONS. (1) "Committee" means the electric emergency curtailment and/or allocation committee established in RCW 43.21D.030.

(2) "Electric utility" means any city or town, public utility district, regulated electric company, or electric cooperative, or other entity engaged in or authorized to engage in the business of generating, transmitting, or distributing electric energy in this state.

(3) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized. [1973 2nd ex.s. c 29 § 2.]

43.21D.030 ELECTRIC EMERGENCY CURTAILMENT AND/OR ALLOCATION COMMITTEE--CREATED--MEMBERS--COMPENSATION--EXPENSES.

There is hereby created and established an electric emergency curtailment and/or allocation committee composed of five members to be appointed by the governor to serve at his pleasure. The governor shall name one of the members to serve as chairman of the committee. One member shall be experienced and knowledgeable in the affairs and operation of regulated electric companies; one member shall be experienced and knowledgeable in the affairs of public agencies or cooperatives engaged in the electric utility industry; one member shall be from the electric power consuming general public; and one member shall be from an industrial consumer of electric power. The chairman of the senate transportation and utilities committee and the chairman of the house transportation and utilities committee and one member of the minority party from each house shall serve as ex officio members of the committee, without vote.

Members, unless otherwise compensated for such time, shall be compensated at the rate of one hundred dollars per day for each day engaged in the business of the committee and shall be reimbursed for necessary traveling and lodging expenses actually incurred while engaged in the business of the committee as provided in chapter 43.03 RCW. [1973 2nd ex.s. c 29 § 3.]

43.21D.040 POWERS AND DUTIES OF COMMITTEE. The committee shall have the following powers and duties:

(1) To gather and review pertinent information from whatever source available relating to electric power supply conditions;

(2) To make recommendations to the governor of appropriate emergency curtailment and/or allocation plans and procedures of electric power usage. In developing its recommendations the committee should consider the economic, social and environmental impact of a curtailment and/or allocation program;

(3) To advise the governor of the time or times, if any, based on pertinent information, when the electric power supply conditions require execution of emergency curtailment and/or allocation procedures, and also the time or times when such procedures can prudently be terminated;

(4) To monitor and review compliance with and effectiveness of orders of the governor issued under this chapter: PROVIDED, That compliance by regulated electric companies shall be reviewed by the Washington utilities and transportation commission and the results thereof shall be reported to the committee;

(5) To require submission by any electric utility, for review and approval by the committee, of a plan for curtailment and/or allocation of electric usage in the event of an emergency. [1973 2nd ex.s. c 29 § 4.]

43.21D.050 POWERS AND DUTIES OF GOVERNOR—ORDERS—COMPLIANCE REQUIRED—COORDINATION WITH PROGRAMS OF OTHER STATES. During such periods as the governor has determined that emergency curtailment and/or allocation procedures of electric power usage must be followed to assure prevention of an electric power system failure, the governor is authorized and empowered to order immediate curtailment and/or allocation of electric power use and to carry out such other actions as shall have been recommended by the committee pursuant to RCW 43.21D.040: PROVIDED, That, in the absence of such recommendation, or if the governor shall determine that the plans and procedures recommended by the committee are not adequate to carry out the purpose of this chapter, the governor may order immediate curtailment and/or allocation of electric power usage and the execution of such other procedures and actions as he may deem necessary and appropriate to prevent an electric power system failure.

All persons using electricity who are affected by an order issued or action taken pursuant to this chapter shall comply therewith immediately, notwithstanding any provision of law or contract to the contrary.

The governor may direct any electric utility to take such action on his behalf

as may be required to implement his orders issued pursuant to this chapter, and no electric utility shall be liable for actions taken in accordance with such directions: PROVIDED, That orders to regulated electric companies shall be issued by the Washington utilities and transportation commission in conformance with orders of the governor.

The governor shall undertake all efforts that may be useful in coordinating similar electric power usage curtailment and/or allocation programs with other states. [1973 2nd ex.s. c 29 § 5.]

43.21D.060 PETITION FOR EXCEPTION OR MODIFICATION OF ORDER—APPEALS. (1) Any person aggrieved by an order issued pursuant to this chapter may petition the governor and request an exception from or modification of such order. The governor shall refer any such application to the committee for review, and the committee shall recommend to the governor action to be taken thereon. The governor may grant, modify, or deny such petition as the public interest may require.

(2) An appeal from any order issued or action taken pursuant to this chapter may be taken to the state supreme court. Such an appeal shall take the form of a petition for a writ of mandamus or prohibition under Article IV, section 4 of the state Constitution, and the supreme court shall have exclusive jurisdiction to hear and act upon such an appeal. Notwithstanding the provisions of chapter 7.16 RCW, or any other applicable statute, the superior courts of this state shall have no jurisdiction to entertain an action or suit relating to any order issued or action taken pursuant to this chapter, nor to hear and determine any appeal from any such order. The provisions of Rule On Appeal I-58 shall apply to any proceedings in the supreme court brought pursuant to this chapter. [1973 2nd ex.s. c 29 § 6.]

43.21D.070 VIOLATIONS—PENALTY—TERMINATION OF ELECTRIC SERVICES. (1) Any person wilfully violating any provision of an order issued by the governor pursuant to this chapter shall be guilty of a gross misdemeanor.

(2) Any person violating any provision of an order issued by the governor pursuant to this chapter shall also be subject to termination of electric services upon further order of the governor. [1973 2nd ex.s. c 29 § 7.]

43.21D.080 CHAPTER TO CONTROL IN EVENT OF CONFLICT—EXCEPTIONS—COMPLIANCE WITH OTHER LAWS. If any provision of this chapter is in conflict with any other provision, limitation, or restriction which is now in effect under any other law of this state, except chapters 43.06 and 38.52 RCW, or any rule or regulation

promulgated thereunder, this chapter shall govern and control, and such other law or rule or regulation promulgated thereunder shall be deemed superseded for the purposes of this chapter.

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

Except as provided in this section nothing in this chapter shall exempt a person from compliance with the provisions of any other statute, rule, regulation, or directive unless specifically ordered by the governor. [1973 2nd ex.s. c 29 § 8.]

43.21D.900 EXPIRATION OF CHAPTER. The provisions of this chapter shall expire on June 30, 1974, and all powers conferred herein or orders issued hereunder shall terminate at that time. [1973 2nd ex.s. c 29 § 9.]

43.21D.905 LIBERAL CONSTRUCTION. This chapter shall be liberally construed to carry out the legislative declaration of findings, policy, and intent expressed herein. [1973 2nd ex.s. c 29 § 10.]

43.21D.910 SEVERABILITY—1973 2ND EX.S. C 29. 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. [1973 2nd ex.s. c 29 § 12.]

Chapter 43.22  
DEPARTMENT OF LABOR AND INDUSTRIES

Cross References:

Certification elections for community college academic personnel, request for department's services: RCW 28B.52.080.

Victims of crimes, compensation, duties of department: Chapter 7.68 RCW.

43.22.010 DIVISIONS OF DEPARTMENT—PERSONNEL (AS AMENDED BY 1973 1ST EX.S. C 52 § 2). The department of labor and industries shall be organized into five divisions, to be known as, (1) the division of industrial insurance, (2) the division of industrial safety and health, (3) the division of industrial relations, (4) the division of apprenticeship, and (5) the division of building and construction safety inspection services, which last mentioned division shall have responsibility for electrical inspection, mobile

home inspection, elevator inspection, except as otherwise provided in RCW 70.87-.030, boiler inspection, and hotel inspection.

The director may appoint such clerical and other assistants as may be necessary for the general administration of the department. [1973 1st ex.s. c 52 § 2; 1971 c 66 § 2; 1969 ex.s. c 32 § 1; 1965 c 8 § 43.22.010. Prior: (i) 1927 c 306 § 1, part; 1917 c 36 § 2, part; RRS § 8637, part. (ii) 1921 c 7 § 74; RRS § 10832.]

Effective date—1973 1st ex.s. c 52: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1973." [1973 1st ex.s. c 52 § 12.]

Reviser's note: RCW 43.22.010 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

43.22.010 DIVISIONS OF DEPARTMENT—PERSONNEL (AS AMENDED BY 1973 1ST EX.S. C 153 § 8). The department of labor and industries shall be organized into six divisions, to be known as, (1) the division of industrial insurance, (2) the division of safety, (3) the division of mining safety, (4) the division of industrial relations, (5) the division of apprenticeship, and (6) the division of building and construction safety inspection services, which division shall have responsibility for electrical inspection, mobile home inspection, elevator inspection, except as otherwise provided in RCW 70.87.030, boiler inspection, and registration and regulation of contractors. The director may appoint such clerical and other assistants as may be necessary for the general administration of the department. [1973 1st ex.s. c 153 § 8; 1971 c 66 § 2; 1969 ex.s. c 32 § 1; 1965 c 8 § 43.22.010. Prior: (i) 1927 c 306 § 1, part; 1917 c 36 § 2, part; RRS § 8637, part. (ii) 1921 c 7 § 74; RRS § 10832.]

Reviser's note: RCW 43.22.010 was amended twice during the 1973 first extraordinary session of the legislature, each without reference to the other.

For rule of construction concerning sections amended more than once at the same legislative session, see RCW 1.12.025.

43.22.040 SUPERVISOR OF INDUSTRIAL SAFETY AND HEALTH—APPOINTMENT—PERSONNEL. The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of industrial safety and health, who shall

have charge and supervision of the division of industrial safety and health.

The supervisor of industrial safety and health, with the approval of the director, may appoint and employ such inspectors, clerks, and other assistants as may be necessary to carry on the work of the division. [1973 1st ex.s. c 52 § 3; 1965 c 8 § 43.22.040. Prior: 1921 c 7 § 76; RRS § 10834.]

Effective date—1973 1st ex.s. c 52:  
See note following RCW 43.22.010.

43.22.050 POWERS AND DUTIES. The director of labor and industries, through the division of industrial safety and health, shall:

(1) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of factories, mills, workshops, storehouses, warerooms, stores and buildings, and the machinery and apparatus therein contained, and steam vessels, and other vessels operated by machinery, and in relation to the administration and enforcement of all laws and safety standards providing for the protection of employees in mills, factories, workshops, and in employments subject to the provisions of Title 51, and in relation to the enforcement, inspection, certification, and promulgation of safe places and safety device standards in all industries: PROVIDED, HOWEVER, This section shall not apply to railroads;

(2) Exercise all the powers and perform all the duties prescribed by law in relation to the inspection of tracks, bridges, structures, machinery, equipment, and apparatus of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities, with respect to the safety of employees, and the administration and enforcement of all laws providing for the protection of employees of street railways, gas plants, electrical plants, water systems, telephone lines, telegraph lines, and other public utilities;

(3) Exercise all the powers and perform all the duties prescribed by law in relation to the enforcement, amendment, alteration, change, and making additions to, rules and regulations concerning the operation, placing, erection, maintenance, and use of electrical apparatus, and the construction thereof. [1973 1st ex.s. c 52 § 4; 1971 ex.s. c 239 § 9; 1965 c 8 § 43.22.050. Prior: 1955 c 173 § 1; 1921 c 7 § 80; RRS § 10838.]

Effective date—1973 1st ex.s. c 52:  
See note following RCW 43.22.010.

43.22.120 DIVISION OF MINING SAFETY—COMPOSITION—CHIEF MINE INSPECTOR IN CHARGE. [1965 c 8 § 43.22.120. Prior: 1927 c 306 § 1, part; 1917 c 36 § 2, part; RRS § 8637, part.] Repealed by 1973 1st ex.s. c 52 § 11.

43.22.130 APPOINTMENT OF MINING BOARD—QUALIFICATIONS—OATH—COMPENSATION. [1965 c 8 § 43.22.130. Prior: 1927 c 306 § 2; 1917 c 36 § 3; RRS § 8638.] Repealed by 1973 1st ex.s. c 52 § 11.

43.22.140 EXAMINATIONS FOR MINE INSPECTORS. [1965 c 8 § 43.22.140. Prior: 1927 c 306 § 3; 1917 c 36 § 4; RRS § 8639.] Repealed by 1973 1st ex.s. c 52 § 11.

43.22.150 EXCEPTION FOR THOSE PASSING FIRST CLASS CERTIFICATE EXAMINATION. [1965 c 8 § 43.22.150. Prior: 1945 c 262 § 1; Rem. Supp. 1945 § 8661-1.] Repealed by 1973 1st ex.s. c 52 § 11.

43.22.160 APPLICATIONS FOR EXAMINATION—AFFIDAVIT. [1965 c 8 § 43.22.160. Prior: 1917 c 36 § 5; RRS § 8640.] Repealed by 1973 1st ex.s. c 52 § 11.

43.22.160 APPLICATIONS FOR EXAMINATION—AFFIDAVIT. Applications to the board for examination for chief mine inspector and deputy mine inspector shall be made in writing, accompanied by an affidavit showing that the applicant is a citizen of the United States and of the state, and that the applicant has attained the age of thirty years; has had at least five years' practical experience in and about the mines in the United States, and at least three years' practical experience in and about the mines in the state, and that the applicant has a certificate of competency in mine rescue and first aid work from the United States bureau of mines. The applicant shall also furnish an affidavit from two citizens of the state that the applicant is a person of good repute, temperate habits, in good physical condition, and above thirty years of age. [1973 1st ex.s. c 154 § 80; 1965 c 8 § 43.22.160. Prior: 1917 c 36 § 5; RRS § 8640.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

43.22.170 EXAMINATIONS AT STATE CAPITAL—APPOINTMENT OF CHIEF AND DEPUTY INSPECTORS. [1965 c 8 § 43.22.170. Prior: 1927 c 306 § 4, part; 1917 c 36 § 6, part; RRS § 8641, part. Formerly RCW 43.22.170 and 43.22.180.] Repealed by 1973 1st ex.s. c 52 § 11.

43.22.170 EXAMINATIONS AT STATE CAPITAL--APPOINTMENT OF CHIEF AND DEPUTY INSPECTORS. At such times as may be appointed by the director of labor and industries, the state mining board shall conduct examinations at the state capital. Each examination shall be thoroughly advertised by sending notices to the management of each coal mine, to be posted at the mine at least thirty days before such examination.

The director of labor and industries shall appoint as chief state mine inspector a person who has been given a certificate of competency by the state mining board, or who has otherwise qualified for the position, under the provisions of this act [1917 c 36; 1927 c 306]. The chief state mine inspector shall hold his office for four years, and be at all times subject to removal from office by the director of labor and industries for neglect of duty or for malfeasance in the discharge of his duties.

The chief state mine inspector with the approval of the director of labor and industries shall appoint as deputy state mine inspectors persons who are citizens of the United States and of the state of Washington, and who have had five years' practical experience in and about the mines of the United States and three years' practical experience in and about the mines in the state of Washington, and that have mine inspector's certificates of competency given by the board of examiners, or the state mining board after an examination as provided for in this act [1917 c 36; 1927 c 306]. Each deputy state mine inspector shall hold office subject to removal by the chief state mine inspector for cause.

Nothing in this act [1917 c 36; 1927 c 306] shall be construed as preventing the reappointment of any mine inspector or of any deputy mine inspector who has qualified for these positions under the provisions of this act [1917 c 36; 1927 c 306]. [1973 1st ex.s. c 154 § 81; 1965 c 8 § 43.22.170. Prior: 1927 c 306 § 4, part; 1917 c 36 § 6, part; RRS § 8641, part. Formerly RCW 43.22.170 and 43.22.180.]

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

43.22.190 SALARIES AND EXPENSES OF INSPECTORS--OATH--DUTIES. [1965 c 8 § 43.22.190. Prior: 1947 c 166 § 1; 1927 c 306 § 5; 1919 c 201 § 1; 1917 c 36 § 7; 1897 c 45 § 7; RRS § 8642. FORMER PART OF SECTION: 1917 c 36 § 9, part; RRS § 8644, part, now codified in RCW 43.22.210.] Repealed by 1973 1st ex.s. c 52 § 11.

43.22.200 RIGHT OF ENTRY TO INSPECT. The supervisor of the division of industrial safety and health or his deputy shall enter, inspect, and examine any coal mine, and the workings and the machinery

belonging thereto, at all reasonable times, either day or night, but not so as to impede the working of the mine. They shall make inquiry into the condition of the mine, workings, machinery, ventilation, drainage, method of lighting or using lights, and into all methods and things relating to the health and safety of persons employed in or about the mine, and especially make inquiry whether or not the provisions of the coal mining code have been complied with. The management of each mine shall furnish the means necessary for such entry, inspection, examination, and exit. [1973 1st ex.s. c 52 § 5; 1965 c 8 § 43.22.200. Prior: 1917 c 36 § 8; RRS § 8643.]

Effective date--1973 1st ex.s. c 52: See note following RCW 43.22.010.

43.22.210 FREQUENCY OF INSPECTIONS--COMPELLING ACCESS--INVESTIGATIONS. (1)

It shall be the duty of the supervisor of the division of industrial safety and health or his deputy to carefully examine each coal mine in operation in this state at least every four months, and as much oftener as is necessary, to see that every precaution is taken to insure the safety of all workmen who may be engaged in the mine. These inspections shall include at least two visits of the inspection force to every working place in every mine in the state during each calendar year. The supervisor or his deputy shall make a record of each visit, noting the time and the material circumstances of the inspection, and shall keep each record on file in the office of the department; and also post at the mine a notice of his inspection.

(2) If the management of any operating company shall refuse to permit the members of the department to enter any mine, the supervisor or his deputy shall file an affidavit setting forth such refusal, with the judge of the superior court of the county in which the mine is situated, and obtain an order from such judge commanding the management of the operating company to permit such examination and inspection, and to furnish the necessary facilities for the same, or in default thereof to be adjudged in contempt of court and punished accordingly.

(3) If the supervisor or his deputy shall, after examination of any mine, or the works and machinery connected therewith, find the same to be worked contrary to the provisions of this act [1917 c 36], or unsafe for the workmen employed therein, the supervisor shall notify the management, stating what changes are necessary. If the trouble is not corrected within reasonable time, the supervisor shall, through the attorney general, in the name of the state immediately apply to the superior court of the county in which the mine is located, or to a judge of said

court in chambers, for a writ of injunction to enjoin the operation of all work in and about the said mine. Whereupon said court or judge shall at once proceed to hear and determine the case, and if the cause appears to be sufficient, after hearing the parties and their evidence, as in like cases, shall issue its writ to restrain the workings of said mine until all cause of danger is removed; and the cost of such proceeding shall be borne by the operating company of the mine: PROVIDED, That if the said court shall find the cause not sufficient, then the case shall be dismissed, and the costs will be borne by the state: PROVIDED, ALSO, That should the supervisor find during the inspection of a mine, or portion of a mine, such dangerous condition existing therein that in his opinion any delay in removing the workmen from such dangerous places might cause loss of life or serious personal injury to the employee, the supervisor shall have the right to temporarily withdraw all persons from such dangerous places until the foregoing provisions of this section can be carried into effect.

(4) Whenever he is notified of any loss of life in or about the mine, or whenever an explosion or other serious accident occurs, the supervisor shall immediately go or send his deputy to the scene of the accident to investigate and to render every possible assistance.

(5) The supervisor or his deputy shall make a record of the circumstances attending each accident investigated, which record shall be preserved in the files of the department. To enable the supervisor or his deputy to make such investigation and record, they shall have power to compel the attendance of witnesses and to administer oaths or affirmations to them. The costs of such investigations shall be paid by the state. [1973 1st ex.s. c 52 § 6; 1965 c 8 § 43.22.210. Prior: 1917 c 36 § 9; RRS § 8644. Formerly RCW 43.22-.190, part, 43.22.210 through 43.22.240.]

Effective date—1973 1st ex.s. c 52:  
See note following RCW 43.22.010.

43.22.250 ANNUAL REPORTS. [1965 c 8 § 43.22.250. Prior: 1927 c 306 § 6; 1917 c 36 § 10; RRS § 8645.] Repealed by 1973 1st ex.s. c 52 § 11.

43.22.260 SUPERVISOR OF INDUSTRIAL RELATIONS—APPOINTMENT—PERSONNEL. The director of labor and industries shall appoint and deputize an assistant director, to be known as the supervisor of industrial relations, who shall be the state mediator, and have charge and supervision of the division of industrial relations.

With the approval of the director, he may appoint an assistant to be known as

the industrial statistician, and an assistant to be known as the supervisor of employment standards and may appoint and employ such assistant mediators, experts, clerks, and other assistants as may be necessary to carry on the work of the division. [1973 2nd ex.s. c 16 § 11; 1973 1st ex.s. c 154 § 82; 1965 c 8 § 43.22.260. Prior: 1921 c 7 § 77; RRS § 10835.]

Severability—1973 2nd ex.s. c 16: See RCW 49.12.900.

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

43.22.270 POWERS AND DUTIES. The director of labor and industries shall have the power, and it shall be his duty, through and by means of the division of industrial relations:

(1) To promote mediation in, conciliation concerning, and the adjustment of, industrial disputes, in such manner and by such means as may be provided by law;

(2) To study and keep in touch with problems of industrial relations and, from time to time, make public reports and recommendations to the legislature;

(3) To, with the assistance of the industrial statistician, exercise all the powers and perform all the duties in relation to collecting, assorting, and systematizing statistical details relating to labor within the state, now vested in, and required to be performed by, the secretary of state, and to report to, and file with, the secretary of state duly certified copies of the statistical information collected, assorted, systematized, and compiled, and in collecting, assorting, and systematizing such statistical information to, as far as possible, conform to the plans and reports of the United States department of labor;

(4) To, with the assistance of the industrial statistician, make such special investigations and collect such special statistical information as may be needed for use by the department or division of the state government having need of industrial statistics;

(5) To, with the assistance of the supervisor of employment standards, supervise the administration and enforcement of all laws respecting the employment and relating to the health, sanitary conditions, surroundings, hours of labor, and wages of employees employed in business and industry in accordance with the provisions of chapter 49.12 RCW;

(6) To exercise all the powers and perform all the duties, not specifically assigned to any other division of the department of labor and industries, now vested in, and required to be performed by, the commissioner of labor;

(7) To exercise such other powers and perform such other duties as may be provided by law. [1973 2nd ex.s. c 16 §

12; 1973 1st ex.s. c 154 § 83; 1965 c 8 § 43.22.270. Prior: 1921 c 7 § 81; RRS 10839.]

Severability--1973 2nd ex.s. c 16: See RCW 49.12.900.

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

43.22.280 INDUSTRIAL WELFARE COMMITTEE. The director of labor and industries, the supervisor of industrial insurance, the supervisor of industrial relations, the supervisor of safety, the industrial statistician, and the supervisor of employment standards shall constitute the industrial welfare committee, of which the director shall be chairman, and the supervisor of employment standards shall be executive secretary, which shall exercise such powers and perform such duties as are prescribed by law. [1973 2nd ex.s. c 16 § 4; 1973 1st ex.s. c 154 § 84; 1965 c 8 § 43.22.280. Prior: 1921 c 7 § 82; RRS § 10840.]

Severability--1973 2nd ex.s. c 16: See RCW 49.12.900.

Severability--1973 1st ex.s. c 154: See note following RCW 2.12.030.

**Cross Reference:**

Powers and duties of industrial welfare committee: Chapter 49.12 RCW.

43.22.320 JOINT HEARINGS--APPEALS. [1965 c 8 § 43.22.320. Prior: 1921 c 7 § 79; RRS § 10837.] Repealed by 1973 1st ex.s. c 52 § 11.

43.22.450 FACTORY BUILT HOUSING AND COMMERCIAL STRUCTURES, REGULATING INSTALLATION OF--DEFINITIONS. Whenever used in RCW 43.22.450 through 43.22.490:

(1) "Department" means the Washington state department of labor and industries;

(2) "Approved" means approved by the department;

(3) "Factory built housing" means any structure designed primarily for human occupancy other than a mobile home the structure or any room of which is either entirely or substantially prefabricated or assembled at a place other than a building site;

(4) "Install" means the assembly of factory built housing or factory built commercial structures at a building site;

(5) "Building site" means any tract, parcel or subdivision of land upon which factory built housing or a factory built commercial structure is installed or is to be installed;

(6) "Local enforcement agency" means any agency of the governing body of any city or county which enforces laws or

ordinances governing the construction of buildings;

(7) "Commercial structure" means a structure designed or used for human habitation, or human occupancy for industrial, educational, assembly, professional or commercial purposes. [1973 1st ex.s. c 22 § 1; 1970 ex.s. c 44 § 1.]

43.22.455 FACTORY BUILT HOUSING AND COMMERCIAL STRUCTURES, REGULATING INSTALLATION OF--HOUSING MUST BE APPROVED, HAVE DEPARTMENT INSIGNIA--SIGNIFICANCE OF INSIGNIA--MODIFICATION OF HOUSING DURING INSTALLATION MUST BE APPROVED. No factory built housing or factory built commercial structure shall be installed on a building site in this state after the effective date of the regulations adopted pursuant to RCW 43.22.480 unless it is approved and bears the insignia of approval of the department.

(1) Any factory built housing or factory built commercial structure bearing an insignia of approval of the department shall be deemed to comply with any laws, ordinances or regulations enacted by any city or county or any local enforcement agency which govern the manufacture and construction of factory built housing or factory built commercial structures or on-site housing.

(2) No factory built housing or factory built commercial structure which has been approved by the department shall be in any way modified prior to, or during installation by a manufacturer or installer unless approval of such modification is first made by the department. [1973 1st ex.s. c 22 § 2; 1970 ex.s. c 44 § 2.]

43.22.465 FACTORY BUILT HOUSING AND COMMERCIAL STRUCTURES, REGULATING INSTALLATION OF--INJUNCTIVE PROCESS, PROCEDURE.

The department may obtain from a superior court having jurisdiction, a temporary injunction enjoining the installation of factory built housing or factory built commercial structures on any building site upon affidavit of the department that such factory built housing or factory built commercial structures do not conform to the requirements of RCW 43.22.450 through 43.22.490 or to the rules adopted pursuant to RCW 43.22.450 through 43.22.490. The affidavit must set forth such violations in detail. The injunction may be made permanent, in the discretion of the court. [1973 1st ex.s. c 22 § 3; 1970 ex.s. c 44 § 4.]

43.22.475 FACTORY BUILT HOUSING AND COMMERCIAL STRUCTURES, REGULATING INSTALLATION OF--ADVISORY BOARD--MEMBERS--APPOINTMENT--QUALIFICATION--DUTIES--PER DIEM AND TRAVEL REIMBURSEMENT. The governor shall appoint a factory built housing and factory built commercial structures advisory board consisting of eleven members.



Members appointed shall be broadly representative of the industries and professions involved in the development and construction of factory built housing or factory built commercial structures and shall include representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, legislative bodies of local government and the general public. The factory built housing and factory built commercial structures advisory board shall periodically review the rules promulgated under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department when it deems changes advisable. Members shall receive a compensatory per diem of twenty-five dollars for each day or portion thereof actually spent in attending upon the duties of the board, and in addition thereto, shall be entitled to reimbursement for travel expenses as provided in RCW 43.03.060, as now or hereafter amended. [1973 1st ex.s. c 22 § 4; 1970 ex.s. c 44 § 6.]

43.22.480 FACTORY BUILT HOUSING AND COMMERCIAL STRUCTURES, REGULATING INSTALLATION OF--RULES AND REGULATIONS--ENFORCEMENT--SCOPE--STANDARDS--FEES FOR ADMINISTRATION AND ENFORCEMENT. The department shall prescribe and enforce rules and regulations which protect the health, safety, and property of the people of this state by assuring that all factory built housing or factory built commercial structures are structurally sound and that the plumbing, heating, electrical, and other components thereof are reasonably safe. Such rules and regulations shall be reasonably consistent with recognized and accepted principles of safety and structural soundness and in promulgating such rules and regulations the department shall consider, so far as practicable the standards and specifications contained in: The uniform building code (1970), published by the international conference of building officials; the uniform plumbing code (1970), published by the international association of plumbing and mechanical officials; the uniform mechanical code (1970), published by the international conference of building officials and the international association of plumbing and mechanical officials; and the national electrical code (1971), published by the national fire protection association. Updated issues of these codes and amendments to such codes shall be considered by the department.

The department shall set a schedule of fees which will cover the costs incurred by the department in the administration and enforcement of RCW 43.22.450 through 43.22.490. [1973 1st ex.s. c 22 § 5; 1970 ex.s. c 44 § 7.]

43.22.485 FACTORY BUILT HOUSING AND COMMERCIAL STRUCTURES, REGULATING INSTALLATION OF--RECOGNIZING OUT-OF-STATE STANDARDS, ENFORCEMENT, AS DEPARTMENT APPROVED. If the director of the department determines that the standards for factory built housing or factory built commercial structures prescribed by statute, rule or regulation of another state are at least equal to the regulations prescribed under RCW 43.22.450 through 43.22.490, and that such standards are actually enforced by such other state, he may provide by regulation that factory built housing or factory built commercial structures approved by such other state shall be deemed to have been approved by the department. [1973 1st ex.s. c 22 § 6; 1970 ex.s. c 44 § 8.]

Chapter 43.24  
DEPARTMENT OF MOTOR VEHICLES

Cross Reference:

Gambling commission, administrator and staff for: RCW 9.46.080.

Chapter 43.33  
FINANCE COMMITTEE--INVESTMENT ADVISORY COMMITTEE

43.33.050 INVESTMENT ADVISORY COMMITTEE--CREATED--MEMBERSHIP--VACANCIES--MEETINGS--PER DIEM--EXPENSES. There is hereby created the investment advisory committee to consist of seven members to be appointed as hereinafter provided:

(1) One person shall be appointed annually by the Washington public employees' retirement board. One person shall be appointed annually by the board of trustees of the Washington state teachers' retirement system. The original members appointed pursuant to this subsection shall serve for one year, measured from July 1 of the year in which the appointment is made.

(2) Four persons shall be appointed by the state finance committee, who shall be considered experienced and qualified in the field of investments and shall not during the term of their appointment have a financial interest in or be employed by any investment brokerage or mortgage servicing firm doing business with the state finance committee or retirement board. The original members appointed by the state finance committee shall serve as follows: One member shall serve a one-year term; one member shall serve for a term of two years; one member shall serve for a term of three years; and one member shall serve for a term of four years. All subsequent state finance committee appointees shall serve for terms of four years. All such appointive terms shall commence on July 1 of the year in which appointment is made.

(3) One member of the public pension commission or its successor who shall be

one of the members appointed by the governor and who shall be appointed to the investment advisory committee by the members of the public pension commission for a two-year term from July 1 of each odd-numbered year.

All vacancies shall be filled for the unexpired term. Each member shall hold office until his successor has been appointed and any member may be reappointed for additional terms.

The investment advisory committee shall meet at least quarterly at such times as it may fix.

Each member shall receive fifty dollars for each day or portion thereof spent discharging his official duties as a member of the advisory committee and necessary expenses and other actual mileage or transportation costs as provided in RCW 43.03.060. [1973 1st ex.s. c 103 § 7.]

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.33.060 INVESTMENT ADVISORY COMMITTEE--LIABILITY OF MEMBERS. No member of the investment advisory committee shall be liable for the negligence, default, or failure of any other person or other member of the committee to perform the duties of his office and no member of the committee shall be considered or held to be an insurer of the funds or assets of any retirement system nor shall any member be liable for actions performed with the exercise of reasonable diligence within the scope of his duly authorized activities as a member of the committee. [1973 1st ex.s. c 103 § 8.]

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.33.070 INVESTMENT ADVISORY COMMITTEE--POWERS AND DUTIES. In addition to its other powers and duties as may be prescribed by law, the investment advisory committee shall:

(1) Make recommendations as to general investment policies, practices and procedures to the board of the Washington public employees' retirement system as constituted under RCW 41.40.030 and 41.26-.050 and to the board of trustees of the Washington state teachers' retirement system, regarding those retirement funds for which they are designated trustees.

(2) Make recommendations as to general investment policies, practices and procedures regarding all other investment funds to the state finance committee.

Such boards of trustees and the state finance committee shall make the final decision regarding the advice and recommendations submitted by the investment advisory committee. [1973 1st ex.s. c 103 § 9.]

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.33.080 INVESTMENT ADVISORY COMMITTEE--REVIEW OF STATE FINANCE COMMITTEE'S INVESTMENT TRANSACTIONS--REPORTS. The investment advisory committee, in addition to its other duties, shall review the investment transactions of the state finance committee four times each year and at such additional times as it determines.

The investment advisory committee shall prepare a written report of its activities during each quarter. Each report shall be submitted not more than thirty days after the end of the quarter to the state finance committee, each of the retirement systems, the public pension commission or its successor, the governor, and to any other person who has personally submitted a written request therefor. [1973 1st ex.s. c 103 § 10.]

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.33.090 INVESTMENT ADVISORY COMMITTEE--EXAMINATION OF ACCOUNTS, FILES AND RECORDS. All accounts, files, and other records of the state finance committee and of each of the retirement systems are subject at any time or from time to time to such reasonable periodic, special, or other examinations by the investment advisory committee as the investment advisory committee deems necessary or appropriate. [1973 1st ex.s. c 103 § 11.]

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.33.100 AUTHORIZED INVESTMENTS FOR STATE FINANCE COMMITTEE, BOARDS AND TRUSTEES--POWER OF TRUSTEES OF FUNDS TO AUTHORIZE STATE FINANCE COMMITTEE TO MAKE INVESTMENTS, ETC. See RCW 43.84.150.

#### Chapter 43.37

##### WEATHER MODIFICATION

(FORMERLY: WEATHER MODIFICATION BOARD)

43.37.010 DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) "Department" means the department of ecology;

(2) "Operation" means the performance of weather modification and control activities pursuant to a single contract entered into for the purpose of producing or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year; or, in case the performance of weather modification and control activities is to be undertaken individually or jointly by a person or persons to be

benefited and not undertaken pursuant to a contract, "operation" means the performance of weather modification and control activities entered into for the purpose of producing, or attempting to produce, a certain modifying effect within one geographical area over one continuing time interval not exceeding one year;

(3) "Research and development" means theoretical analysis exploration and experimentation, and the extension of investigative findings and theories of a scientific or technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes;

(4) "Weather modification and control" means changing or controlling, or attempting to change or control, by artificial methods, the natural development of any or all atmospheric cloud forms or precipitation forms which occur in the troposphere. [1973 c 64 § 1; 1965 c 8 § 43.37.010. Prior: 1957 c 245 § 1.]

43.37.020 BOARD ESTABLISHED--COMPOSITION, APPOINTMENT, QUALIFICATIONS, COMPENSATION, QUORUM. [1965 c 8 § 43.37.020. Prior: 1961 c 154 § 1; 1957 c 245 § 2.] Repealed by 1973 c 64 § 19.

43.37.030 POWERS AND DUTIES. In the performance of its functions the department may, in addition to any other acts authorized by law:

(1) Establish advisory committees to advise with and make recommendations to the department concerning legislation, policies, administration, research, and other matters;

(2) Establish by regulation or order such standards and instructions to govern the carrying out of research or projects in weather modification and control as the department may deem necessary or desirable to minimize danger to health or property; and make such rules and regulations as are necessary in the performance of its powers and duties;

(3) Make such studies, investigations, obtain such information, and hold such hearings as the department may deem necessary or proper to assist it in exercising its authority or in the administration or enforcement of this chapter or any regulations or orders issued thereunder;

(4) Appoint and fix the compensation of such personnel, including specialists and consultants, as are necessary to perform its duties and functions;

(5) Acquire, in the manner provided by law, such materials, equipment, and facilities as are necessary to perform its duties and functions;

(6) Cooperate with public or private agencies in the performance of the department's functions or duties and in furtherance of the purposes of this chapter;

(7) Represent the state in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts relating to weather modification and control. [1973 c 64 § 2; 1965 c 8 § 43.37.030. Prior: 1957 c 245 § 3.]

43.37.040 PROMOTION OF RESEARCH AND DEVELOPMENT ACTIVITIES--CONTRACTS AND AGREEMENTS. The department shall exercise its powers in such manner as to promote the continued conduct of research and development activities in the fields specified below by private or public institutions or persons and to assist in the acquisition of an expanding fund of theoretical and practical knowledge in such fields. To this end the department may conduct, and make arrangements, including contracts and agreements, for the conduct of, research and development activities relating to:

(1) The theory and development of methods of weather modification and control, including processes, materials, and devices related thereto;

(2) Utilization of weather modification and control for agricultural, industrial, commercial, and other purposes;

(3) The protection of life and property during research and operational activities. [1973 c 64 § 3; 1965 c 8 § 43.37.040. Prior: 1957 c 245 § 4.]

43.37.050 HEARING PROCEDURE. In the case of hearings pursuant to RCW 43.37.180 the department shall, and in other cases may, cause a record of the proceedings to be taken and filed with the department, together with its findings and conclusions. For any hearing, the director of the department or a representative designated by him is authorized to administer oaths and affirmations, examine witnesses, and issue, in the name of the department, notice of the hearing or subpoenas requiring any person to appear and testify, or to appear and produce documents, or both, at any designated place. [1973 c 64 § 4; 1965 c 8 § 43.37.050. Prior: 1957 c 245 § 5.]

43.37.060 ACCEPTANCE OF GIFTS, DONATIONS, ETC. (1) The department may, subject to any limitations otherwise imposed by law, receive and accept for and in the name of the state any funds which may be offered or become available from federal grants or appropriations, private gifts, donations, or bequests, or any other source, and may expend such funds, subject to any limitations otherwise provided by law, for the encouragement of research and development by a state, public, or private agency, either by direct grant, by contract or other cooperative means.

(2) All license and permit fees paid to the department shall be deposited in the

state general fund. [1973 c 64 § 5; 1965 c 8 § 43.37.060. Prior: 1957 c 245 § 6.]

43.37.070 STAFF SERVICES, MATERIALS, OFFICE SPACE--EXPENSES. [1965 c 8 § 43.37.070. Prior: 1957 c 245 § 7.] Repealed by 1973 c 64 § 19.

43.37.080 LICENSE AND PERMIT REQUIRED. Except as provided in RCW 43.37.090, no person shall engage in activities for weather modification and control except under and in accordance with a license and a permit issued by the department authorizing such activities. [1973 c 64 § 6; 1965 c 8 § 43.37.080. Prior: 1957 c 245 § 8.]

43.37.090 EXEMPTIONS. The department, to the extent it deems practical, shall provide by regulation for exempting from license, permit, and liability requirements, (1) research and development and experiments by state and federal agencies, institutions of higher learning, and bona fide nonprofit research organizations; (2) laboratory research and experiments; (3) activities of an emergent character for protection against fire, frost, sleet, or fog; and (4) activities normally engaged in for purposes other than those of inducing, increasing, decreasing, or preventing precipitation or hail. [1973 c 64 § 7; 1965 c 8 § 43.37.090. Prior: 1957 c 245 § 9.]

43.37.100 LICENSES--REQUIREMENTS, DURATION, RENEWAL, FEES. (1) Licenses to engage in activities for weather modification and control shall be issued to applicants therefor who pay the license fee required and who demonstrate competence in the field of meteorology to the satisfaction of the department, reasonably necessary to engage in activities for weather modification and control. If the applicant is an organization, these requirements must be met by the individual or individuals who will be in control and in charge of the operation for the applicant.

(2) The department shall issue licenses in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter. Each license shall be issued for a period to expire at the end of the calendar year in which it is issued and, if the licensee possesses the qualifications necessary for the issuance of a new license, shall upon application be renewed at the expiration of such period. A license shall be issued or renewed only upon the payment to the department of one hundred dollars for the license or renewal thereof. [1973 c 64 § 8; 1965 c 8 § 43.37.100. Prior: 1957 c 245 § 10.]

43.37.110 PERMITS--REQUIREMENTS--HEARING AS TO ISSUANCE. The department shall issue permits in accordance with such procedures and subject to such conditions as it may by regulation establish to effectuate the provisions of this chapter only:

(1) If the applicant is licensed pursuant to this chapter;

(2) If a sufficient notice of intention is published and proof of publication is filed as required by RCW 43.37.140;

(3) If the applicant furnishes proof of financial responsibility, as provided in RCW 43.37.150, in an amount to be determined by the department but not to exceed twenty thousand dollars;

(4) If the fee for a permit is paid as required by RCW 43.37.160;

(5) If the weather modification and control activities to be conducted under authority of the permit are determined by the department to be for the general welfare and public good;

(6) If the department has held an open public hearing in Olympia as to such issuance. [1973 c 64 § 9; 1965 c 8 § 43.37.110. Prior: 1961 c 154 § 2; 1957 c 245 § 11.]

43.37.120 SEPARATE PERMIT FOR EACH OPERATION--FILING AND PUBLISHING NOTICE OF INTENTION--ACTIVITIES RESTRICTED BY PERMIT AND NOTICE. A separate permit shall be issued for each operation. Prior to undertaking any weather modification and control activities the licensee shall file with the department and also cause to be published a notice of intention. The licensee, if a permit is issued, shall confine his activities for the permitted operation within the time and area limits set forth in the notice of intention, unless modified by the department; and his activities shall also conform to any conditions imposed by the department upon the issuance of the permit or to the terms of the permit as modified after issuance. [1973 c 64 § 10; 1965 c 8 § 43.37.120. Prior: 1961 c 154 § 3; 1957 c 245 § 12.]

43.37.140 NOTICE OF INTENTION--PUBLICATION. (1) The applicant shall cause the notice of intention, or that portion thereof including the items specified in RCW 43.37.130, to be published at least once a week for three consecutive weeks in a legal newspaper having a general circulation and published within any county in which the operation is to be conducted and in which the affected area is located, or, if the operation is to be conducted in more than one county or if the affected area is located in more than one county or is located in a county other than the one in which the operation is to be conducted, then in a legal newspaper having a general circulation and published within each of such counties. In case there is no legal newspaper published within the appropriate

county, publication shall be made in a legal newspaper having a general circulation within the county;

(2) Proof of publication, made in the manner provided by law, shall be filed by the licensee with the department within fifteen days from the date of the last publication of the notice. [1973 c 64 § 11; 1965 c 8 § 43.37.140. Prior: 1961 c 154 § 4; 1957 c 245 § 14.]

**43.37.150 FINANCIAL RESPONSIBILITY.** Proof of financial responsibility may be furnished by an applicant by his showing, to the satisfaction of the department, his ability to respond in damages for liability which might reasonably be attached to or result from his weather modification and control activities in connection with the operation for which he seeks a permit. [1973 c 64 § 12; 1965 c 8 § 43.37.150. Prior: 1957 c 245 § 15.]

**43.37.160 FEES—SANCTIONS FOR FAILURE TO PAY.** The fee to be paid by each applicant for a permit shall be equivalent to one and one-half percent of the estimated cost of such operation, the estimated cost to be computed by the department from the evidence available to it. The fee is due and payable to the department as of the date of the issuance of the permit; however, if the applicant is able to give to the department satisfactory security for the payment of the balance, he may be permitted to commence the operation, and a permit may be issued therefor, upon the payment of not less than fifty percent of the fee. The balance due shall be paid within three months from the date of the termination of the operation as prescribed in the permit. Failure to pay a permit fee as required shall be grounds for suspension or revocation of the license of the delinquent permit holder and grounds for refusal to renew his license or to issue any further permits to such person. [1973 c 64 § 13; 1965 c 8 § 43.37.160. Prior: 1957 c 245 § 16.]

**43.37.170 RECORDS AND REPORTS—OPEN TO PUBLIC EXAMINATION.** (1) Every licensee shall keep and maintain a record of all operations conducted by him pursuant to his license and each permit, showing the method employed, the type of equipment used, materials and amounts thereof used, the times and places of operation of the equipment, the name and post office address of each individual participating or assisting in the operation other than the licensee, and such other general information as may be required by the department and shall report the same to the department at the time and in the manner required.

(2) The department shall require written reports in such manner as it provides

but not inconsistent with the provisions of this chapter, covering each operation for which a permit is issued. Further, the department shall require written reports from such organizations as are exempted from license, permit, and liability requirements as provided in RCW 43.37.090.

(3) The reports and records in the custody of the department shall be open for public examination. [1973 c 64 § 14; 1965 c 8 § 43.37.170. Prior: 1957 c 245 § 17.]

**43.37.180 REVOCAION, SUSPENSION, MODIFICATION OF LICENSE OR PERMIT.** (1) The department may suspend or revoke any license or permit issued if it appears that the licensee no longer possesses the qualifications necessary for the issuance of a new license or permit. The department may suspend or revoke any license or permit if it appears that the licensee has violated any of the provisions of this chapter. Such suspension or revocation shall occur only after notice to the licensee and a reasonable opportunity granted such licensee to be heard respecting the grounds of the proposed suspension or revocation. The department may refuse to renew the license of, or to issue another permit to, any applicant who has failed to comply with any provision of this chapter.

(2) The department may modify the terms of a permit after issuance thereof if the licensee is first given notice and a reasonable opportunity for a hearing respecting the grounds for the proposed modification and if it appears to the department that it is necessary for the protection of the health or the property of any person to make the modification proposed. [1973 c 64 § 15; 1965 c 8 § 43.37.180. Prior: 1957 c 245 § 18.]

**43.37.190 LIABILITY OF STATE DENIED—LEGAL RIGHTS OF PRIVATE PERSONS NOT AFFECTED.** Nothing in this chapter shall be construed to impose or accept any liability or responsibility on the part of the state, the department, or any state officials or employees for any weather modification and control activities of any private person or group, nor to affect in any way any contractual, tortious, or other legal rights, duties, or liabilities between any private persons or groups. [1973 c 64 § 16; 1965 c 8 § 43.37.190. Prior: 1957 c 245 § 19.]

**43.37.900 REVOLVING ACCOUNT ABOLISHED.** The weather modification board revolving account is hereby abolished. Any funds remaining in such account shall be transferred to the general fund. [1973 c 64 § 17.]

43.37.910 EFFECTIVE DATE--1973 C 64.  
The effective date of this 1973 amendatory act shall be July 1, 1973. [1973 c 64 § 18.]

Chapter 43.43  
WASHINGTON STATE PATROL

Cross Reference:

Gambling activities, as affecting:  
Chapter 9.46 RCW.

43.43.020 APPOINTMENT OF PERSONNEL.  
The governor shall appoint the chief of the Washington state patrol, determine his compensation, and may remove him at will.

The chief shall appoint a sufficient number of competent persons to act as Washington state patrol officers, may remove them for cause, as provided in this chapter, and shall make promotional appointments, determine their compensation, and define their rank and duties, as hereinafter provided.

The chief may appoint employees of the Washington state patrol to serve as special deputies, with such restricted police authority as the chief shall designate as being necessary and consistent with their assignment to duty. Such appointment and conferral of authority shall not qualify said employees for membership in the Washington state patrol retirement system, nor shall it grant tenure of office as a regular officer of the Washington state patrol. [1973 1st ex.s. c 80 § 1; 1965 c 8 § 43.43.020. Prior: 1949 c 192 § 1; 1933 c 25 § 3; Rem. Supp. 1949 § 6362-61.]

43.43.040 DISABILITY OF PATROL OFFICERS. The chief of the Washington state patrol shall relieve from active duty Washington state patrol officers who, while in the performance of their official duties, or while on standby or available for duty, have been or hereafter may be injured or incapacitated to such an extent as to be mentally or physically incapable of active service: PROVIDED, That: (1) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the officer receives or is entitled to receive from workmen's compensation, social security, group insurance, other pension plan, or any other similar source provided by another employer on account of the same disability: AND PROVIDED FURTHER, That an officer injured while engaged in wilfully tortious or criminal conduct shall not be entitled to disability benefits under this section.

(2) Should a disability beneficiary whose disability was not incurred in line of duty, prior to attaining age fifty, engage in a gainful occupation, the chief shall reduce the amount of his retirement allowance to an amount which when added to the compensation earned by him in such

occupation shall not exceed the basic salary currently being paid for the rank the retired officer held at the time he was disabled. All such disability beneficiaries under age fifty shall file with the chief every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further altered, the chief may further alter his disability retirement allowance as indicated above. The failure of any officer to file the required statement of earnings shall be cause for cancellation of retirement benefits.

Such officers shall receive one-half of their compensation at the existing wage, during the time the disability continues in effect, less any compensation received through the department of labor and industries.

They shall be subject to mental or physical examination at any state institution or otherwise under the direction of the chief of the patrol at any time during such relief from duty to ascertain whether or not they are able to resume active duty. [1973 2nd ex.s. c 20 § 1; 1965 c 8 § 43.43.040. Prior: 1947 c 174 § 1; 1943 c 215 § 1; RRS § 6362-65.]

43.43.120 PATROL RETIREMENT SYSTEM--DEFINITIONS. As used in the following sections:

(1) "Retirement system" means the Washington state patrol retirement system.

(2) "Retirement fund" means the Washington state patrol retirement fund.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Member" means any person included in the membership of the retirement fund.

(5) "Employee" means any commissioned employee of the Washington state patrol.

(6) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(7) "Regular interest" means interest compounded annually at such rates as may be determined by the retirement board.

(8) "Retirement board" means the board provided for in this chapter.

(9) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(10) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(11) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for ten days or more 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 herein. 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 benefit.

(12) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been credited in another public retirement or pension system operating in the state of Washington.

(13) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(14) "Average final salary" shall mean the average monthly salary received by a member during his last two years of service or any consecutive two year period of service, whichever is the greater, as an employee of the Washington state patrol; or if he has less than two years of service, then the average monthly salary received by him during his total years of service.

(15) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the board.

(16) Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender. [1973 1st ex.s. c 180 § 1; 1969 c 12 § 1; 1965 c 8 § 43.43.120. Prior: 1955 c 244 § 1; 1953 c 262 § 1; 1951 c 140 § 1; 1947 c 250 § 1; Rem. Supp. 1947 § 6362-81.]

43.43.220 RETIREMENT FUND--EXPENSES--CONTRIBUTIONS BY STATE. (1) The

Washington state patrol retirement fund shall be the fund from which shall be paid all retirement allowances or benefits in lieu thereof which are payable as provided herein. The expenses of operating the retirement system shall be paid from appropriations made for the operation of the Washington state patrol.

(2) The "fundable employer liability" at any date shall be the present value of:

(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.

(3) The contributions by the state 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", and a percentage of such compensation to be known as the "unfunded liability 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.

(4) After the completion of each actuarial valuation, the retirement board shall determine or redetermine 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 in 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 retirement fund.

(5) After the completion of each actuarial valuation, the retirement board shall determine or redetermine the unfunded liability contribution rate, and such rate shall become effective in the ensuing biennium. The unfunded liability contribution rate shall not be less than the uniform and constant percentage of the prospective compensation of all members in the retirement system for the forty-year period following the date of such valuation which is equivalent to the unfunded liability. 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 retirement fund. The unfunded liability contributions shall continue until there remains no unfunded liability.

(6) The retirement board shall estimate biennially the amount required to maintain the retirement fund for the ensuing biennium. [1973 1st ex.s. c 180 § 2; 1965 c 8 § 43.43.220. Prior: 1961 c 93 § 1; 1957 c 162 § 2; 1951 c 140 § 3; 1947 c 250 § 11; Rem. Supp. 1947 § 6362-91.]

43.43.260 BENEFITS. Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

(1) A prior service annuity which shall be equal to two 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.

(3) Any member with twenty-five years service in the Washington state patrol may



have his service in the armed forces credited to him as a member whether or not he left the employ of the Washington state patrol to enter such armed forces: PROVIDED, That in no instance shall military service in excess of five years be credited: AND PROVIDED FURTHER, That in each instance, a member must restore all withdrawn accumulated contributions, which restoration must be completed on the date of his retirement, or within five years of membership service following his first resumption of employment, whichever occurs first: AND PROVIDED FURTHER, That this section shall not apply to any individual, not a veteran within the meaning of RCW 41.06.150, as now or hereafter amended: AND PROVIDED FURTHER, That in no instance shall military service be credited to any member who is receiving full military retirement benefits pursuant to Title 10 United States Code, as now or hereafter amended.

(4) In no event shall the total retirement benefits from subsections (1), (2) and (3) of this section, of any member exceed seventy-five percent of the member's average final salary.

(5) A yearly increase in retirement allowance which shall amount to two percent of the retirement allowance computed at the time of retirement. This yearly increase shall be added to the retirement allowance on July 1st of each calendar year.

The provisions of this section shall apply to all members presently retired and to all members who shall retire in the future. The retirement allowance of all members presently retired shall be recomputed and shall in the future be paid in accordance with the benefits provided in this section. [1973 1st ex.s. c 180 § 3; 1971 ex.s. c 278 § 1; 1969 c 12 § 4; 1965 c 8 § 43.43.260. Prior: 1963 c 175 § 2; 1957 c 162 § 4; 1955 c 244 § 2; 1951 c 140 § 5; 1947 c 250 § 15; Rem. Supp. 1947 § 6362-95.]

43.43.270 ANNUITIES. (1) The normal form of retirement allowance shall be an annuity which shall continue as long as the member lives.

(2) If a member should die while in service his lawful spouse shall be paid an annuity which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement his lawful spouse shall be paid an annuity which shall be equal to the retirement allowance then payable to the member or fifty percent of the final average salary used in computing his retirement allowance, whichever is less. 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) Each unmarried child under eighteen years of age shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member.

(4) If a member should lose or has lost his life in the line of duty while employed by the Washington state patrol, his surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of Washington shall hereafter be entitled to a benefit equal to five percent of the final average salary of the member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member: PROVIDED, That if a beneficiary under this section shall reach the age of twenty-one years during the middle of a term of enrollment the benefit shall continue until the end of said term.

(5) 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. [1973 2nd ex.s. c 14 § 3; 1973 1st ex.s. c 180 § 4. Prior: 1969 c 12 § 6; 1965 c 8 § 43.43.270; prior: 1963 c 175 § 3; 1961 c 93 § 2; 1951 c 140 § 6; 1947 c 250 § 16; Rem. Supp. 1947 § 6362-96.]

43.43.280 REPAYMENT OF CONTRIBUTIONS ON DEATH OR TERMINATION OF EMPLOYMENT—ELECTION TO RECEIVE REDUCED RETIREMENT ALLOWANCE AT AGE FIFTY-FIVE. (1) If a member dies before retirement, and has no surviving spouse or children under the age of eighteen years, all contributions made by him with interest at two and one-half percent compounded annually shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the retirement

board, or if there be no such designated person or persons, then to his legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than his death, or retirement, he shall thereupon cease to be a member except as provided under RCW 43.43-.130 (2) and (3) and, he may withdraw his contributions to the retirement fund, with interest at two and one-half percent compounded annually, by making application therefor to the retirement board, except that: A member who ceases to be an employee after having completed at least five years of service shall remain a member during the period of his absence from employment for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty, however such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age fifty-five which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this subsection shall not apply. [1973 1st ex.s. c 180 § 5; 1969 c 12 § 7; 1965 c 8 § 43.43.280. Prior: 1961 c 93 § 3; 1951 c 140 § 7; 1947 c 250 § 17; Rem. Supp. 1947 § 6363-97.]

43.43.745 CONVICTED PERSONS, FINGER-PRINTING REQUIRED, RECORDS--FURLOUGHS, INFORMATION TO SECTION, NOTICE TO LOCAL AGENCIES--ARRESTS, DISPOSITION INFORMATION--CONVICTS, INFORMATION TO SECTION, NOTICE TO LOCAL AGENCIES. (1) It shall be the duty of the sheriff or director of public safety of every county, of the chief of police of each city or town, or of every chief officer of other law enforcement agencies operating within this state, to record the fingerprints of all persons held in or remanded to their custody when convicted of any crime as provided for in RCW 43.43.735 for which the penalty of imprisonment might be imposed and to disseminate and file such fingerprints in the same manner as those recorded upon arrest pursuant to RCW 43.43.735 and 43.43.740.

(2) Every time the secretary authorizes a furlough as provided for in RCW 72.66-.012 the department of social and health services shall notify, forty-eight hours prior to the beginning of such furlough, the section that the named prisoner has been granted a furlough, the place to which furloughed, and the dates and times during which the prisoner will be on furlough status. In the case of an emergency furlough the forty-eight hour time period shall not be required but notification shall be made as promptly as possible and before the prisoner is released on furlough. Upon receipt of

furlough information pursuant to the provisions of this subsection the section shall notify the sheriff or director of public safety of the county to which the prisoner is being furloughed, the nearest attachment of the Washington state patrol in the county wherein the furloughed prisoner shall be residing and such other criminal justice agencies as the section may determine should be so notified.

(3) Disposition of the charge for which the arrest was made shall be reported to the section at whatever stage in the proceedings a final disposition occurs by the arresting law enforcement agency, county prosecutor, city attorney, or court having jurisdiction over the offense: PROVIDED, That the chief shall promulgate rules pursuant to chapter 34.04 RCW to carry out the provisions of this subsection.

(4) Whenever a person serving a sentence for a term of confinement in a state correctional facility for convicted felons, pursuant to court commitment, is released on an order of the state board of prison terms and paroles, or is discharged from custody on expiration of sentence, the department of social and health services shall promptly notify the section that the named person has been released or discharged, the place to which such person has been released or discharged, and the conditions of his release or discharge, and shall additionally notify the section of change in residence or conditions of release or discharge of persons on active parole supervision, and shall notify the section when persons are discharged from active parole supervision.

No city, town, county, or local law enforcement authority or other agency thereof may require that a convicted felon entering, sojourning, visiting, in transit, or residing in such city, town, county, or local area report or make himself known as a convicted felon or make application for and/or carry on his person a felon identification card or other registration document. Nothing herein shall, however, be construed to prevent any local law enforcement authority from recording the residency and other information concerning any convicted felon or other person convicted of a criminal offense when such information is obtained from a source other than from such requirement which source may include any officer or other agency or subdivision of the state. [1973 c 20 § 1; 1972 ex.s. c 152 § 10.]

Construction--Prior rules and regulations--1973 c 20: See note following RCW 72.66.010.

43.43.850 CRIME INTELLIGENCE UNIT--CREATED. There is hereby created in the Washington state patrol an organized crime intelligence unit which shall be under the

direction of the chief of the Washington state patrol. [1973 1st ex.s. c 202 § 1.]

43.43.852 "ORGANIZED CRIME" DEFINED. For the purposes of RCW 43.43.850 through 43.43.864 "organized crime" means those activities which are conducted and carried on by members of an organized, disciplined association, engaged in supplying illegal goods and services and/or engaged in criminal activities in contravention of the laws of this state or of the United States. [1973 1st ex.s. c 202 § 2.]

43.43.854 POWERS AND DUTIES OF CRIME INTELLIGENCE UNIT. The organized crime intelligence unit shall collect, evaluate, collate, and analyze data and specific investigative information concerning the existence, structure, activities and operations of organized crime and the participants involved therein; coordinate such intelligence data into a centralized system of intelligence information; furnish and exchange pertinent intelligence data with law enforcement agencies and prosecutors with such security and confidentiality as the chief of the Washington state patrol may determine; develop intelligence data concerning the infiltration of organized crime into legitimate businesses within the state of Washington and furnish pertinent intelligence information thereon to law enforcement agencies and prosecutors in affected jurisdictions; and may assist law enforcement agencies and prosecutors in developing evidence for purposes of criminal prosecution of organized crime activities upon request. [1973 1st ex.s. c 202 § 3.]

43.43.856 DIVULGING INVESTIGATIVE INFORMATION PROHIBITED--CONFIDENTIALITY--SECURITY OF RECORDS AND FILES. (1) On and after April 26, 1973 it shall be unlawful for any person to divulge specific investigative information pertaining to activities related to organized crime which he has obtained by reason of public employment with the state of Washington or its political subdivisions unless such person is authorized or required to do so by operation of state or federal law. Any person violating this subsection shall be guilty of a felony.

(2) Except as provided in RCW 43.43.854, or pursuant to the rules of the supreme court of Washington, all of the information and data collected and processed by the organized crime intelligence unit shall be confidential and not subject to examination or publication pursuant to chapter 42.17 RCW (Initiative Measure No. 276).

(3) The chief of the Washington state patrol shall prescribe such standards and procedures relating to the security of the records and files of the organized crime intelligence unit, as he deems to be in

the public interest with the advice of the governor and the board. [1973 1st ex.s. c 202 § 4.]

43.43.858 ORGANIZED CRIME INTELLIGENCE ADVISORY BOARD--CREATED--MEMBERSHIP--MEETINGS--PER DIEM. There is hereby created the organized crime intelligence advisory board of the legislature of the state of Washington. The board shall consist of eight members.

The lieutenant governor shall appoint four members of the senate to the board. Two members shall be from the senate ways and means committee. Two members shall be from the senate judiciary committee. The appointments shall include one member of each major political party represented on each committee.

The speaker of the house shall appoint four members of the house to the board. Two members shall be from the house ways and means committee. Two members shall be from the house judiciary committee. The appointments shall include one member of each major political party represented on each committee.

The members of the board shall be qualified on the basis of knowledge and experience in matters relating to crime prevention and security or with such other abilities as may be expected to contribute to the effective performance of the board's duties. The members of the board shall meet with the chief of the Washington state patrol at least twice a year to perform the duties enumerated in RCW 43.43.862 and to discuss any other matters related to organized crime. Members shall receive twenty-five dollars per diem for each day or major portion thereof plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for state officials generally in chapter 43.03 RCW as now or hereafter amended. [1973 1st ex.s. c 202 § 5.]

43.43.860 ORGANIZED CRIME INTELLIGENCE ADVISORY BOARD--TERMS OF MEMBERS. The term of each member shall be two years and shall be conditioned upon such member retaining membership on the committee on which he was serving at the time of appointment and retaining membership in the same political party of which he was a member at the time of appointment. [1973 1st ex.s. c 202 § 6.]

43.43.862 ORGANIZED CRIME INTELLIGENCE ADVISORY BOARD--POWERS AND DUTIES. The board shall:

(1) Advise the governor on the objectives, conduct, management, and coordination of the various activities encompassing the overall state-wide organized crime intelligence effort;

(2) Conduct a continuing review and assessment of organized crime and related

activities in which the organized crime intelligence unit of the Washington state patrol is engaged;

(3) Receive, consider and take appropriate action with respect to matters related to the board by the organized crime intelligence unit of the Washington state patrol in which the support of the board will further the effectiveness of the state-wide organized crime intelligence effort; and

(4) Report to the governor concerning the board's findings and appraisals, and make appropriate recommendations for actions to achieve increased effectiveness of the state's organized crime intelligence effort in meeting state and national organized crime intelligence needs. [1973 1st ex.s. c 202 § 7.]

43.43.864 INFORMATION TO BE FURNISHED BOARD—SECURITY—CONFIDENTIALITY. In order to facilitate performance of the board's functions, the chief of the Washington state patrol shall make available to the board all information with respect to organized crime and related matters which the board may require for the purpose of carrying out its responsibilities to the governor in accordance with the provisions of RCW 43.43.850 through 43.43.864. Such information made available to the board shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and regulations and shall not be revealed or divulged publicly or privately by members of the board. [1973 1st ex.s. c 202 § 8.]

43.43.911 SEVERABILITY—1973 1ST EX.S. C 202. 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. [1973 1st ex.s. c 202 § 9.]

#### Chapter 43.51

### PARKS AND RECREATION COMMISSION

#### YOUTH DEVELOPMENT AND CONSERVATION CORPS

43.51.570 AGREEMENTS WITH PRIVATE PERSONS TO ENROLL ADDITIONAL PEOPLE—COMMERCIAL ACTIVITIES PROHIBITED—AUTHORIZED CLOSURES OF AREA. The commission may, by agreement with an individual or company enroll and supervise additional young persons, who shall be furnished compensation, subsistence, quarters, supplies and materials by the cooperating private company or individual, to develop, maintain or improve natural and artificial recreational areas for the health and happiness of the general public. The corps shall not be engaged in the development, improvement or maintenance of a commercial

recreational area or resort, and the individual or corporation entering such agreement with the commission shall make such improved areas available to the general public without cost for a period of at least forty years. Private individuals may reserve the right to close the area during periods of fire hazard or during periods when excess damage would be caused by public use. [1973 1st ex.s. c 154 § 85; 1965 c 8 § 43.51.570. Prior: 1961 c 215 § 8.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

#### Chapter 43.74 BASIC SCIENCE LAW

43.74.010 COMMITTEE CREATED—MEMBERS. There shall be a committee of six members learned respectively in the basic sciences to conduct and assist in conducting basic science examinations of all persons applying for licenses or certificates to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, podiatry, or drugless therapeutics.

The members of the committee shall be appointed from time to time by the governor from the faculty lists of the University of Washington and Washington State University, and he shall certify the names of those appointed to the director. Vacancies on the committee shall be filled by the governor within sixty days after such vacancy occurs in the same manner as the original appointment. [1973 c 77 § 22; 1965 c 8 § 43.74.010. Prior: 1955 c 192 § 3; 1927 c 183 § 1; RRS § 10185-1.]

43.74.037 WAIVER OF EXAMINATION BY EXAMINING BOARD OR COMMITTEE—EFFECT. The committee shall not examine a person in the basic sciences when the board or committee examining that person for a certificate to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, or podiatry has waived requirements for that person to be examined in the basic sciences; and that person shall be eligible to be licensed to practice to the same extent as if he had passed the basic science examination provided for in this chapter. [1973 c 77 § 23; 1971 ex.s. c 227 § 2.]

43.74.040 APPLICATION TO PRACTICE. Any person desiring to apply to the director for a license to practice medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, podiatry, or drugless therapeutics shall first present to the director his credentials required by law evidencing his qualifications to be admitted to license, or to take the examination prerequisite to securing a certificate or license, and if they are

found satisfactory and the applicant is eligible to examination the director shall issue to such applicant a certificate giving the name of the applicant and certifying that he is entitled to take the preliminary examination provided for in this chapter but without specifying the branch of therapeutics for which the applicant has applied for a license, and upon presentation of such certificate to the committee, together with a receipt for an examining fee of ten dollars, the applicant shall be entitled to take the examination.

If the preliminary examination is conducted by the director as provided in RCW 43.74.020 it may be given upon the payment of the ten dollar examining fee, and without the preliminary certificate. [1973 c 77 § 24; 1965 c 8 § 43.74.040. Prior: 1955 c 192 § 7; 1927 c 183 § 4; RRS § 10185-4.]

43.74.080 WHEN CHAPTER DOES NOT APPLY. This chapter shall not be held to apply to or interfere in any way with the practice of religion; nor to any kind of treatment by prayer; nor to persons legally licensed prior to the effective date of this chapter (1955 c 192 effective date was June 8, 1955; 1927 c 183 effective date was June 8, 1927); nor to persons specifically permitted by law to practice without a license or certificate; nor to any person other than those pursuing the practice of medicine and surgery, osteopathy, osteopathy and surgery, chiropractic, podiatry, or drugless therapeutics; nor to the healing art personnel of the public health service or the armed forces of the United States; who each practice within the limits of the privilege thus granted them. [1973 c 77 § 25; 1965 c 8 § 43.74.080. Prior: 1955 c 192 § 12; 1927 c 183 § 8; RRS § 10185-8.]

43.74.085 REQUIREMENTS OF CHAPTER SATISFIED BY PROOF MEDICINE AND SURGERY, OSTEOPATHY, OR OSTEOPATHY AND SURGERY APPLICANT PASSED OTHER EXAMINATION. Notwithstanding any provisions of this chapter to the contrary, an applicant for a license to practice medicine and surgery, osteopathy, or osteopathy and surgery, or podiatry, shall be deemed to have satisfied the requirements of the basic science law by giving proof satisfactory to the committee that he has successfully passed an examination in the basic sciences given by the national examining board for osteopathic physicians and surgeons, or by an equivalent body in the case of applicants for a license to practice medicine and surgery or podiatry. [1973 c 77 § 26; 1971 ex.s. c 227 § 1.]

Chapter 43.75  
STATE BUILDING AUTHORITY—INDEBTEDNESS—  
REFUNDING—BOND ISSUE  
(FORMERLY: STATE BUILDING AUTHORITY)

43.75.010 AUTHORITY CREATED—COMPOSITION. [1967 c 162 § 1.] Repealed by 1973 c 9 § 8.

43.75.020 DEFINITIONS. [1970 ex.s. c 103 § 1; 1969 ex.s. c 261 § 1; 1967 c 162 § 2.] Repealed by 1973 c 9 § 8.

43.75.030 LEASE OR ACQUISITION OF LAND TO ERECT APPROVED BUILDINGS—LEASE TO INSTITUTIONS OF HIGHER LEARNING SUBSEQUENT TO COMMENCEMENT OF CONSTRUCTION THEREOF. [1971 ex.s. c 23 § 1; 1971 c 31 § 1; 1970 ex.s. c 103 § 2; 1967 c 162 § 3.] Repealed by 1973 c 9 § 8.

43.75.040 LEASE BY INSTITUTIONS OF HIGHER LEARNING AUTHORIZED—OWNERSHIP OF BUILDINGS AND LAND ON LEASE TERMINATION. [1971 c 31 § 2; 1967 c 162 § 4.] Repealed by 1973 c 9 § 8.

43.75.050 DELEGATION OF DESIGN AND CONSTRUCTION RESPONSIBILITY—APPROVAL OF DESIGN. [1969 ex.s. c 27 § 1; 1967 c 162 § 5.] Repealed by 1973 c 9 § 8.

43.75.060 RENTAL RATES. [1970 ex.s. c 103 § 3; 1969 ex.s. c 27 § 2; 1967 c 162 § 6.] Repealed by 1973 c 9 § 8.

43.75.070 DETERMINATION OF COST AND AMOUNT TO BE REIMBURSED—RIGHT OF INSTITUTION TO PURCHASE INTEREST OF AUTHORITY AND TERMINATE LEASE. [1970 ex.s. c 103 § 4; 1967 c 162 § 7.] Repealed by 1973 c 9 § 8.

43.75.080 DISPOSITION OF EXCESS FUNDS DERIVED FROM ANY LEASE—OVERHEAD EXPENDITURES. [1970 ex.s. c 103 § 5; 1967 c 162 § 8.] Repealed by 1973 c 9 § 8.

43.75.090 GENERAL POWERS OF AUTHORITY. [1970 ex.s. c 103 § 6; 1967 c 162 § 9.] Repealed by 1973 c 9 § 8.

43.75.100 DEPOSIT OF FUNDS—FUNDS NOT SUBJECT TO LEGISLATIVE APPROPRIATION—INVESTMENT, LIMITATION. [1970 ex.s. c 103 § 7; 1967 c 162 § 10.] Repealed by 1973 c 9 § 8.

43.75.105 TRANSFER OF FUNDS. [1972 ex.s. c 64 § 1.] Repealed by 1973 c 9 § 8.

43.75.110 BONDS—OBLIGATION OF AUTHORITY ONLY. [1967 c 162 § 11.] Repealed by 1973 c 9 § 8.

43.75.120 BONDS—FORM, CONDITIONS, COVENANTS, INTEREST, MATURITY, ETC.—SPECIAL POWERS INCIDENT THERETO—TEMPORARY OR INTERIM BONDS, ETC. [1970 ex.s. c 103 § 8; 1969 ex.s. c 27 § 3; 1967 c 162 § 12.] Repealed by 1973 c 9 § 8.

43.75.130 BONDS—OTHER OBLIGATIONS—PROCEEDS. [1970 ex.s. c 103 § 9; 1967 c 162 § 13.] Repealed by 1973 c 9 § 8.

43.75.140 BONDS—AGREEMENT WITH PURCHASER AS TO APPLICATION OF FUNDS. [1970 ex.s. c 103 § 10; 1967 c 162 § 14.] Repealed by 1973 c 9 § 8.

43.75.150 BONDS—LEGAL INVESTMENT FOR STATE FUNDS, BANKS, SAVINGS AND LOAN ASSOCIATIONS AND INSURANCE COMPANIES—LEGAL SECURITY FOR STATE, COUNTY AND MUNICIPAL DEPOSITS. [1967 c 162 § 15.] Repealed by 1973 c 9 § 8.

43.75.160 PLEDGE OF RENTAL AND OTHER REVENUES OR MORTGAGE OF LEASEHOLDS AS SECURITY FOR BONDS OR BORROWED FUNDS—DEFAULT—FORECLOSURE. [1970 ex.s. c 103 § 11; 1967 c 162 § 16.] Repealed by 1973 c 9 § 8.

43.75.170 LEGISLATURE MAY PROVIDE ADDITIONAL MEANS FOR PAYING BONDS OR COST OF PROJECTS. [1967 c 162 § 17.] Repealed by 1973 c 9 § 8.

43.75.180 PLEDGE OF STATE NOT TO LIMIT OR RESTRICT PROVISIONS FOR SECURITY OF LENDERS OR BONDHOLDERS. [1967 c 162 § 18.] Repealed by 1973 c 9 § 8.

43.75.190 CHAPTER TO BECOME EFFECTIVE UPON EFFECTIVE DATE OF CONSTITUTIONAL AMENDMENT AUTHORIZING ESTABLISHMENT OF A STATE BUILDING AUTHORITY. [1967 c 162 § 20.] Repealed by 1973 c 9 § 8.

43.75.200 GENERAL OBLIGATION BONDS—REFUNDING—AMOUNT—AUTHORITY OF STATE FINANCE COMMITTEE TO ISSUE. The state finance committee shall issue general obligation bonds of the state in the amount of seventy-two million one hundred sixty-seven thousand, six hundred fifty dollars, or so much thereof as may be required to refund, at or prior to maturity, all indebtedness, including any premium payable with respect thereto and all interest thereon, incurred by the Washington state building authority and to

pay all costs incidental thereto and to the issuance of such bonds. Such refunding bonds shall not constitute an indebtedness of the state of Washington within the meaning of the debt limitation contained in section 1 of Article VIII of the Washington state Constitution, as amended by a vote of the people pursuant to HJR 52, 1971 regular session. [1973 c 9 § 1; 1971 ex.s. c 154 § 1.]

43.75.205 GENERAL OBLIGATION BONDS—FORM, TERMS, COVENANTS, ETC.—SALE—REDEMPTION. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. 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. Such bonds shall be payable at such places as the committee may provide.

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 proceeds from the sale of bonds authorized by this chapter and any interest earned on the interim investment of such proceeds, shall be used exclusively for the purposes specified in this chapter. [1973 c 9 § 2.]

43.75.210 RCW 43.75.200 TO BECOME EFFECTIVE UPON EFFECTIVE DATE OF CONSTITUTIONAL AMENDMENT. [1971 ex.s. c 154 § 2.] Repealed by 1973 c 9 § 8.

43.75.215 GENERAL OBLIGATION BONDS—REDEMPTION—ENFORCEMENT. 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 retirement and interest requirements of such bonds, and on July 1st of each year the state treasurer shall deposit from any general state revenues such amount in the state building authority bond redemption fund hereby created in the state treasury. The owner and holder of each of the bonds or the trustee for any of the bondholders may by a mandamus or other appropriate proceeding require the transfer and payment

of funds as directed by this section.  
[1973 c 9 § 3.]

43.75.220 BUILDING AUTHORITY CONSTRUCTION ACCOUNT—CREATED—FUNDS. A building authority construction account is hereby created in the state treasury. All funds of the state building authority shall, on July 1, 1973, be transferred to such construction account. Moneys in such account shall be disbursed pursuant to appropriations: PROVIDED, That all moneys not appropriated prior to said date shall be deposited in the state building authority bond redemption fund. [1973 c 9 § 4.]

43.75.225 RESCISSION OF LEASES AND AGREEMENTS AUTHORIZED. The Washington state building authority and the state institutions of higher learning and other state agencies are hereby authorized to rescind leases and other agreements entered into prior to February 21, 1973, pursuant to chapter 43.75 RCW at such time as all indebtedness incurred by the authority has been paid. [1973 c 9 § 5.]

43.75.230 LEGISLATURE MAY PROVIDE ADDITIONAL MEANS FOR PAYING BONDS. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized by this chapter, and this chapter shall not be deemed to provide an exclusive method for such payment. [1973 c 9 § 6.]

43.75.235 BONDS LEGAL INVESTMENT FOR STATE AND OTHER PUBLIC BODY FUNDS. The bonds authorized by this chapter shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [1973 c 9 § 7.]

43.75.900 SEVERABILITY—1973 C 9. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1973 c 9 § 9.]

43.75.910 EFFECTIVE DATE—1973 C 9. This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and, except as otherwise specifically provided, shall take effect immediately. [1973 c 9 § 10.]

Chapter 43.77  
PRINTING AND DUPLICATING COMMITTEE

43.77.020 POWERS AND DUTIES. The state printing and duplicating committee shall hereafter approve or take such other action as it deems necessary regarding the purchase or acquisition of any printing, microfilm, or other duplicating equipment, other than typewriters or mimeograph machines, by any official or agency of the state. Whenever the director of general administration determines that any official or agency has not substantially complied with the provisions of chapters 40.10 and 40.14 RCW, he shall refer to the committee for approval or other action, requests received by his agency for the purchase or acquisition of files and filing equipment from the requesting official or agency. [1973 c 12 § 1; 1965 c 8 § 43.77.020. Prior: 1959 c 238 § 2.]

43.77.030 UNAUTHORIZED ACQUISITION OF PRINTING OR DUPLICATING EQUIPMENT PROHIBITED—EXCEPTIONS. Hereafter no state official or agency of the state shall acquire by purchase or otherwise any printing, microfilm, or other duplicating equipment, other than typewriters or mimeograph machines, unless authorized by the state printing and duplicating committee to so acquire. [1973 c 12 § 2; 1965 c 8 § 43.77.030. Prior: 1959 c 238 § 3.]

Chapter 43.78  
PUBLIC PRINTER—PUBLIC PRINTING

43.78.150 PUBLIC PRINTING FOR MUNICIPAL CORPORATIONS MUST BE DONE IN STATE—CONTRACTS FOR OUT-OF-STATE WORK. All contracts for such work to be done outside the state shall require that it be executed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale, and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and shall be favorably comparable to the labor standards and practices of the lowest competent bidder within the state, and the violation of any such provision of any contract shall be ground for cancellation thereof. [1973 1st ex.s. c 154 § 86; 1965 c 8 § 43.78.150. Prior: 1953 c 287 § 1; 1919 c 80 § 3; RRS § 10337.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.



Chapter 43.79  
STATE FUNDS

43.79.250 CONTINGENT RECEIPTS FUND.  
[1965 c 8 § 43.79.250. Prior: 1945 c 243 § 2; Rem. Supp. 1945 § 5517-11.] Repealed by 1973 c 144 § 5.

43.79.260 GOVERNOR DESIGNATED STATE'S AGENT. The governor is designated the agent of the state to accept and receive all funds from federal and other sources not otherwise provided for by law and to deposit them in the state treasury to the credit of the appropriate fund or account. [1973 c 144 § 1; 1965 c 8 § 43.79.260. Prior: 1945 c 243 § 3; Rem. Supp. 1945 § 5517-12.]

43.79.270 DUTY OF DEPARTMENT HEADS. Whenever any money, from the federal government, or from other sources, which was not anticipated in the budget approved by the legislature has actually been received and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement which may be in the form of a request for an allotment amendment setting forth the facts constituting the need for such expenditure and the estimated amount to be expended: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received. A copy of any proposal submitted to the governor to expend money from an appropriated fund or account in excess of appropriations provided by law which is based on the receipt of unanticipated revenues shall be submitted to the legislative budget committee and also to the standing committees on ways and means of the house and senate if the legislature is in session at the same time as it is transmitted to the governor. [1973 c 144 § 2; 1965 c 8 § 43.79.270. Prior: 1945 c 243 § 4; Rem. Supp. 1945 § 5517-13.]

43.79.280 DUTY OF GOVERNOR ON APPROVAL. If the governor approves such estimate in whole or part, he shall endorse on each copy of the statement his approval, together with a statement of the amount approved in the form of an allotment amendment, and transmit one copy to the head of the department, agency, board, or commission authorizing the expenditure. An identical copy of the governor's statement of approval and a statement of the amount approved for expenditure shall be transmitted simultaneously to the legislative budget committee and also to the standing committee on ways and means of the house and senate of all executive

approvals of proposals to expend money in excess of appropriations provided by law. [1973 c 144 § 3; 1965 c 8 § 43.79.280. Prior: 1945 c 243 § 5; Rem. Supp. 1945 § 5517-14.]

43.79.282 COMPLIANCE WITH RCW 43.79-.260-43.79.280. No state department, agency, board, or commission shall expend money in excess of appropriations provided by law based on the receipt of unanticipated revenues without complying with the provisions of RCW 43.79.260 through 43.79-.280. [1973 c 144 § 4.]

43.79.360 SUSPENSE FUND--TRANSFER OF MONEYS AND RECORDS. [1965 c 8 § 43.79-.360. Prior: 1955 c 226 § 2.] Repealed by 1973 c 95 § 12.

43.79.415 FEDERAL REVENUE SHARING TRUST FUND. The proceeds from federal revenue sharing shall be deposited in the federal revenue sharing trust fund hereby created in the state treasury and shall be used for purposes as authorized by the legislature and within federal rules and regulations. Interest earnings on said fund shall be determined and distributed in accordance with RCW 43.85.241 as now or hereafter amended: PROVIDED, That the portion deposited into the investment reserve account in accordance with RCW 43.84.090 shall be deposited into the federal revenue sharing trust fund.

In administering the conditions set forth in RCW 43.88.110 (2) and 43.88.160, the revenue sharing trust fund shall be treated as a complement to the state's basic general fund.

If any part of this section shall be found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal revenue sharing funds to the state, such conflicting part of this section is declared to be inoperative solely to the extent of such conflict: PROVIDED, That all state agencies and each school district shall comply with the provisions of Public Law 92-512, the federal Revenue Sharing Act, and the regulations issued thereunder. [1973 1st ex.s. c 129 § 1.]

43.79.420 MISCELLANEOUS STATE FUNDS--MONEYS TRANSFERRED TO BASIC STATE GENERAL FUND. All moneys to the credit of the following state funds or accounts on the first day of July, 1973, are hereby transferred to the basic state general fund:

- (1) Mass transit trust moneys;
- (2) Probation services moneys;
- (3) Columbia river gorge commission moneys;
- (4) Washington state song proceeds moneys;

(5) Juvenile correction institution building construction fund moneys. [1973 1st ex.s. c 59 § 3.]

Effective date—1973 1st ex.s. c 59: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1973." [1973 1st ex.s. c 59 § 7.] This applies to RCW 1.20.071, 13.07-.020, and 43.79.420-43.79.422, and to the repeal of RCW 72.19.080, 72.19.090 and 72.19.091.

43.79.421 MISCELLANEOUS STATE FUNDS—ABOLISHED. From and after the first day of July, 1973, all funds from which moneys are transferred to the basic state general fund pursuant to subsections (1), (2), (4), and (5) of RCW 43.79.420 are abolished. [1973 1st ex.s. c 59 § 4.]

Effective date—1973 1st ex.s. c 59: See note following RCW 43.79.420.

43.79.422 MISCELLANEOUS STATE FUNDS—WARRANTS TO BE PAID FROM BASIC STATE GENERAL FUND. From and after the first day of July, 1973, all warrants drawn on any fund abolished by RCW 43.79.421 and not theretofore presented for payment, shall be paid from the basic state general fund. [1973 1st ex.s. c 59 § 5.]

Effective date—1973 1st ex.s. c 59: See note following RCW 43.79.420.

#### Chapter 43.79A TREASURER'S TRUST FUND

43.79A.010 PURPOSE. This chapter shall apply to all trust funds which are in the official custody of the state treasurer but are not required by law to be maintained in the state treasury. The purpose of this chapter is to establish a system for the centralized management, protection and control of such funds, hereinafter referred to as nontreasury trust funds, and to assure their investment in such a manner as to realize the maximum possible return consistent with safe and prudent fiscal management. [1973 1st ex.s. c 15 § 1.]

43.79A.020 TREASURER'S TRUST FUND—CREATED—NONTREASURY TRUST FUNDS TO BE PLACED IN—EXCEPTIONS. There is hereby created a trust fund outside the state treasury to be known as the "treasurer's trust fund". All nontreasury trust funds which are in the custody of the state treasurer on April 10, 1973 shall be placed in the treasurer's trust fund and be subject to the terms of this chapter:

PROVIDED, That funds of the Washington state toll bridge authority shall be placed in the treasurer's trust fund only if mutually agreed to by the state treasurer and the toll bridge authority: PROVIDED FURTHER, That in order to assure an orderly transition to a centralized management system, the state treasurer may place each of such trust funds in the treasurer's trust fund at such times as he deems advisable: PROVIDED, HOWEVER, That except for Washington toll bridge authority trust funds, all such funds shall be incorporated in the treasurer's trust fund by June 30, 1975. Other funds in the custody of state officials or state agencies may, upon their request, be established as accounts in the treasurer's trust fund with the discretionary concurrence of the state treasurer. [1973 1st ex.s. c 15 § 2.]

43.79A.030 SEGREGATION—WITHDRAWALS. The state treasurer shall be responsible for maintaining segregated accounts of moneys of each fund which is deposited in the treasurer's trust fund. Except as provided by law, all money deposited in the treasurer's trust fund shall be held in trust by the state treasurer and may be withdrawn only upon the order of the depositing agency or its disbursing officer. [1973 1st ex.s. c 15 § 3.]

43.79A.040 MANAGEMENT—INCOME—DISTRIBUTION. Money in the treasurer's trust fund may be deposited, invested and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account. On or before July 20 of each year, the state treasurer shall distribute all money in the investment income account in the following manner. Twenty percent to the treasurer's service fund in the state treasury to help defray the costs of managing the treasurer's trust fund. The remaining eighty percent shall be divided among the various agency accounts from which such investments were made, in proportion to the respective balances thereof. [1973 1st ex.s. c 15 § 4.]

#### Chapter 43.83 CAPITAL IMPROVEMENTS

##### 1973 BOND ISSUE

43.83.110 GENERAL OBLIGATION BONDS—AUTHORIZED—ISSUANCE—PAYMENT. For the purpose of acquiring land, funding and providing the planning, acquisition, construction, remodeling, and furnishing,

together with all improvements, enhancements, fixed equipment, and facilities, of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as are determined to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms, and to provide executive office and housing for the governor, and to provide executive office space for other elective officials and such other state agencies as may be necessary, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of twenty-seven million dollars, or so much thereof as may be required, to finance the projects defined in RCW 43.83.110 through 43.83.126 and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. [1973 1st ex.s. c 217 § 1.]

43.83.112 GENERAL OBLIGATION BONDS-- POWERS AND DUTIES OF STATE FINANCE COMMITTEE. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds herein authorized shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity 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 notes, if any. Such bonds shall be payable at such places as the committee may provide. [1973 1st ex.s. c 217 § 2.]

43.83.114 GENERAL OBLIGATION BONDS-- ANTICIPATION NOTES--PROCEEDS. At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by RCW 43.83.110 through 43.83.126 shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes

specified in RCW 43.83.110 through 43.83.126 and for the payment of expenses incurred in the issuance and sale of the bonds. [1973 1st ex.s. c 217 § 3.]

43.83.116 GENERAL OBLIGATION BONDS-- ADMINISTRATION OF PROCEEDS FROM SALE. The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the state department of general administration. [1973 1st ex.s. c 217 § 4.]

43.83.118 GENERAL OBLIGATION BONDS-- PAYMENT FROM BOND REDEMPTION FUND--PROCEDURE--GENERAL OBLIGATION OF STATE. The state building bond redemption fund is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by RCW 43.83.110 through 43.83.126. 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 such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of RCW 43.83.110 through 43.83.126 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1973 1st ex.s. c 217 § 5.]

43.83.120 GENERAL OBLIGATION BONDS-- CHARGES AGAINST STATE AGENCIES TO REIMBURSE STATE GENERAL FUND. In addition to any other charges authorized by law and to assist in reimbursing the state general fund for expenditures from the general state revenues in paying the principal and interest on the bonds and notes herein authorized, the director of general administration shall assess a charge against each state board, commission, agency, office, department, activity, or other occupant or user for payment of a proportion of costs for each square foot of floor space assigned to or occupied by it. Payment of the amount so billed to the entity for such occupancy shall be made annually and in advance at the beginning

of each fiscal year. The director of general administration shall cause the same to be deposited in the state treasury to the credit of the general fund. [1973 1st ex.s. c 217 § 6.]

43.83.122 GENERAL OBLIGATION BONDS—LEGISLATURE MAY PROVIDE ADDITIONAL MEANS FOR PAYMENT. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized herein, and RCW 43.83.110 through 43.83.126 shall not be deemed to provide an exclusive method for such payment. [1973 1st ex.s. c 217 § 7.]

43.83.124 GENERAL OBLIGATION BONDS—LEGAL INVESTMENT FOR STATE AND OTHER PUBLIC BODIES. The bonds herein authorized shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [1973 1st ex.s. c 217 § 8.]

43.83.126 SEVERABILITY—1973 1ST EX.S. C 217. If any provision of this 1973 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. [1973 1st ex.s. c 217 § 9.]

Chapter 43.83A  
WASTE DISPOSAL FACILITIES BOND ISSUE

43.83A.060 REFERRAL TO ELECTORATE.

Reviser's note: Chapter 43.83A was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 26). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1 (d) provides "...Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved ..."

Chapter 43.83B  
WATER SUPPLY FACILITIES BOND ISSUE

43.83B.060 REFERRAL TO ELECTORATE.

Reviser's note: Chapter 43.83B was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 27). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1 (d) provides "... Such measure [initiatives and referendums] shall be in operation on and

after the thirtieth day after the election at which it is approved . . ."

Chapter 43.83C  
RECREATION IMPROVEMENTS BOND ISSUE

43.83C.060 REFERRAL TO ELECTORATE.

Reviser's note: Chapter 43.83C was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 28). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1 (d) provides "... Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

Chapter 43.83D  
SOCIAL AND HEALTH SERVICES FACILITIES BOND ISSUE

43.83D.060 REFERRAL TO ELECTORATE.

Reviser's note: Chapter 43.83D was adopted and ratified by the people at the November 7, 1972 general election (Referendum Bill No. 29). Governor's proclamation declaring approval of measure is dated December 7, 1972.

State Constitution Art. 2 § 1 (d) provides "... Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

Chapter 43.83E  
PUBLIC TRANSPORTATION IMPROVEMENTS BOND ISSUE

Reviser's note: Chapter 132, Laws of 1972 ex. sess. (Chapter 43.83E RCW) failed to become law by reason of Referendum Bill No. 30 submitted to and rejected by the people at the November 7, 1972 general election.

Chapter 43.84  
INVESTMENTS AND INTERFUND LOANS

43.84.011 INVESTMENT OF PERMANENT FUNDS. [1967 ex.s. c 2 § 1; 1965 ex.s. c 104 § 1.] Repealed by 1973 1st ex.s. c 103 § 17.

43.84.031 MANAGEMENT OF PERMANENT FUNDS—PROCEDURAL POLICIES—LIMITATION ON PURCHASE, SALE OR EXCHANGE PRICES FOR SECURITIES. Subject to the limitation of authority delegated by RCW 43.84.031 through 43.84.061 and RCW 43.84.150, the state finance committee may by unanimous

approval adopt procedural policies governing the management of said permanent trust funds. [1973 1st ex.s. c 103 § 5; 1965 ex.s. c 104 § 3.]

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.84.110 INTEREST ON LOANS. When any such loan is made, the state treasurer shall charge the receiving fund with the loan and with interest thereon at the depositary interest rate as fixed by the state finance committee and shall repay such loan to the fund from which it was borrowed, at such times and in such amounts as there shall be moneys in the borrowing fund not required to meet the current expenditures payable therefrom, sufficient to repay the loan or a part thereof, and shall credit the loaning fund with the deposit interest, as required by law, the same as if no loan had been made.

The state treasurer shall transfer from the borrowing fund to the credit of the deposit interest fund for the account of the loaning fund the amount of unearned deposit interest, at the then prevailing depositary interest rate, occasioned by the withdrawal of the moneys from deposit because of the loan. [1973 c 95 § 2; 1965 c 8 § 43.84.110. Prior: 1915 c 15 § 2; RRS § 5508.]

43.84.150 AUTHORIZED INVESTMENTS FOR STATE FINANCE COMMITTEE, BOARDS AND TRUSTEES--POWER OF TRUSTEES OF FUNDS TO AUTHORIZE STATE FINANCE COMMITTEE TO MAKE INVESTMENTS, ETC. Except where otherwise specifically provided by law, the state finance committee and those boards otherwise responsible for the management of their respective funds shall have full power to invest and reinvest funds in the following classes of securities, and not otherwise:

(1) Bonds, notes, or other obligations of the United States or its agencies, or of any corporation wholly owned by the government of the United States, or those guaranteed by, or for which the credit of the United States is pledged for the payment of the principal and interest or dividends thereof, or the obligation of any other government sponsored corporation whose obligations are or may become eligible as collateral for advances to member banks as determined by the board of governors of the federal reserve system.

(2) Bonds, debentures, notes, or other obligations issued, assumed, or unconditionally guaranteed by the international bank for reconstruction and development, the inter-American development bank, or by the federal national mortgage association; in addition to bonds, debentures, or other obligations issued by a federal land bank, or by a federal intermediate credit bank, under the act of congress of July 17,

1961, known as the "Federal Farm Loan Act", (as from time to time amended).

(3) First mortgages on unencumbered real property which are insured by the federal housing administration under the national housing act (as from time to time amended) or are guaranteed by the veterans' administration under the servicemen's readjustment act of 1944 (as from time to time amended), or are otherwise insured or guaranteed by the United States of America, or by an agency or instrumentality thereof to the extent that the investor protection thereby given is essentially the same as that as provided under the foregoing federal enactments.

(4) Conventional fee simple or leasehold first mortgages on real property located within the state of Washington.

(5) Bonds or other evidences of indebtedness of this state or a duly authorized authority or agency thereof; bonds, notes, or other obligations of any municipal corporation, political subdivision or state supported institution of higher learning of this state, issued pursuant to the laws of this state; obligations of any public housing authority or urban redevelopment authority issued pursuant to the laws of this state relating to the creation or operation of a public housing or urban redevelopment authority.

(6) Bonds, notes, or other obligations issued, guaranteed or assumed by any other state or municipal or political subdivision thereof.

(7) Bonds, debentures, notes or other full faith and credit obligations issued, guaranteed, or assumed as to both principal and interest by the government of the Dominion of Canada, or by any province of Canada, or by any city of Canada, which has a population of not less than one hundred thousand inhabitants: PROVIDED, That the principal and interest thereof shall be payable in United States funds, either unconditionally or at the option of the holder: PROVIDED FURTHER, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(8) Bonds, debentures, notes, or other obligations of any corporation duly organized and operating in any state of the United States: PROVIDED, That such securities are rated "A" or better by at least one nationally recognized rating agency.

(9) Capital notes, debentures, or other obligations of any national or state commercial or mutual savings bank doing business in the United States of America.

(10) Equipment trust certificates issued by any corporation duly organized and operating in any state of the United States of America: PROVIDED, That the bonds or debentures of the company are rated "A" or better by at least one nationally recognized rating agency.

(11) Commercial paper: PROVIDED, That it is given the highest attainable rating by at least two nationally recognized rating agencies.

(12) Subject to the limitations herein-after provided, those funds created under chapters 2.10, 2.12, 41.24, 41.26, 41.32, 41.40, and 43.43 RCW and the accident reserve fund created by RCW 51.44.010 may be invested in the common or preferred stock or shares, whether or not convertible as well as convertible bonds and debentures of corporations created or existing under the laws of the United States, or any state, district or territory thereof: PROVIDED, That:

(a) Those trustees responsible for the management of their respective funds shall contract with an investment counseling firm or firms or the trust department of a national or state chartered commercial bank having its principal office or a branch in this state and/or the staff of the state finance committee for the purpose of managing issues defined by subsection (12) of this section. The trustees shall receive advice which shall become part of the official minutes of the next succeeding meeting of the board. No investment counseling firm shall be engaged in buying, selling or otherwise marketing securities in which commissions or profit credits arising from these activities accrue to the firm during the time of its employment by the boards. Nothing in the preceding sentence shall be deemed to apply to the marketing of bonds, notes or other obligations of the United States or any agency thereof, or of a state or any municipal or political subdivision thereof by a bank in the normal course of its business.

(b) Stock investments to include convertible preferred stock investments, and investments in convertible bonds and debentures shall not exceed twenty-five percent of the total investments (cost basis) of the system: PROVIDED, That in the case of the accident reserve fund created by RCW 51.44.010 such stock investments shall not exceed ten percent of the total investments.

(c) Investment in the stock of any one corporation shall not exceed five percent of the common shares outstanding.

(d) No single common stock investment, based on cost, may exceed two percent of the assets of the total investments (cost basis) of the system.

(e) Such corporation has paid a cash and/or stock dividend on its common stock in at least eight of the ten years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash and/or stock dividend in each of the last three years.

(f) In the case of convertible bond, debenture and convertible preferred stock investments, the common stock into which such investments are convertible otherwise qualifies as an authorized investment under the provisions of this section.

(g) The common stock of any corporation concerned is registered on a national securities exchange provided in the "Securities Exchange Act of 1934" (as from time to time amended). Such registration shall not be required with respect to the following stocks:

(i) The common stock of a bank which is a member of the federal deposit insurance corporation and has capital funds represented by capital, surplus, and undivided profits of at least fifty million dollars.

(ii) The common stock of an insurance company which has capital funds, represented by capital, special surplus, and unassigned surplus of at least fifty million dollars.

(iii) Any preferred stock, as well as any convertible bond, debenture or preferred stock.

(iv) The common stock of Washington corporations meeting all the other qualifications except that of being registered on a national exchange.

(13) Investments in savings and loan associations organized under federal or state law, insured by the federal savings and loan insurance corporation, and operating in this state, including investment in their savings accounts, deposit accounts, bonds, debentures and other obligations or securities (except capital stock) which are insured or guaranteed by an agency of the federal government or by a private corporation approved by the state insurance commissioner and licensed to insure real estate loans in the state of Washington; savings deposits in commercial banks and mutual savings banks organized under federal or state law, insured by the federal deposit insurance corporation, and operating in this state: PROVIDED, That the investment of any one fund in the foregoing institutions shall not exceed the amount insured or guaranteed.

(14) Appropriate contracts of life insurance or annuities from insurers duly organized to do business in the state of Washington, if and when such purchase or purchases would in the judgment of the board be appropriate or necessary to carry out the purposes of this chapter.

Subject to the above limitations, the trustees of the several funds shall have the power to authorize the state finance committee to make purchases, sales, exchanges, investments and reinvestments, of any of the securities and investments in which any of the funds created herein shall have been invested, as well as the proceeds of said investments and any money belonging to said funds. [1973 1st ex.s. c 103 § 12.]

Severability—1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.84.160 INVESTMENT COUNSELING FEES PAYABLE FROM EARNINGS. Investment counseling fees established by contract shall be payable from the investment earnings

derived from those assets being managed by investment counsel. [1973 1st ex.s. c 103 § 13.]

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

43.84.170 INVESTMENT OF SURPLUS MONEYS IN COMMON SCHOOL FUND, AGRICULTURAL COLLEGE FUND, NORMAL SCHOOL FUND, SCIENTIFIC SCHOOL FUND OR UNIVERSITY FUND. Whenever there are surplus moneys available for investment in the permanent common school fund, the agricultural college permanent fund, the normal school permanent fund, the scientific school permanent fund, or the university permanent fund, the state finance committee shall have full power to invest or reinvest such funds in the manner prescribed by RCW 43.84.150, and not otherwise. [1973 1st ex.s. c 103 § 14.]

Severability--1973 1st ex.s. c 103: See note following RCW 2.10.080.

Cross References:

Agricultural college permanent fund: RCW 43.79.130.  
Normal school permanent fund: RCW 43.79.160.  
Permanent common school fund: Const. Art. 9 § 3, RCW 28A.40.010.  
Scientific school permanent fund: RCW 43.79.110.  
University permanent fund: RCW 43.79.060.

Chapter 43.85  
STATE DEPOSITARIES

43.85.010 QUALIFICATIONS OF DEPOSITARIES--RECORD OF COMMISSION PROCEEDINGS. Any national or state banking corporation, or other incorporated bank, or branch banks or branches thereof, authorized to do business in the state and approved by the public deposit protection commission, may, upon segregating collateral as provided in RCW 39.58.050 as now or hereafter amended and upon compliance with all other requirements of law, become a qualified public depository.

No state funds shall be deposited in any institution other than a qualified public depository.

The record of the proceedings of the commission shall be kept in the office of the commission and a duly certified copy thereof, or any part thereof, shall be admissible in evidence in any action or proceedings in any court of this state. [1973 c 126 § 15; 1969 ex.s. c 193 § 14; 1965 c 8 § 43.85.010. Prior: 1935 c 139 § 1; 1927 c 304 § 1; 1907 c 37 § 1; RRS § 5548.]

43.85.030 COLLATERAL--SEGREGATION. Every qualified public depository, before it shall be entitled to receive any state moneys, shall segregate eligible securities for collateral as provided in RCW 39.58.050 as now or hereafter amended. [1973 c 126 § 16; 1969 ex.s. c 193 § 15; 1967 c 132 § 1; 1965 c 8 § 43.85.030. Prior: 1955 c 78 § 1; 1945 c 129 § 1; 1939 c 146 § 1; 1935 c 139 § 2; 1931 c 87 § 1; 1909 c 151 § 1; 1907 c 37 § 2; Rem. Supp. 1945 § 5549.]

43.85.040 APPROVAL OF FINANCE COMMITTEE. [1969 ex.s. c 193 § 16; 1965 c 8 § 43.85.040. Prior: 1909 c 151 § 2; 1907 c 37 § 5; RRS § 5552.] Repealed by 1973 c 126 § 18.

43.85.060 MONTHLY AND QUARTERLY STATEMENTS. [1971 ex.s. c 72 § 1; 1969 ex.s. c 193 § 17; 1965 c 8 § 43.85.060. Prior: 1907 c 37 § 6; RRS § 5553.] Repealed by 1973 c 126 § 18.

43.85.150 COLLATERAL. [1969 ex.s. c 193 § 19; 1967 c 132 § 2; 1965 c 8 § 43.85.150. Prior: 1911 c 51 § 3; RRS § 5557.] Repealed by 1973 c 126 § 18.

43.85.170 QUARTERLY STATEMENT. [1969 ex.s. c 193 § 20; 1965 c 8 § 43.85.170. Prior: 1911 c 51 § 5; RRS § 5559.] Repealed by 1973 c 126 § 18.

43.85.241 DEPOSITS AND RATE OF INTEREST--DISTRIBUTION OF INTEREST CREDITED TO DEPOSIT INTEREST FUND. On or before July 20 of each year, the state treasurer shall distribute all interest credited to the deposit interest fund as of June 30, which fund is hereby reestablished. Said fund shall be divided among the various funds from which such investments and investment deposits are made, in proportion to the respective amounts thereof. Interest so distributed shall be credited to the proper fund in the fiscal year in which it was collected: PROVIDED, That interest earned on the balances of the forest reserve fund, the liquor excise tax fund, the tort claims revolving fund, the deposit interest fund, the suspense fund, the undistributed receipts fund, the state payroll revolving fund, the agency payroll revolving fund, the agency vendor payment revolving fund, and the local sales and use tax revolving fund shall be credited to the state treasurer's service fund. [1973 c 27 § 1; 1971 ex.s. c 72 § 2.]

Cross Reference:

State treasurer's service fund: RCW 43.08.190.



Chapter 43.86<sup>A</sup>  
SURPLUS FUNDS—INVESTMENT PROGRAM

Cross Reference:

Public funds, deposit and investment, public depositaries: Chapter 39.58 RCW.

43.86.010 FINDING—OBJECTIVES. The legislature finds that a procedure should be established for the management of short term treasury surplus funds by the state treasurer in order to insure a maximum return while they are on deposit in public depositaries. The objectives of this procedure are to minimize noninterest earning demand deposits and provide fair compensation to banks for services rendered to the state through the investment of state funds in time deposits. [1973 c 123 § 1.]

43.86.020 SURPLUS FUNDS HELD AS DEMAND DEPOSITS TO BE LIMITED. After March 19, 1973, the state treasurer shall limit surplus funds held as demand deposits to an amount necessary for current operating expenses including direct warrant redemption payments, investments and revenue collection. The state treasurer may hold such additional funds as demand deposits as he deems necessary to insure efficient treasury management. [1973 c 123 § 2.]

43.86.030 TIME CERTIFICATE OF DEPOSIT INVESTMENT PROGRAM—FUNDS AVAILABLE FOR—ALLOCATION. Funds held in public depositaries not as demand deposits as provided in RCW 43.86.020, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositaries an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1 (b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositaries. These deposits shall be allocated among the participating depositaries on a basis to be determined by the state treasurer. The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors. [1973 c 123 § 3.]

43.86.040 OTHER INVESTMENT POWERS OF STATE TREASURER NOT LIMITED. Except as provided in RCW 43.86.020 and 43.86.030, nothing in this chapter shall be construed

as a limitation upon the powers of the state treasurer to determine the amount of surplus treasury funds which may be invested in time certificates of deposit. [1973 c 123 § 4.]

43.86.050 IMPLEMENTATION OF CHAPTER BY STATE TREASURER. The state treasurer shall devise the necessary formulae and methodology to implement the provisions of this chapter. Periodically, but at least once every six months, the state treasurer shall review all rules and shall adopt, amend or repeal them as may be necessary. These rules and a list of time certificate of deposit allocations shall be published in the treasurer's monthly financial report as required under the provisions of RCW 43.08.150. [1973 c 123 § 5.]

Chapter 43.88  
BUDGET AND ACCOUNTING

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

It is the intent of the legislature that the powers conferred by this chapter, as amended, shall be exercised by the executive in cooperation with the legislature and its standing, special, and interim committees in its status as a separate and coequal branch of state government. [1973 1st ex.s. c 100 § 1; 1965 c 8 § 43.88.010. Prior: 1959 c 328 § 1.]

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

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

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

(4) "Agency" shall mean and include every state office, officer, each institution, whether educational, correctional or other, and every department, division,

board and commission, except as otherwise provided in this chapter.

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

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

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

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

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

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

(11) "Administrative expenses" means expenditures for: (a) Salaries, wages, and related costs of personnel and (b) operations and maintenance including but not limited to costs of supplies, materials, services, and equipment. [1973 1st ex.s. c 100 § 2; 1969 ex.s. c 239 § 9; 1965 c 8 § 43.88.020. Prior: 1959 c 328 § 2.]

43.88.030 CONTENT OF THE BUDGET DOCUMENT OR DOCUMENTS—SEPARATE BUDGET DOCUMENT OR SCHEDULES—CHANGES. (1) The budget document or documents shall consist of the governor's budget message which shall be explanatory of the budget and shall contain an outline of the proposed financial policies of the state for the ensuing fiscal period and shall describe in connection therewith the important features of the budget. The message shall set forth the reasons for salient changes from the previous fiscal period in expenditure and revenue items and shall explain

any major changes in financial policy. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material in respect to both current operations and capital improvements as the governor shall deem to be useful to the legislature.

The budget document or documents shall also contain:

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

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

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

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

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

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

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

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

(c) Other statutory expenditures;

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

(e) Revenues derived from agency operations;

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

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

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

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

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

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

(4) No change affecting the comparability of agency or program information relating to expenditures, revenues, workload, performance and personnel shall be made in the format of any budget document presented to a regular legislative session in an odd-numbered year relative to the format of the budget document which was presented to the previous regular session of the legislature in an odd-numbered year without prior legislative concurrence. Prior legislative concurrence shall consist of (a) a favorable majority vote on the proposal by the standing committees on ways and means of both houses if the legislature is in session or (b) a favorable majority vote on the proposal by members of the legislative budget committee if the legislature is not in session. [1973 1st ex.s. c 100 § 3; 1965 c 8 § 43.88.030. Prior: 1959 c 328 § 3.]

43.88.035 CHANGES IN ACCOUNTING METHODS, PRACTICES OR STATUTES—EXPLANATION IN BUDGET DOCUMENT OR APPENDIX REQUIRED—CONTENTS. Any changes in accounting methods and practices or in statutes affecting expenditures or revenues for the ensuing biennium relative to the then current fiscal period which the governor may wish to recommend shall be clearly and completely explained in the text of the budget document, in a special appendix thereto, or in an alternative budget document. This explanatory material shall include, but need not be limited to, estimates of revenues and expenditures based on the same accounting practices and methods and existing statutes relating to revenues and expenditure effective for the then current fiscal period, together with alternative estimates required by any changes in accounting methods and practices and by any statutory changes the governor may wish to recommend. [1973 1st ex.s. c 100 § 9.]

43.88.060 LEGISLATIVE REVIEW OF BUDGET DOCUMENT AND BUDGET BILL OR BILLS. The governor shall submit the budget document for the 1975-77 biennium and each succeeding biennium to the legislature no later than the twentieth day of December in the year preceding the session during which the budget is to be considered. The governor shall also submit a budget bill or bills which for purposes of this chapter is defined to mean the appropriations proposed by the governor as set forth in the budget document. Such representatives of agencies as have been designated by the governor for this purpose

shall, when requested, by either house of the legislature, appear to be heard with respect to the budget document and the budget bill or bills and to supply such additional information as may be required. [1973 1st ex.s. c 100 § 4; 1965 c 8 § 43.88.060. Prior: 1959 c 328 § 6.]

43.88.080 ADOPTION OF BUDGET. Adoption of the omnibus appropriation bill or bills by the legislature shall constitute adoption of the budget and the making of appropriations therefor. A budget for state government shall be finally adopted not later than thirty calendar days prior to the beginning of the ensuing biennium. [1973 1st ex.s. c 100 § 5; 1965 c 8 § 43.88.080. Prior: 1959 c 328 § 8.]

43.88.090 DEVELOPMENT OF BUDGET. For purposes of developing his budget proposals to the legislature, the governor shall have the power, and it shall be his duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as he shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget. Estimates for the legislature and for the supreme court shall be included in the budget without revision. Copies of all such estimates shall be transmitted to the legislative budget committee at the same time as they are filed with the governor and the office of program planning and fiscal management. In the year of the gubernatorial election, the governor shall invite the governor-elect or his designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or his designee with such information as will enable him to gain an understanding of the state's budget requirements. The governor-elect or his designee may ask such questions during the hearings and require such information as he deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the legislative budget committee. The governor shall also invite the legislative budget committee to designate one or more persons to be present at all hearings provided in RCW 43.88.100. The designees of the legislative budget committee may also ask such questions during the hearings and require such information as they deem necessary. [1973 1st ex.s. c 100 § 6; 1965 c 8 § 43.88.090. Prior: 1959 c 328 § 9.]

43.88.120 REVENUE ESTIMATES. Before the beginning of any fiscal period, any agency engaged in the collection of revenues shall submit to the governor statements of revenue estimates for the ensuing biennium at such times and in such form as may be required by him. A copy of such revenue estimates shall be filed with the legislative budget committee at the same time. [1973 1st ex.s. c 100 § 7; 1965 c 8 § 43.88.120. Prior: 1959 c 328 § 12.]

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

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

In addition, the director of program planning and fiscal management, as agent of the governor, shall:

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

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

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. He

shall advise and confer with agencies including the legislative budget committee and the legislative council regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four-year state colleges subsequently authorized, professional education employees of the state board for community college education; and the various state community colleges.

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by him except that he shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four-year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges;

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

(2) The treasurer shall:

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

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

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

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

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of program planning and fiscal management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on state-owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office

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

The auditor's current post audit of each agency may include a separate section setting forth recommendations to the legislature as provided by subsection (3) (c) of this section.

(3) The state auditor shall:

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

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

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

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

examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085.

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of program planning and fiscal management. It shall be the duty of the director of program planning and fiscal management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

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

(4) The legislative budget committee may:

(a) Make post audits of such of the financial transactions as it may determine of any agency and management surveys and program reviews as provided for in RCW 44.28.085 and to this end may in its discretion examine the books and accounts of any agency, official, or employee charged with the receipt, custody, or safekeeping of public funds.

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

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

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

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

(iii) A report on the efficiency and accuracy of the post audit operations of the state government. [1973 c 104 § 1; 1971 ex.s. c 170 § 4; 1967 ex.s. c 8 § 49; 1965 c 8 § 43.88.160. Prior: 1959 c 328 § 16.]

43.88.180 WHEN APPROPRIATIONS REQUIRED OR NOT REQUIRED. Appropriations shall not be required for refunds, as provided in RCW 43.88.170, nor in the case of payments other than for administrative expenses or capital improvements to be made from trust funds specifically created by law to discharge awards, claims, annuities and other liabilities of the state. Said trust funds shall include, but shall not be limited to, the accident fund, medical aid

fund, retirement system fund, Washington state patrol retirement fund and unemployment trust fund. Appropriations may be required in the case of public service enterprises defined for the purposes of this section as proprietary functions conducted by an agency of the state. An appropriation may be required to permit payment of obligations by revolving funds, as provided in RCW 43.88.190. [1973 1st ex.s. c 100 § 8; 1965 c 8 § 43.88.180. Prior: 1959 c 328 § 18.]

43.88.205 FEDERAL FUNDS AND PROGRAMS--PARTICIPATING AGENCIES TO NOTIFY DIRECTOR OF PROGRAM PLANNING AND FISCAL MANAGEMENT OR CHAIRMAN OF LEGISLATIVE BUDGET COMMITTEE--PROGRESS REPORTS. (1) Whenever an agency makes application, enters into a contract or agreement, or submits state plans for participation in, and for grants of federal funds under any federal law, the agency making such application shall at the time of such action, give notice in such form and manner as the director of program planning and fiscal management or any successor agency or committee of the legislature may prescribe, or the chairman of the legislative budget committee may request.

(2) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in the same manner as prescribed or requested pursuant to subsection (1) of this section.

(3) Such agency shall promptly furnish such progress reports in relation to each such application, contract, agreement, or state plan as may be requested following the date of the filing of the application, contract, agreement, or state plan; and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement, or state plan if such is requested. [1973 2nd ex.s. c 17 § 3; 1967 ex.s. c 41 § 4.]

43.88.901 SEVERABILITY--1973 1ST EX.S. C 100. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1973 1st ex.s. c 100 § 10.]

Chapter 43.96B  
EXPO '74

STATE PAVILION--BOND ISSUE

43.96B.200 LEGISLATIVE FINDING. The legislature finds that an expansion of the state pavilion at Expo '74 initially authorized for construction by the 1971

legislature is consistent with the purposes of the exposition and the needs of the state of Washington in order that the facility produced will both more adequately serve the state during the exposition and as a permanent structure for the benefit of the state afterwards. [1973 1st ex.s. c 116 § 1.]

43.96B.205 BOND ISSUE--AUTHORIZED. For the purpose of providing additional space for the Washington State Pavilion at Expo '74 as determined to be necessary by the Expo '74 commission, including the planning, acquisition, construction, remodeling and equipping, together with all improvements and enhancements of said project, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two million nine hundred thousand dollars, or so much thereof as may be required, to finance the projects defined in RCW 43.96B.200 through 43.96B.245 and all costs incidental thereto. Such bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution. [1973 1st ex.s. c 116 § 2.]

43.96B.210 BOND ISSUE--ISSUANCE AND SALE OF BONDS--FORM, TERMS, CONDITIONS, ETC.--AUTHORITY OF STATE FINANCE COMMITTEE. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee. The committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale, issuance and redemption. None of the bonds authorized in RCW 43.96B.200 through 43.96B.245 shall be sold for less than the par value thereof.

The committee may provide that the bonds, or any of them, may be called prior to the maturity 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 notes, if any. Such bonds shall be payable at such places as the committee may provide. [1973 1st ex.s. c 116 § 3.]

43.96B.215 BOND ISSUE--ANTICIPATION NOTES--DISPOSITION OF PROCEEDS--ACQUISITION OF PROPERTY BY EXPO '74 COMMISSION AUTHORIZED. At the time the state finance committee determines to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of the bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of

such bonds that may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The proceeds from the sale of bonds authorized by RCW 43.96B.200 through 43.96B.245 and any interest earned on the interim investment of such proceeds, shall be deposited in the state building construction account of the general fund in the state treasury and shall be used exclusively for the purposes specified in RCW 43.96B.200 through 43.96B.245 and for the payment of expenses incurred in the issuance and sale of the bonds. The Expo '74 commission is hereby authorized to acquire property, real and personal, by lease, purchase[, ] condemnation or gift to achieve the objectives of chapters 1, 2, and 3, Laws of 1971 ex. sess., and RCW 43.96B.200 through 43.96B.245. The commission is further directed pursuant to RCW 43.19.450 to utilize the department of general administration services to accomplish the purposes set forth herein. [1973 1st ex.s. c 116 § 4.]

43.96B.220 BOND ISSUE--ADMINISTRATION OF PROCEEDS. The principal proceeds from the sale of the bonds or notes deposited in the state building construction account of the general fund shall be administered by the Expo '74 commission. [1973 1st ex.s. c 116 § 5.]

43.96B.225 BOND ISSUE--REDEMPTION FUND--PAYMENT OF BONDS. The state building bond redemption fund, 1973-A, is hereby created in the state treasury, which fund shall be exclusively devoted to the payment of the principal of and interest on the bonds authorized by RCW 43.96B.200 through 43.96B.245. 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 such bond retirement and interest requirements and on July 1st of each year the state treasurer shall deposit such amount in the state building bond redemption fund, 1973-A, from any general state revenues received in the state treasury and certified by the state treasurer to be general state revenues. Bonds issued under the provisions of RCW 43.96B.200 through 43.96B.245 shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by a mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein. [1973 1st ex.s. c 116 § 6.]

43.96B.230 BOND ISSUE--ADDITIONAL MEANS OF PAYMENT. The legislature may provide additional means for raising monies for the payment of the principal of and interest on the bonds authorized herein, and RCW 43.96B.200 through 43.96B.245 shall not be deemed to provide an exclusive method for such payment. [1973 1st ex.s. c 116 § 7.]

43.96B.235 BOND ISSUE--LEGAL INVESTMENT FOR PUBLIC FUNDS. The bonds authorized in RCW 43.96B.200 through 43.96B.245 shall be a legal investment for all state funds or funds under state control and for all funds of any other public body. [1973 1st ex.s. c 116 § 8.]

43.96B.240 APPROPRIATION. There is hereby appropriated to the Expo '74 commission from the state building construction account of the general fund the sum of two million nine hundred thousand dollars or so much thereof as may be necessary to accomplish the purposes of RCW 43.96B.200 through 43.96B.245. [1973 1st ex.s. c 116 § 9.]

43.96B.245 SEVERABILITY--1973 1ST EX.S. C 116. 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. [1973 1st ex.s. c 116 § 10.]

#### Chapter 43.105

#### DATA PROCESSING AND COMMUNICATIONS SYSTEMS

43.105.010 PURPOSE. It is the purpose of this chapter to provide, through the Washington state data processing authority, for the efficient and coordinated utilization of data processing equipment, techniques, and personnel to achieve optimum effectiveness and economy in collection, storage, interchange, retrieval, processing, and transmission of information; to authorize development, implementation, and maintenance of a coordinated state-wide plan for data processing and data communications systems; to achieve consolidation of automated data processing resources and centralization of control over automated data processing; and to ensure that automated data processing systems shall serve the management and other needs of the legislative, executive, and judicial branches of state and local government. [1973 1st ex.s. c 219 § 1; 1967 ex.s. c 115 § 1.]

43.105.015 INTENTION. [1969 ex.s. c 212 § 3.] Repealed by 1973 1st ex.s. c 219 § 12.



43.105.016 LEGISLATIVE INTENT. It is the intention of the legislature that this chapter shall form the basis for the formulation of a long range state automated data processing plan to satisfy the requirements of the legislative, executive, and judicial branches of state government. Each legislative, executive, and judicial agency of state government shall study and define its automated data processing requirements in order that the plan allow for the unique requirements of each branch. All agencies of state government are required to cooperate with and support the development and implementation of this plan. To effectuate this intention, the state data processing authority shall have the authority to direct and require the submittal of data from all state agencies, including data from the state auditor, concerning local government agencies. In addition, the state auditor shall conduct a fiscal-legal audit of the completion of the tasks for the authority specified by RCW 43.105.043, and the legislative budget committee, or its successor, shall conduct a performance audit of such tasks. [1973 1st ex.s. c 219 § 2.]

43.105.020 DEFINITIONS. As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Authority" means the Washington state data processing authority created by RCW 43.105.032;

(2) "Automatic data processing" means that method of processing information using punch card (EAM) and/or electronic (EDP) equipment and includes data communication devices used in connection with automatic data processing equipment for the transmission of data;

(3) "Local government agencies" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) "Director" means the executive director of the authority;

(5) "State agency" means all offices, departments, agencies, institutions, and commissions of state government;

(6) "System" means an organized collection of men, machines, and methods to accomplish a specific objective;

(7) "Applications system" means a computerized system which accomplishes a specific objective (i.e., a payroll system or an inventory system). [1973 1st ex.s. c 219 § 3; 1967 ex.s. c 115 § 2.]

43.105.031 DATA PROCESSING ADVISORY COMMITTEE--COMPOSITION--EXPENSES. [1969 ex.s. c 212 § 1.] Repealed by 1973 1st ex.s. c 219 § 12.

43.105.032 DATA PROCESSING AUTHORITY--CREATED--COMPOSITION--EXPENSES. There is hereby created the Washington state data processing authority consisting of eleven members appointed by the governor, and serving at his pleasure. The governor shall make such appointments within thirty days after April 25, 1973.

Members of the authority shall not be compensated for service on the authority but shall be reimbursed for subsistence, lodging, and travel expenses as provided in chapter 43.03 RCW, as now or hereafter amended.

The authority shall elect a chairman from among its members and shall appoint an executive director within sixty days after April 25, 1973, subject to confirmation by a majority vote of the senate. [1973 1st ex.s. c 219 § 5.]

Data processing advisory committee abolished, transfer of personnel, etc.: "The data processing advisory committee created by section 1, chapter 212, Laws of 1969 ex. sess. is hereby abolished. The staff of such committee and the data processing coordinator and his staff from the office of program planning and fiscal management shall be transferred to the authority, along with such records, files, data, materials, equipment, and supplies as they may possess, within ninety days of the effective date of this 1973 amendatory act." [1973 1st ex.s. c 219 § 4.]

43.105.040 POWERS OF GOVERNOR AND BUDGET DIRECTOR. [1969 ex.s. c 212 § 2; 1967 ex.s. c 115 § 4.] Repealed by 1973 1st ex.s. c 219 § 12.

43.105.041 POWERS AND DUTIES OF DATA PROCESSING AUTHORITY. The authority shall have the following powers and duties:

(1) To study, organize, and/or develop automated data processing systems to serve interagency and intraagency needs of state agencies, to provide services of said nature, and to require the development of interagency automated data processing systems;

(2) To examine the desirability of removing common application systems, such as the payroll application system, from the individual agencies and assigning such functions to a single state agency;

(3) To make contracts, and to hire employees and consultants necessary or convenient for the purposes of this chapter, and fix their compensation; to enter into appropriate agreements for the utilization of state agencies and, where deemed feasible by the state data processing authority, of local government agencies, and their facilities, services, and personnel in developing and coordinating plans and systems, or other purposes of this chapter; to contract with any and all other governmental agencies for any purpose of this chapter including but not

limited to mutual furnishing or utilization of facilities and services or for interagency, intergovernmental, or interstate cooperation in the field of data processing and communications;

(4) To develop and publish standards to implement the purposes of this chapter, including but not limited to standards for the coordinated acquisition and maintenance of data processing equipment and services, requirements for the furnishing of information and data concerning existing data processing systems by state offices, departments, and agencies and local government agencies, where deemed feasible by the state data processing authority, and standards and regulations to establish and maintain the confidential nature of information insofar as such confidentiality may be necessary for individual privacy and the protection of private rights in connection with data processing and communications;

(5) To purchase, lease, rent, or otherwise acquire and maintain automatic data processing equipment, or to delegate to other agencies and institutions of state government, under appropriate standards, the authority to purchase, lease, rent, or otherwise acquire and maintain automatic data processing equipment: PROVIDED, That in exercising such authority due consideration and effect shall be given to the overall purpose of this chapter and the statutory obligations, total management, and needs of each agency: PROVIDED, FURTHER, That, agencies and institutions of state government are expressly prohibited from acquiring data processing equipment without such delegation of authority. The acquisition of automatic data processing equipment is exempt, as provided in RCW 43.19.1901, from the provisions of RCW 43.19.190 through 43.19.210;

(6) To require the consolidation of computing resources into central data processing service center or to establish central data processing service centers;

(7) To develop and maintain all state-wide or interagency data processing policies, standards, and procedures;

(8) To delegate to a single agency the responsibility for maintaining interagency applications systems;

(9) To provide to state agencies such automatic data processing technical training as is necessary or convenient to implement standardization of automatic data processing techniques;

(10) To carry out the tasks assigned in RCW 43.105.043 and to report periodically and as requested by the legislature to the legislature on its progress;

(11) To enact such rules and regulations as may be necessary to carry out the purposes of this chapter. [1973 1st ex.s. c 219 § 6.]

43.105.043 TASKS TO BE COMPLETED WITHIN SPECIFIED TIME PERIODS--PROGRESS REPORTS BY LEGISLATIVE BUDGET COMMITTEE.

The authority shall complete the following tasks within the number of days after April 25, 1973 allotted for each task contingent upon the funding of the authority:

(1) Task 1: Preparation of an organization and staffing plan; to be accomplished within one hundred five days;

(2) Task 2: Staffing of the authority; consisting of the transfer of the data processing advisory committee's staff and the data processing coordinator and his staff to the authority within ninety days; and additional staffing to be accomplished within one hundred fifty days;

(3) Task 3: Formulation, publication, and implementation of automatic data processing language standards; to be accomplished within two hundred forty days;

(4) Task 4: Formulation and implementation of standards for resources utilization reporting, including hardware, software, and personnel; to be accomplished within two hundred seventy days;

(5) Task 5: Formulation and implementation of system development standards; to be accomplished within two hundred seventy days;

(6) Task 6: Evaluation of (a) the regional educational computer network study authorized by the council of presidents of the institutions of higher education and (b) the comprehensive plan for computing in the community colleges adopted by the board of community college education; both to be accomplished within three hundred days;

(7) Task 7: Development of a short range resource plan, including a supplemental budget request; to be accomplished within three hundred days;

(8) Task 8: Formulation of agency requirements reporting standards; to be accomplished within three hundred thirty days;

(9) Task 9: Taking inventory of local government automated data processing resources; to be accomplished within three hundred thirty days;

(10) Task 10: Presentation of a preliminary report on the status of automated data processing of the institutions of higher education and of Olympia based state agencies with recommendations for consolidation of such resources of the Olympia based state agencies; to be accomplished within three hundred thirty days;

(11) Task 11: Presentation of a progress report on the definition of standard common business identifiers; to be accomplished within three hundred sixty days;

(12) Task 12: Presentation of a report on policies and procedures for confidentiality and privacy of data; to be accomplished within three hundred sixty days;

(13) Task 13: Presentation of a preliminary progress report to the governor and to the legislature; to be accomplished within three hundred sixty days;

(14) Task 14: Summarization of consolidated agencies and institutions automated data processing requirements; to be accomplished within three hundred ninety days;

(15) Task 15: Presentation of a budget plan and request for the 1975-1977 fiscal biennium; to be accomplished within four hundred eighty days;

(16) Task 16: Development of an internal performance measurement and auditing system; to be accomplished within five hundred ten days;

(17) Task 17: Development of a standard plan for data center operation; to be accomplished within five hundred forty days;

(18) Task 18: Definition of common application systems; to be accomplished within five hundred forty days; and

(19) Task 19: Transmittal to the governor and to the legislature, a Washington state comprehensive data processing plan, which includes the recommended organization of all data processing related functions, a recommendation whether the authority should be phased out and all state data processing functions transferred to a single state agency, and development of an orderly plan for implementation of such recommendations; to the governor to be accomplished within five hundred seventy-five days. The legislative budget committee shall report to the legislature ten days prior to the first legislative session in 1974 and yearly thereafter regarding the progress being made by the authority in fulfilling the mandates and directives of this chapter. [1973 1st ex.s. c 219 § 7.]

43.105.045 EXECUTIVE DIRECTOR--RESPONSIBILITY--STAFF--SALARY. The executive director of the authority shall be responsible for carrying into effect the authority's orders and rules and regulations. The director shall also be authorized to employ such staff as is necessary, including but not limited to two assistant executive directors and a confidential secretary. The director shall be paid such salary as shall be deemed reasonable by the state committee on salaries. [1973 1st ex.s. c 219 § 8.]

43.105.060 CONTRACTS BY STATE AND LOCAL AGENCIES WITH AUTHORITY. State and local government agencies are authorized to enter into any contracts with the authority or its successor which may be necessary or desirable to effectuate the purposes and policies of this chapter or for maximum utilization of facilities and services which are the subject of this chapter. [1973 1st ex.s. c 219 § 9; 1967 ex.s. c 115 § 6.]

43.105.900 SEVERABILITY--1973 1ST EX.S. C 219. If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1973 1st ex.s. c 219 § 10.]

Chapter 43.120  
STATE LAND PLANNING COMMISSION

43.120.010 LEGISLATIVE DECLARATION. [1971 ex.s. c 287 § 1.] Decodified, see RCW 43.120.920.

43.120.020 COMMISSION CREATED--MEMBERSHIP--CHAIRMAN--VACANCIES--EXPENSES. [1972 ex.s. c 110 § 1; 1971 ex.s. c 287 § 2.] Decodified, see RCW 43.120.920.

43.120.030 SUBCOMMITTEES--RULES--HEARINGS--DATA. [1971 ex.s. c 287 § 3.] Decodified, see RCW 43.120.920.

43.120.040 EXECUTIVE DIRECTOR--EMPLOYEES--ADVISORY GROUPS--PAYMENT OF EXPENSES. [1971 ex.s. c 287 § 4.] Decodified, see RCW 43.120.920.

43.120.050 STATE-WIDE LAND USE DATA BANK OR INFORMATION POOL--AUTHORIZED--DEVELOPMENT--CONTENTS--USE--COMPUTERIZATION--CONTRACTS TO GATHER AND ASSEMBLE DATA--PILOT PROJECT. [1971 ex.s. c 287 § 5.] Decodified, see RCW 43.120.920.

43.120.060 AUTHORIZED STUDIES. [1971 ex.s. c 287 § 6.] Decodified, see RCW 43.120.920.

43.120.900 REPORT TO LEGISLATURE CONVENING IN 1972. [1971 ex.s. c 287 § 7.] Decodified, see RCW 43.120.920.

43.120.910 REPORTS TO FORTY-THIRD SESSION OF LEGISLATURE. [1971 ex.s. c 287 § 8.] Decodified, see RCW 43.120.920.

43.120.920 TERMINATION OF COMMISSION. The commission shall be dissolved on May 15, 1973. [1973 1st ex.s. c 72 § 1; 1971 ex.s. c 287 § 9.]

Chapter 43.126  
GEOGRAPHIC NAMES

43.126.010 PURPOSES. The purposes of this chapter are: To establish a procedure for the retention and formal recognition of existing names; to standardize the procedures for naming or renaming geographical features within the state of Washington; to identify one body as the responsible agent to coordinate this important activity between local, state and federal agencies; to identify the responsible agent for the purpose of serving the public interest; to avoid whenever possible the duplication of names for similar features, and so far as possible retain the significance, spelling and color of names associated with the early history of Washington. [1973 1st ex.s. c 178 § 1.]

43.126.020 STATE BOARD ON GEOGRAPHIC NAMES--CREATED--MEMBERS--CHAIRMAN. There is hereby created a Washington state board on geographic names. It shall be composed of the:

- (1) State librarian or representative;
- (2) Commissioner of public lands or representative;
- (3) President of the Washington state historical society;
- (4) Chairman of the department of geography, University of Washington or representative;
- (5) Chairman of the department of geography, Washington State University or representative;
- (6) Two members from the general public to be appointed by and serve at the pleasure of the commissioner of public lands;
- (7) The commissioner of public lands or his representative shall be chairman of the board. [1973 1st ex.s. c 178 § 2.]

43.126.030 STATE BOARD ON GEOGRAPHIC NAMES--POWERS AND DUTIES. It shall be the duty of the Washington state board on geographic names and it shall have the power and authority to:

- (1) Establish the official names for the lakes, mountains, streams, places, towns, and other geographic features within the state and the spellings thereof except when a name is specified by law. For the purposes of this subsection geographic features do not include manmade features or administrative areas such as parks, game preserves and dams, but shall include manmade lakes;
- (2) Assign names to lakes, mountains, streams, places, towns, and other geographic features in the state for which no single generally accepted name has been in use;
- (3) Cooperate with county commissioners, state departments and agencies and with the United States board on geographic

names to establish, change and/or determine the appropriate names of the lakes, mountains, streams, places, towns, and other geographic features; and for the purpose of eliminating, so far as possible, duplication of place names within the state;

(4) Serve as a state of Washington liaison with the United States board on geographic names;

(5) Issue periodically a list of names approved by the board. [1973 1st ex.s. c 178 § 3.]

43.126.040 POLICIES--CRITERIA. The board is authorized to establish policies to carry out the purposes of this chapter. In determining the names and orthography of geographic place names within the state of Washington, the board's decisions shall be made only after a careful consideration of all available information relating to such names, including the recommendations of the United States board on geographic names to which board it shall give full cooperation. [1973 1st ex.s. c 178 § 4.]

43.126.050 ADOPTION OF NAMES--PROCEDURE--EFFECT. Adoption of names by the board shall take place only after consideration at a previous meeting. All determinations of the board shall be filed with the code reviser and shall be compiled and indexed in the same manner as agency rules pursuant to RCW 34.04.050. Determinations by the board shall not be considered a rule under provisions of RCW 34.04.010. Whenever the state board on geographic names shall have given a name to any lake, stream, place and other geographic feature within the state, such name shall be used in all maps, records, documents and other publications issued by the state or any of its departments and political subdivisions, and such name shall be deemed the official name of such geographic feature. [1973 1st ex.s. c 178 § 5.]

43.126.060 MEETINGS--RULES AND REGULATIONS--PUBLICATION OF NAMES ADOPTED. The board shall hold at least two regular meetings each year, and shall hold special meetings as called by the chairman or a majority of the board.

(1) All meetings shall be open to the public;

(2) Public notice of board meetings shall be published in one issue of a local newspaper of general circulation in the counties in which features are being considered at least one week before the meeting is held. This notice will include those names to be considered by the board and those names to be adopted by the board;

(3) Four board members shall constitute a quorum;

(4) The board shall establish rules and regulations for the conduct of its affairs

and carrying out the purposes of this chapter;

(5) The department of natural resources shall furnish secretarial and administrative services and shall serve as custodian of the records;

(6) All geographic names adopted by the board shall be published in a local newspaper of general circulation in the county where the geographic name applies within four weeks following the date of their adoption. [1973 1st ex.s. c 178 § 6.]

43.126.070 EXPENSES OF MEMBERS. Each member of the board, not otherwise a public employee, shall receive actual necessary traveling and other expenses incurred in the discharge of their duties which shall be paid by the agency that each member represents and, for the two members of the general public, by the department of natural resources. In no event shall a member's payments exceed five hundred dollars in any one year. [1973 1st ex.s. c 178 § 7.]

43.126.080 NAMING GEOGRAPHIC FEATURES WITHOUT BOARD APPROVAL PROHIBITED. No person shall in any advertisement or publication attempt to change local usage or name unnamed geographic features without first obtaining approval of the board. [1973 1st ex.s. c 178 § 8.]

Chapter 43.130  
ECONOMIC IMPACT ACT—CLOSING OF  
STATE FACILITIES

43.130.010 PURPOSE. When either for fiscal reasons, obsolescence or other extraordinary reasons, it becomes necessary to close a state facility, as defined by RCW 43.130.020 (2), the state has a responsibility to provide certain benefits to affected employees.

It is the purpose of this chapter to establish an economic impact act for the state of Washington to meet the emergency situation now in existence for state employees affected by the closure of state facilities, as defined in RCW 43.130.020. [1973 2nd ex.s. c 37 § 1.]

43.130.020 DEFINITIONS. For purposes of this chapter:

(1) "Employees" includes those persons performing services for the state on a salaried or hourly basis including, but not limited to, persons in "classified service" as defined in RCW 41.06.020 (3) and those persons defined as exempt from the state civil service laws pursuant to RCW 41.06.070.

(2) The term "closure of a state facility" means the termination of services being provided by a facility operated by

the department of social and health services or in conjunction with the department of natural resources, when such facility is terminated for fiscal reasons, obsolescence, or other extraordinary reasons.

(3) "Classified employees" means those employees performing classified service as defined in RCW 41.06.020 (3). [1973 2nd ex.s. c 37 § 2.]

43.130.030 EXCLUDED EMPLOYMENT AND EMPLOYEES. Excluded employment and excluded employees under this chapter include, but are not limited to, the following:

(1) State employment related to a single project under a program separately financed by a grant of nonstate funds, federal funds or state funds, or by a combination of such funding, which is designed to provide training or employment opportunities, expertise or additional manpower related to the project or which, because of the nature of the project funding requirements, is not intended as a permanent program.

(2) Activities at least seventy-five percent federally funded by a categorical grant for a specific purpose and any other activities terminated because of actions taken by the federal government or other funding sources other than the state of Washington in eliminating or substantially limiting funding sources, except to the extent that the federal government or such other funding sources may permit the use of nonstate funds to pay for any employee benefits authorized pursuant to this chapter.

(3) The following categories of employees are excluded from benefits under this chapter:

(a) employees refusing transfer to vacant positions in the same or a like job classification and at not more than one full range lower than the same salary range;

(b) classified employees having other than permanent status in the classified service;

(c) employees having less than three years' consecutive state service as an employee, except that such employees shall nonetheless be eligible for the benefits provided in subsections (1), (2), (4) and (5) of RCW 43.130.040.

(d) nothing in this chapter shall affect any other rights currently held by classified employees regarding reduction in force procedures and subsequent reemployment. [1973 2nd ex.s. c 37 § 3.]

43.130.040 BENEFITS. In order to carry out the purposes of this chapter, the state shall take every reasonable step at its disposal to provide alternative employment and to minimize the economic loss of state employees affected by the closure of state facilities. Affected state employees shall be paid benefits as specified in this section.

(1) Relocation expenses covering the movement of household goods, incurred by the necessity of an employee moving his domicile to be within reasonable commuting distance of a new job site, shall be paid by the state to employees transferring to other state employment by reason of the closure of a facility.

(2) Relocation leave shall be allowed up to five working days' leave with pay for the purpose of locating new residence in the area of employment.

(3) The state shall reimburse the transferring employee to the extent of any unavoidable financial loss suffered by an employee who sells his home at a price less than the true and fair market value as determined by the county assessor not exceeding three thousand dollars: PROVIDED, That this right of reimbursement must be exercised, and sale of the property must be accomplished, within a period of two years from the date other state employment is accepted.

(4) For employees in facilities which have been terminated who do not choose to participate in the transfer program set forth in the preceding subsections, the following terminal pay plan shall be available:

(a) For qualifying employees, for each one year of continuous state service, one week (five working days) of regular compensation shall be provided.

(b) Regular compensation as used in subsection (a) hereof shall include salary compensation at the rate being paid to the employees at the time operation of the facility is terminated.

(c) Terminal pay as set forth in subsections (a) and (b) hereof shall be paid to the employee at the termination of the employees last month of employment or within thirty days after \*the effective date of this 1973 act, whichever is later: PROVIDED, That from the total amount of terminal pay, the average sum of unemployment compensation that the qualifying employee is eligible to receive multiplied by the total number of weeks of terminal pay minus one week shall be deducted.

(d) Those employees electing the early retirement benefits as stated in subsection (5) of this section shall not be eligible for the terminal pay provisions as set forth in this subsection.

(e) Those employees who are reemployed by the state during the period they are receiving terminal pay pursuant to subsections (a), (b) and (c) of this section shall reimburse the state for that portion of the terminal pay covered by the period of new employment.

(5) As an option to transferring to other state employment an employee may elect early retirement under the following conditions:

(a) Notwithstanding the age requirements of RCW 41.40.180, any affected employee under this chapter who has attained the age of fifty-five years, with at least five years creditable service,

shall be immediately eligible to retire, with no actuarial reduction in the amount of his pension benefit.

(b) Notwithstanding the age requirements of RCW 41.40.180, any affected employee under this chapter who has attained the age of forty-five years, with at least five years creditable service, shall be immediately eligible to retire with an actuarial reduction in the amount of his pension benefit of three percent for each complete year that such employee is under fifty-five years of age.

(c) Employees who elect to retire pursuant to RCW 41.40.180 shall be eligible to retire while on authorized leave of absence not in excess of one hundred and twenty days.

(d) Employees who elect to retire under the provisions of this section shall not be eligible for any retirement benefit in a year following a year in which their employment income was in excess of six thousand dollars. This six thousand dollars base shall be adjusted annually beginning in 1974 by such cost of living adjustments as are applied by the public employees' retirement system to membership retirement benefits. The public employees retirement system board shall adopt necessary rules and regulations to implement the provisions of this subsection. [1973 2nd ex.s. c 37 § 4.]

\*Reviser's note: The effective date of 1973 2nd ex.s. c 37 was September 26, 1973.

Cross References:

Public employees' retirement system: Chapter 41.40 RCW.

Termination date of benefits under subsection (3) of this section: RCW 43.130.910.

43.130.050 ELIGIBILITY—CONDITIONS.

(1) Notwithstanding any other provision of this chapter employees affected by the closure of a state facility as defined in RCW 43.130.020 (2) who were employed as of May 1, 1973 at such facility, and who are still in employment of the state or on an official leave of absence as of the \*effective date of this 1973 act who would otherwise qualify for the enumerated benefits of this chapter are hereby declared eligible for such benefits under the following conditions:

(a) such employee must be actively employed by the state of Washington or on an official leave of absence on the \*effective date of this 1973 act, and unless the early retirement or terminal pay provisions of this chapter are elected, continue to be employed or to be available for employment in a same or like job classification at not less than one full range lower than the same salary range for a period of at least thirty days thereafter;

(b) such employee must give written notice of his election to avail himself of

such benefits within thirty days after the \*passage of this 1973 act or upon closure of the institution, whichever is later. [1973 2nd ex.s. c 37 § 5.]

\*Reviser's note: (1) The effective date of 1973 2nd ex.s. c 37 was September 26, 1973 due to the emergency clause contained in section 9, codified herein as RCW 43.130.910.

(2) 1973 2nd ex.s. c 37 (Engrossed Substitute Senate Bill No. 2603) passed the Senate September 14, 1973, passed the House September 13, 1973 and was approved by the Governor September 26, 1973.

Cross Reference:

Employees to whom chapter is operative: RCW 43.130.910.

43.130.060 REIMBURSEMENT OF PUBLIC EMPLOYEES' RETIREMENT SYSTEM. In order to reimburse the public employees' retirement system for any increased costs occasioned by the provisions of this chapter which affect the retirement system, the public employees' retirement board shall, within thirty days of the date upon which any affected employee elects to take advantage of the retirement provisions of this chapter, determine the increased present and future cost to the retirement system of such employee's election. Upon the determination of the amount necessary to offset said increased cost, the retirement board shall bill the department of personnel for the amount of the increased cost: PROVIDED, That such billing shall not exceed eight hundred sixty-one thousand dollars. Such billing shall be paid by the department as, and the same shall be, a proper charge against any moneys available or appropriated to the department for this purpose. [1973 2nd ex.s. c 37 § 6.]

43.130.900 SEVERABILITY--1973 2ND EX.S. C 37. If any provision of this 1973 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. [1973 2nd ex.s. c 37 § 8.]

43.130.910 EMERGENCY--OPERATIVE DATES--TERMINATION OF BENEFITS. This 1973 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: PROVIDED HOWEVER, That each of the provisions of this 1973 act shall be operative and in effect only for employees of those state facilities closed after May 1, 1973 and prior to September 14, 1974: PROVIDED FURTHER, That benefits under section 4 (3) of this 1973 act shall be available until

September 14, 1975. [1973 2nd ex.s. c 37 § 9.]

TITLE 44

STATE GOVERNMENT--LEGISLATIVE

Sections added, amended, or repealed:

Chapter 44.04 General Provisions.

- 44.04.040 Vouchers for pay and mileage of members--Warrants.
- 44.04.050 Vouchers for pay of employees--Warrants.
- 44.04.060 Vouchers for incidental expenses--Warrants.
- 44.04.090 Warrants for subsistence and lodging.
- 44.04.120 Members' allowances when engaged in committee business.

Chapter 44.28 Legislative Budget Committee.

- 44.28.086 Management surveys--Reviews of program goals and objectives, performance audits to be included.
- 44.28.087 Agencies to furnish committee with performance reports, internal audits, etc.

Chapter 44.40 Legislative Transportation Committee--Senate and House Transportation and Utilities Committees.

- 44.40.020 Powers, duties and studies.
- 44.40.070 State transportation agencies--Preparation of long range plans, comprehensive programs and financial plans required.
- 44.40.080 State transportation agencies--Recommended budget--Preparation and presentation--Contents.
- 44.40.090 Delegation of powers and duties to senate and house transportation and utilities committees.
- 44.40.100 Contracts authorized.
- 44.40.110 Review and study of taxing structure for transportation programs and activities.

Chapter 44.60 Legislative ethics.

- 44.60.030 Boards of legislative ethics--Jurisdiction. (See note.)

Chapter 44.64 Legislative lobbying.

- 44.64.010-44.64.120, 44.64.900-44.64.930.

Cross References:

Legislators as retired state employees for insurance purposes: RCW 41.05.080.

Legislature, reports to, higher education assistance authority: RCW 28B.17.170.