

(5) Any city acting jointly outside the state of Washington, by mutual agreement with any participant under authority of this section, shall not acquire properties owned or operated by any public utility district, by any regulated utility, or by any public utility owned by a municipality without the consent of the utility owning or operating the property, and shall not participate in any condemnation proceeding to acquire such properties.

Passed the House April 15, 1989.

Passed the Senate April 7, 1989.

Approved by the Governor May 5, 1989.

Filed in Office of Secretary of State May 5, 1989.

CHAPTER 250

[Substitute Senate Bill No. 5663]

LOCAL OFFICIALS—RECALL ACTIONS—DEFENSE EXPENSES

AN ACT Relating to the recall of county officials; amending RCW 36.16.134; and adding a new section to chapter 35.21 RCW.

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

Sec. 1. Section 1, chapter 72, Laws of 1979 ex. sess. and RCW 36.16-.134 are each amended to read as follows:

(1) Whenever an action or proceeding for damages is brought against any officer or employee of a county of this state, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer or employee may request the county to authorize the defense of the action or proceeding at the expense of the county.

(2) If the county legislative authority finds that the acts or omissions of the officer or employee were, or in good faith purported to be, within the scope of his or her official duties, the request may be granted. If the request is granted, the necessary expenses of defending the action or proceeding shall be paid by the county. Any ((money)) monetary judgment against the officer or employee may be paid on approval of the county legislative authority.

(3) The necessary expenses of defending an elective county officer in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29.82.023 shall be paid by the county if the officer requests such defense and approval is granted by both the county legislative authority and the prosecuting attorney. The expenses paid by the county may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge.

NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

The necessary expenses of defending an elective city or town official in a judicial hearing to determine the sufficiency of a recall charge as provided

in RCW 29.82.023 shall be paid by the city or town if the official requests such defense and approval is granted by the city or town council. The expenses paid by the city or town may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge.

Passed the Senate April 20, 1989.

Passed the House April 6, 1989.

Approved by the Governor May 5, 1989.

Filed in Office of Secretary of State May 5, 1989.

CHAPTER 251

[House Bill No. 1047]

SECURITY INTERESTS—UNIFORM COMMERCIAL CODE

AN ACT Relating to secured transactions under the uniform commercial code; and amending RCW 62A.9-312 and 62A.9-402.

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

Sec. 1. Section 9-312, chapter 157, Laws of 1965 ex. sess. as last amended by section 52, chapter 35, Laws of 1986 and RCW 62A.9-312 are each amended to read as follows:

(1) The rules of priority stated in other sections of this Part and in the following sections shall govern when applicable: RCW 62A.4-208 with respect to the security interests of collecting banks in items being collected, accompanying documents and proceeds; RCW 62A.9-103 on security interests related to other jurisdictions; RCW 62A.9-114 on consignments.

(2) ~~((A perfected security interest in crops for new value given to enable the debtor to produce the crops during the production season and given not more than three months before the crops become growing crops by planting or otherwise takes priority over an earlier perfected security interest to the extent that such earlier interest secures obligations due more than six months before the crops become growing crops by planting or otherwise, even though the person giving new value had knowledge of the earlier security interest))~~ Conflicting priorities between security interests in crops shall be governed by chapter 60.11 RCW.

(3) A perfected purchase money security interest in inventory has priority over a conflicting security interest in the same inventory and also has priority in identifiable cash proceeds received on or before the delivery of the inventory to a buyer if

(a) the purchase money security interest is perfected at the time the debtor receives possession of the inventory; and

(b) the purchase money secured party gives notification in writing to the holder of the conflicting security interest if the holder had filed a financing statement covering the same types of inventory (i) before the date