

NEW SECTION. Sec. 5. This act shall apply to foreclosures commenced, by the giving of a notice of default pursuant to RCW 61.24.030(6), after the effective date of this act.

Passed the Senate March 7, 1985.

Passed the House April 12, 1985.

Approved by the Governor April 30, 1985.

Filed in Office of Secretary of State April 30, 1985.

CHAPTER 194

[Senate Bill No. 3103]

HOMESTEADS

AN ACT Relating to award in lieu of homestead; and amending RCW 11.52.012, 11.52.020, and 11.52.022.

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

Sec. 1. Section 11.52.012, chapter 145, Laws of 1965 as last amended by section 18, chapter 260, Laws of 1984 and RCW 11.52.012 are each amended to read as follows:

Such award shall be made by an order or judgment of the court and shall vest the absolute title, and thereafter there shall be no further administration upon such portion of the estate so set off, but the remainder of the estate shall be settled as other estates: PROVIDED, That no property of the estate shall be awarded or set off, as provided in RCW 11.52.010 through 11.52.024, as now or hereafter amended, to a surviving spouse who has feloniously killed the deceased spouse: PROVIDED FURTHER, That if it shall appear to the court, either (1) that there are children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) if such surviving spouse or minor children are entitled to receive property not subject to probate, including insurance, by reason of the death of the deceased spouse in the ~~((sum of twenty-five thousand dollars))~~ amount specified in RCW 11.52.010, or more, then the award in lieu of homestead and exemptions shall lie in the discretion of the court, and that whether there shall be an award and the amount thereof shall be determined by the court, which shall enter such decree as shall be just and equitable but not in excess of the award provided herein.

Sec. 2. Section 11.52.020, chapter 145, Laws of 1965 as last amended by section 19, chapter 260, Laws of 1984 and RCW 11.52.020 are each amended to read as follows:

In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead results in vesting the complete or partial title in the survivor, it shall be the duty of the court,

upon petition of any person interested, and upon being satisfied that the value thereof does not exceed ~~((twenty-five thousand dollars))~~ at the time of the death the amount specified in RCW 11.52.010, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased and exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's, or materialmen's liens thereon, and exclusive of funeral expenses, expenses of last sickness and of administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse, to enter a decree, upon notice as provided in RCW 11.52.014 or upon longer notice if the court so orders, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor: PROVIDED, That if there be any incompetent heirs of the decedent, the court shall appoint a guardian ad litem for such incompetent heir who shall appear at the hearing and represent the interest of such incompetent heir.

Sec. 3. Section 11.52.022, chapter 145, Laws of 1965 as last amended by section 20, chapter 260, Laws of 1984 and RCW 11.52.022 are each amended to read as follows:

If the value of the homestead, exclusive of all such liens, be less than ~~((twenty-five thousand dollars))~~ the amount specified in RCW 11.52.010, the court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration, have been paid or provided for, shall set off and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all such liens and expenses when added to the value of the other property awarded, exclusive of all such liens and expenses shall equal ~~((twenty-five thousand dollars))~~ the amount specified in RCW 11.52.010: PROVIDED, That if it shall appear to the court, either (1) that there are children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) that such surviving spouse is, or any minor child entitled to an award under RCW 11.52.030 is, entitled to receive property not subject to probate, including insurance by reason of the death of the deceased spouse in the ~~((sum of twenty-five thousand dollars))~~ amount specified in RCW 11.52.010, or more, then the award of property in addition to the homestead, where the homestead is of less than ~~((twenty-five thousand dollars in value))~~ the amount specified in RCW 11.52.010, shall lie in the discretion of the court, and that whether there shall be an award in addition to the homestead and the amount thereof shall be determined by the court, which

shall enter such decree as shall be just and equitable, but not in excess of the award provided herein.

Passed the Senate February 6, 1985.

Passed the House April 12, 1985.

Approved by the Governor April 30, 1985.

Filed in Office of Secretary of State April 30, 1985.

CHAPTER 195

[Senate Bill No. 3127]

STATE INVESTMENT BOARD—MEMBERSHIP—STATE TREASURER MAY DESIGNATE ASSISTANT STATE TREASURER

AN ACT Relating to the state investment board; and amending RCW 43.33A.020.

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

Sec. 1. Section 2, chapter 3, Laws of 1981 as amended by section 1, chapter 219, Laws of 1981 and RCW 43.33A.020 are each amended to read as follows:

There is hereby created the state investment board to consist of fourteen members to be appointed as provided in this section.

(1) One member who is an active member of the public employees' retirement system and has been an active member for at least five years. This member shall be appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. The initial term of appointment shall be one year.

(2) One member who is an active member of the law enforcement officers' and fire fighters' retirement system and has been an active member for at least five years. This member shall be appointed by the governor, subject to confirmation by the senate, from a list of nominations submitted by organizations representing active members of the system. The initial term of appointment shall be two years.

(3) One member who is an active member of the teachers' retirement system and has been an active member for at least five years. This member shall be appointed by the superintendent of public instruction subject to confirmation by the senate. The initial term of appointment shall be three years.

(4) The state treasurer or the assistant state treasurer if designated by the state treasurer.

(5) A member of the state house of representatives. This member shall be appointed by the speaker of the house of representatives.

(6) A member of the state senate. This member shall be appointed by the president of the senate.