

CERTIFICATION OF ENROLLMENT

SENATE BILL 6095

62nd Legislature
2012 Regular Session

Passed by the Senate January 27, 2012
YEAS 44 NAYS 0

President of the Senate

Passed by the House February 29, 2012
YEAS 66 NAYS 32

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6095** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6095

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Senator Kohl-Welles; by request of Statute Law Committee

Read first time 01/11/12. Referred to Committee on Labor, Commerce & Consumer Protection.

1 AN ACT Relating to making technical corrections to gender-based
2 terms; amending RCW 2.12.037, 6.15.010, 9.95.270, 9.96.020, 41.04.120,
3 41.04.233, 41.04.510, 41.06.073, 41.06.075, 41.06.120, 41.14.030,
4 41.14.060, 41.14.090, 41.14.110, 41.14.120, 41.14.180, 41.14.250,
5 41.14.260, 41.14.270, 41.20.010, 41.20.020, 41.20.050, 41.20.060,
6 41.20.065, 41.20.070, 41.20.080, 41.20.085, 41.20.090, 41.20.100,
7 41.20.110, 41.20.120, 41.20.150, 41.20.155, 41.20.160, 41.20.170,
8 41.20.175, 41.24.100, 41.24.260, 41.26.040, 41.26.045, 41.26.046,
9 41.26.047, 41.28.010, 41.28.030, 41.28.040, 41.28.050, 41.28.080,
10 41.28.110, 41.28.120, 41.28.130, 41.28.140, 41.28.150, 41.28.160,
11 41.28.170, 41.28.180, 41.32.044, 41.32.497, 41.33.020, 41.40.210,
12 41.41.020, 41.44.030, 41.44.070, 41.44.080, 41.44.110, 41.44.120,
13 41.44.130, 41.44.140, 41.44.150, 41.44.160, 41.44.170, 41.44.180,
14 41.44.190, 41.44.200, 41.44.210, 41.44.220, 41.44.250, 41.48.020,
15 41.48.040, 41.48.050, 41.48.090, 41.48.100, 41.50.020, 41.56.080,
16 41.56.120, 41.56.220, 41.56.450, 41.56.470, 41.58.010, 41.58.801,
17 41.59.090, 41.59.120, 41.59.140, 42.04.020, 42.08.020, 42.08.030,
18 42.08.050, 42.08.090, 42.08.100, 42.08.110, 42.08.120, 42.08.130,
19 42.08.140, 42.08.160, 42.12.030, 42.14.010, 42.14.030, 42.14.060,
20 42.16.013, 42.16.014, 42.16.020, 42.16.040, 42.20.020, 42.20.030,
21 42.20.050, 42.20.080, 42.20.110, 42.24.110, 42.24.140, 42.24.150,

1	42.24.160,	42.26.050,	42.26.070,	42.30.040,	42.30.090,	42.30.120,
2	42.56.040,	46.21.030,	46.23.020,	49.32.072,	60.08.020,	60.08.060,
3	60.10.070,	60.16.010,	60.24.020,	60.24.030,	60.24.035,	60.24.075,
4	60.24.100,	60.24.130,	60.24.140,	60.24.150,	60.24.170,	60.24.190,
5	60.24.200,	60.28.030,	60.28.060,	60.32.010,	60.32.020,	60.34.010,
6	60.34.020,	60.40.020,	60.44.060,	60.52.010,	60.56.005,	60.60.040,
7	60.66.020,	60.76.010,	60.76.020,	61.12.040,	61.12.090,	61.12.093,
8	61.12.094,	61.12.120,	63.10.030,	63.14.030,	63.14.040,	63.14.060,
9	63.14.080,	63.14.110,	63.14.140,	63.14.150,	63.14.152,	63.14.158,
10	63.14.200,	63.29.010,	63.29.070,	63.29.120,	63.29.200,	63.29.350,
11	63.32.040,	63.40.020,	63.40.040,	63.48.020,	64.04.030,	64.04.040,
12	64.04.050,	64.04.070,	64.08.020,	64.08.070,	64.08.090,	64.12.040,
13	64.12.050,	64.16.005,	64.20.030,	64.32.040,	64.32.060,	64.32.070,
14	64.32.180,	64.32.200,	64.32.210,	64.32.220,	64.32.240,	65.04.070,
15	65.04.130,	65.04.140,	65.08.070,	65.08.120,	65.08.150,	65.12.005,
16	65.12.015,	65.12.020,	65.12.055,	65.12.060,	65.12.065,	65.12.070,
17	65.12.090,	65.12.110,	65.12.140,	65.12.150,	65.12.160,	65.12.170,
18	65.12.175,	65.12.180,	65.12.200,	65.12.235,	65.12.250,	65.12.255,
19	65.12.260,	65.12.265,	65.12.290,	65.12.300,	65.12.310,	65.12.320,
20	65.12.360,	65.12.370,	65.12.380,	65.12.430,	65.12.445,	65.12.450,
21	65.12.470,	65.12.480,	65.12.490,	65.12.500,	65.12.530,	65.12.550,
22	65.12.560,	65.12.570,	65.12.590,	65.12.600,	65.12.610,	65.12.620,
23	65.12.635,	65.12.640,	65.12.650,	65.12.690,	65.12.710,	65.12.720,
24	65.12.770,	65.12.790,	65.12.800,	65.16.070,	66.08.012,	66.08.014,
25	66.08.022,	66.08.080,	66.08.100,	66.12.030,	66.12.070,	66.12.110,
26	66.20.020,	66.20.040,	66.20.080,	66.20.090,	66.20.100,	66.20.110,
27	66.20.150,	66.20.190,	66.24.480,	66.28.130,	66.32.060,	66.36.010,
28	66.40.040,	66.40.100,	66.40.110,	66.40.140,	66.44.090,	66.44.140,
29	66.44.170,	66.44.292,	66.98.020,	67.04.010,	67.04.020,	67.04.030,
30	67.04.040,	67.04.050,	67.04.070,	67.04.090,	67.04.120,	67.14.040,
31	67.14.070,	67.16.015,	67.16.017,	67.70.030,	67.70.050,	67.70.070,
32	67.70.200,	67.70.290,	68.40.085,	68.40.090,	68.44.030,	68.50.040,
33	68.50.060,	68.50.080,	68.50.102,	68.50.300,	68.52.120,	68.52.260,
34	68.52.270,	68.54.040,	68.54.050,	68.54.070,	68.54.110,	68.56.020,
35	68.56.060,	69.04.006,	69.04.080,	69.04.090,	69.04.160,	69.04.170,
36	69.04.190,	69.04.206,	69.04.350,	69.04.390,	69.04.392,	69.04.570,
37	69.04.600,	69.04.620,	69.04.750,	69.04.790,	69.04.840,	69.04.915,
38	69.07.060,	69.25.080,	69.25.100,	69.25.110,	69.25.120,	69.25.140,

1 69.25.170, 69.25.180, 69.25.200, 69.25.260, 69.25.320, 69.28.020,
2 69.28.030, 69.28.040, 69.28.190, 69.28.410, 69.28.420, 69.36.010,
3 69.36.020, 69.36.040, 69.41.130, 69.50.102, 69.50.309, 69.50.412,
4 69.50.502, 69.50.506, 69.50.507, 70.08.060, 70.37.030, 70.40.040,
5 70.40.090, 70.40.130, 70.44.020, 70.44.171, 70.44.185, 70.50.020,
6 70.54.050, 70.58.010, 70.58.020, 70.58.040, 70.58.050, 70.58.095,
7 70.58.145, 70.58.270, 70.74.010, 70.74.020, 70.74.110, 70.74.120,
8 70.74.310, 70.77.450, 70.77.495, 70.77.545, 70.79.100, 70.79.170,
9 70.79.180, 70.79.330, 70.82.024, 70.82.030, 70.93.040, 70.94.095,
10 70.94.120, 70.94.142, 70.94.390, 70.94.715, 70.94.720, 70.95.210,
11 70.95B.020, 70.96A.180, 70.98.050, 70.98.100, 70.98.190, 70.105.095,
12 70.106.040, 70.106.100, 70.106.110, 70.108.020, 70.108.060, 70.108.070,
13 70.108.150, 70.110.080, 70.112.020, 70.121.030, 70.121.040, 70.121.090,
14 71.06.010, 71.06.020, 71.06.050, 71.06.060, 71.06.080, 71.06.091,
15 71.06.100, 71.06.120, 71.06.130, 71.06.260, 71.12.570, 71.12.640,
16 71.24.100, 72.01.060, 72.01.120, 72.01.140, 72.01.150, 72.01.180,
17 72.01.240, 72.01.280, 72.01.282, 72.01.300, 72.01.310, 72.01.380,
18 72.01.460, 72.02.100, 72.02.110, 72.04A.090, 72.04A.120, 72.05.152,
19 72.05.154, 72.19.040, 72.20.040, 72.23.040, 72.23.050, 72.23.060,
20 72.23.130, 72.23.160, 72.23.200, 72.23.230, 72.23.240, 72.25.020,
21 72.27.050, 72.41.020, 72.41.030, 72.42.031, 72.60.100, 72.60.160,
22 72.64.010, 72.64.040, 72.64.065, 72.64.070, 72.64.110, 72.65.020,
23 72.65.030, 72.65.040, 72.66.010, 72.66.014, 72.66.018, 72.66.022,
24 72.66.024, 72.66.024, 72.66.026, 72.66.028, 72.66.032, 72.66.034,
25 72.66.050, 72.66.080, 72.66.090, 72.68.031, 72.68.040, 72.68.050,
26 72.68.060, 72.68.070, 73.04.050, 73.04.060, 73.04.120, 73.20.060,
27 73.36.010, 73.36.040, 73.36.060, 73.36.090, 73.36.100, 73.36.110,
28 73.36.130, 73.36.150, 73.36.155, 73.36.160, and 73.36.165; and
29 reenacting and amending RCW 41.56.070, 63.14.154, 66.04.010, and
30 70.37.050.

31 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

32 **Sec. 1.** RCW 2.12.037 and 1970 ex.s. c 96 s 1 are each amended to
33 read as follows:

34 (1) "Index" for the purposes of this section, shall mean, for any
35 calendar year, that year's annual average consumer price index for

1 urban wage earners and clerical workers, all items (1957-1959 equal one
2 hundred) compiled by the Bureau of Labor Statistics, United States
3 Department of Labor;

4 (2) Effective July 1, 1970, every pension computed and payable
5 under the provisions of RCW 2.12.030 to any retired judge or to his or
6 her widow or widower which does not exceed four hundred fifty dollars
7 per month shall be adjusted to that dollar amount which bears the ratio
8 of its original dollar amount which is found to exist between the index
9 for 1969 and the index for the calendar year prior to the effective
10 retirement date of the person to whom, or on behalf of whom, such
11 retirement allowance is being paid.

12 **Sec. 2.** RCW 6.15.010 and 2011 c 162 s 2 are each amended to read
13 as follows:

14 (1) Except as provided in RCW 6.15.050, the following personal
15 property is exempt from execution, attachment, and garnishment:

16 (a) All wearing apparel of every individual and family, but not to
17 exceed three thousand five hundred dollars in value in furs, jewelry,
18 and personal ornaments for any individual.

19 (b) All private libraries including electronic media, which
20 includes audio-visual, entertainment, or reference media in digital or
21 analogue format, of every individual, but not to exceed three thousand
22 five hundred dollars in value, and all family pictures and keepsakes.

23 (c) To each individual or, as to community property of spouses
24 maintaining a single household as against a creditor of the community,
25 to the community:

26 (i) The individual's or community's household goods, appliances,
27 furniture, and home and yard equipment, not to exceed six thousand five
28 hundred dollars in value for the individual or thirteen thousand
29 dollars for the community, no single item to exceed seven hundred fifty
30 dollars, said amount to include provisions and fuel for the comfortable
31 maintenance of the individual or community;

32 (ii) Other personal property, except personal earnings as provided
33 under RCW 6.15.050(1), not to exceed three thousand dollars in value,
34 of which not more than one thousand five hundred dollars in value may
35 consist of cash, and of which not more than:

36 (A) Until January 1, 2018:

1 (I) For debts owed to state agencies, two hundred dollars in value
2 may consist of bank accounts, savings and loan accounts, stocks, bonds,
3 or other securities. The maximum exemption under (c)(ii)(A) of this
4 subsection may not exceed two hundred dollars, regardless of the number
5 of existing separate bank accounts, savings and loan accounts, stocks,
6 bonds, or other securities.

7 (II) For all other debts, five hundred dollars in value may consist
8 of bank accounts, savings and loan accounts, stocks, bonds, or other
9 securities. The maximum exemption under (c)(ii)(B) of this subsection
10 may not exceed five hundred dollars, regardless of the number of
11 existing separate bank accounts, savings and loan accounts, stocks,
12 bonds, or other securities.

13 (B) After January 1, 2018: For all debts, five hundred dollars in
14 value may consist of bank accounts, savings and loan accounts, stocks,
15 bonds, or other securities. The maximum exemption under this
16 subsection (1)(c)(ii)(B) may not exceed five hundred dollars,
17 regardless of the number of existing separate bank accounts, savings
18 and loan accounts, stocks, bonds, or other securities;

19 (iii) For an individual, a motor vehicle used for personal
20 transportation, not to exceed three thousand two hundred fifty dollars
21 or for a community two motor vehicles used for personal transportation,
22 not to exceed six thousand five hundred dollars in aggregate value;

23 (iv) Any past due, current, or future child support paid or owed to
24 the debtor, which can be traced;

25 (v) All professionally prescribed health aids for the debtor or a
26 dependent of the debtor; and

27 (vi) To any individual, the right to or proceeds of a payment not
28 to exceed twenty thousand dollars on account of personal bodily injury,
29 not including pain and suffering or compensation for actual pecuniary
30 loss, of the debtor or an individual of whom the debtor is a dependent;
31 or the right to or proceeds of a payment in compensation of loss of
32 future earnings of the debtor or an individual of whom the debtor is or
33 was a dependent, to the extent reasonably necessary for the support of
34 the debtor and any dependent of the debtor. The exemption under this
35 subsection (1)(c)(vi) does not apply to the right of the state of
36 Washington, or any agent or assignee of the state, as a lienholder or
37 subrogee under RCW 43.20B.060.

38 (d) To each qualified individual, one of the following exemptions:

1 (i) To a farmer, farm trucks, farm stock, farm tools, farm
2 equipment, supplies and seed, not to exceed ten thousand dollars in
3 value;

4 (ii) To a physician, surgeon, attorney, (~~clergyman~~) member of the
5 clergy, or other professional person, the individual's library, office
6 furniture, office equipment and supplies, not to exceed ten thousand
7 dollars in value;

8 (iii) To any other individual, the tools and instruments and
9 materials used to carry on his or her trade for the support of himself
10 or herself or family, not to exceed ten thousand dollars in value.

11 (e) Tuition units, under chapter 28B.95 RCW, purchased more than
12 two years prior to the date of a bankruptcy filing or court judgment,
13 and contributions to any other qualified tuition program under 26
14 U.S.C. Sec. 529 of the internal revenue code of 1986, as amended, and
15 to a Coverdell education savings account, also known as an education
16 individual retirement account, under 26 U.S.C. Sec. 530 of the internal
17 revenue code of 1986, as amended, contributed more than two years prior
18 to the date of a bankruptcy filing or court judgment.

19 (2) For purposes of this section, "value" means the reasonable
20 market value of the debtor's interest in an article or item at the time
21 it is selected for exemption, exclusive of all liens and encumbrances
22 thereon.

23 **Sec. 3.** RCW 9.95.270 and 1937 c 92 s 1 are each amended to read as
24 follows:

25 The governor of this state is hereby authorized to execute a
26 compact on behalf of the state of Washington with any of the United
27 States legally joining therein in the form substantially as follows:

28 A compact entered into by and among the contracting states,
29 signatories hereto, with the consent of the congress of the United
30 States of America, granted by an act entitled "An Act granting the
31 consent of congress to any two or more states to enter into agreements
32 or compacts for cooperative effort and mutual assistance in the
33 prevention of crime and for other purposes."

34 The contracting states solemnly agree:

35 (1) That it shall be competent for the duly constituted judicial
36 and administrative authorities of a state, party to this compact,
37 (herein called "sending state"), to permit any person convicted of an

1 offense within such state and placed on probation or released on parole
2 to reside in any other state party to this compact, (herein called
3 "receiving state"), while on probation or parole, if

4 (a) Such person is in fact a resident of or has his or her family
5 residing within the receiving state and can obtain employment there;

6 (b) Though not a resident of the receiving state and not having his
7 or her family residing there, the receiving state consents to such
8 person being sent there.

9 Before granting such permission, opportunity shall be granted to
10 the receiving state to investigate the home and prospective employment
11 of such person.

12 A resident of the receiving state, within the meaning of this
13 section, is one who has been an actual inhabitant of such state
14 continuously for more than one year prior to his or her coming to the
15 sending state and has not resided within the sending state more than
16 six continuous months immediately preceding the commission of the
17 offense for which he or she has been convicted.

18 (2) That each receiving state will assume the duties of visitation
19 of and supervision over probationers or parolees of any sending state
20 and in the exercise of those duties will be governed by the same
21 standards that prevail for its own probationers and parolees.

22 (3) That duly accredited officers of a sending state may at all
23 times enter a receiving state and there apprehend and retake any person
24 on probation or parole. For that purpose no formalities will be
25 required other than establishing the authority of the officer and the
26 identity of the person to be retaken. All legal requirements to obtain
27 extradition of fugitives from justice are hereby expressly waived on
28 the part of states party hereto, as to such persons. The decision of
29 the sending state to retake a person on probation or parole shall be
30 conclusive upon and not reviewable within the receiving state:
31 PROVIDED, HOWEVER, That if at the time when a state seeks to retake a
32 probationer or parolee there should be pending against him or her
33 within the receiving state any criminal charge, or he or she should be
34 suspected of having committed within such state a criminal offense, he
35 or she shall not be retaken without the consent of the receiving state
36 until discharged from prosecution or from imprisonment for such
37 offense.

1 (4) That the duly accredited officers of the sending state will be
2 permitted to transport prisoners being retaken through any and all
3 states parties to this compact, without interference.

4 (5) That the governor of each state may designate an officer who,
5 acting jointly with like officers of other contracting states, if and
6 when appointed, shall promulgate such rules and regulations as may be
7 deemed necessary to more effectively carry out the terms of this
8 compact.

9 (6) That this compact shall become operative immediately upon its
10 execution by any state as between it and any other state or states so
11 executing. When executed it shall have the full force and effect of
12 law within such state, the form of execution to be in accordance with
13 the laws of the executing state.

14 (7) That this compact shall continue in force and remain binding
15 upon each executing state until renounced by it. The duties and
16 obligations hereunder of a renouncing state shall continue as to
17 parolees or probationers residing therein at the time of withdrawal
18 until retaken or finally discharged by the sending state. Renunciation
19 of this compact shall be by the same authority which executed it, by
20 sending six months' notice in writing of its intention to withdraw from
21 the compact to the other states, party hereto.

22 **Sec. 4.** RCW 9.96.020 and 2011 c 336 s 343 are each amended to read
23 as follows:

24 Whenever the governor shall determine to restore his or her civil
25 rights to any person convicted of an infamous crime in any superior
26 court of this state, he or she shall execute and file in the office of
27 the secretary of state an instrument in writing in substantially the
28 following form:

29 "To the People of the State of Washington
30 Greeting:

1 I, the undersigned Governor of the State of
2 Washington, by virtue of the power vested in my office by
3 the constitution and laws of the State of Washington, do by
4 these presents restore to his or her civil rights
5 forfeited by him (or her) by reason of his (or her)
6 conviction of the crime of (naming it) in the
7 Superior Court for the County of, on to-wit:
8 The day of, 19...
9 Dated the day of, 19...
10 (Signed)
11 Governor of Washington."

12 **Sec. 5.** RCW 41.04.120 and 1957 c 164 s 1 are each amended to read
13 as follows:

14 Any civil service employee of the state of Washington or of any
15 political subdivision thereof who is on leave of absence by reason of
16 having been elected or appointed to an elective office shall be
17 preserved in his or her civil service status, his or her seniority,
18 rank and retirement rights so long as he or she regularly continues to
19 make the usual contribution incident to the retention of such
20 beneficial rights as if he or she were not on leave of absence:
21 PROVIDED, That such contributions being made shall be based on the rank
22 at the time of taking such leave of absence.

23 **Sec. 6.** RCW 41.04.233 and 1975 1st ex.s. c 290 s 20 are each
24 amended to read as follows:

25 Any employee or retired employee of the state or its departments,
26 agencies, or subdivisions and any employee or retired employee of a
27 county, public or municipal corporation, school district, or tax
28 supported institution may authorize the deduction from his or her
29 salary or wages of the amount of his or her capitation payments to any
30 health maintenance organization receiving a certificate of authority
31 under this chapter. Upon the filing of an authorization with the
32 auditor or fiscal officer of the employer, such auditor or fiscal
33 officer shall make payments in favor of the health maintenance
34 organizations referred to in the authorization for the amounts of the
35 deductions authorized, RCW 41.04.230(7) notwithstanding.

1 **Sec. 7.** RCW 41.04.510 and 1989 c 21 s 1 are each amended to read
2 as follows:

3 The disability leave supplement shall be paid as follows:

4 (1) The disability leave supplement shall begin on the sixth
5 calendar day from the date of the injury or illness which entitles the
6 employee to benefits under RCW 51.32.090. For the purposes of this
7 section, the day of injury shall constitute the first calendar day.

8 (2) One-half of the amount of the supplement as defined in RCW
9 41.04.505 shall be charged against the accrued paid leave of the
10 employee. In computing such charge, the employer shall convert
11 accumulated days, or other time units as the case may be, to a money
12 equivalent based on the base monthly salary of the employee at the time
13 of the injury or illness. "Base monthly salary" for the purposes of
14 this section means the amount earned by the employee before any
15 voluntary or involuntary payroll deductions, and not including overtime
16 pay.

17 (3) One-half of the amount of the supplement as defined in RCW
18 41.04.505 shall be paid by the employer.

19 If an employee has no accrued paid leave at the time of an injury
20 or illness which entitles him or her to benefits under RCW 51.32.090,
21 or if accrued paid leave is exhausted during the period of disability,
22 the employee shall receive only that portion of the disability leave
23 supplement prescribed by subsection (3) of this section.

24 **Sec. 8.** RCW 41.06.073 and 1970 ex.s. c 62 s 11 are each amended to
25 read as follows:

26 In addition to the exemptions set forth in RCW 41.06.070, the
27 provisions of this chapter shall not apply in the department of ecology
28 to the director, his or her confidential secretary, his or her deputy
29 director, and not to exceed six assistant directors.

30 **Sec. 9.** RCW 41.06.075 and 1979 c 151 s 56 are each amended to read
31 as follows:

32 In addition to the exemptions set forth in RCW 41.06.070, the
33 provisions of this chapter shall not apply in the office of financial
34 management to the director, his or her confidential secretary, not to
35 exceed two deputy directors and not to exceed seven assistant
36 directors.

1 **Sec. 10.** RCW 41.06.120 and 2011 1st sp.s. c 43 s 406 are each
2 amended to read as follows:

3 (1) In the necessary conduct of its work, the board shall meet
4 monthly unless there is no pending business requiring board action and
5 may hold hearings, such hearings to be called by (a) the ((~~chairman~~))
6 chair of the board, or (b) a majority of the members of the board. An
7 official notice of the calling of the hearing shall be filed with the
8 secretary, and all members shall be notified of the hearing within a
9 reasonable period of time prior to its convening.

10 (2) No release of material or statement of findings shall be made
11 except with the approval of a majority of the board;

12 (3) In the conduct of hearings or investigations, a member of the
13 board or the director, or the hearing officer, may administer oaths.

14 **Sec. 11.** RCW 41.14.030 and 2009 c 112 s 2 are each amended to read
15 as follows:

16 (1) There is created in each county and in each combination of
17 counties, combined pursuant to RCW 41.14.040 to carry out the
18 provisions of this chapter, a civil service commission which shall be
19 composed of three persons, or five persons under subsection (2) of this
20 section. The commission members shall be appointed by the board of
21 county commissioners, or boards of county commissioners of each
22 combination of counties, within sixty days after December 4, 1958. No
23 person shall be appointed to the commission who is not a citizen of the
24 United States, a resident of the county, or one of the counties
25 combined, for at least two years immediately preceding his or her
26 appointment, and an elector of the county wherein he or she resides.
27 The term of office of the commissioners shall be six years, except that
28 the first three members of the commission shall be appointed for
29 different terms, as follows: One to serve for a period of two years,
30 one to serve for a period of four years, and one to serve for a period
31 of six years. Any member of the commission may be removed from office
32 for incompetency, incompatibility, or dereliction of duty, or
33 malfeasance in office, or other good cause: PROVIDED, That no member
34 of the commission shall be removed until charges have been preferred,
35 in writing, due notice, and a full hearing had. Any vacancy in the
36 commission shall be filled by the county commissioners for the
37 unexpired term. Two members of the commission shall constitute a

1 quorum and the votes of any two members concurring shall be sufficient
2 for the decision of all matters and the transaction of all business to
3 be decided or transacted by the commission. Confirmation of the
4 appointment of commissioners by any legislative body shall not be
5 required. At the time of appointment not more than two commissioners
6 shall be adherents of the same political party. No member after
7 appointment shall hold any salaried public office or engage in county
8 employment, other than his or her commission duties. The members of
9 the commission shall serve without compensation.

10 (2)(a) Each county and each combination of counties under RCW
11 41.14.040 may, by ordinance, increase the number of members serving on
12 a commission from three to five members. If a commission is increased
13 to five members, the terms of the three commissioners serving at the
14 time of the increase are not affected. The initial term of office for
15 the two additional commissioners is six years.

16 (b) Three commissioners constitute a quorum for a five-member
17 commission and the votes of three commissioners concurring are
18 sufficient for the decision of all matters and the transaction of all
19 business decided or transacted by a five-member commission.

20 (c) At the time of appointment of the two additional commissioners,
21 no more than three commissioners may be adherents of the same political
22 party.

23 (d) Except as provided otherwise in this subsection (2), subsection
24 (1) of this section applies to five-member commissions.

25 **Sec. 12.** RCW 41.14.060 and 2001 c 232 s 1 are each amended to read
26 as follows:

27 It shall be the duty of the civil service commission:

28 (1) To make suitable rules and regulations not inconsistent with
29 the provisions hereof. Such rules and regulations shall provide in
30 detail the manner in which examinations may be held, and appointments,
31 promotions, reallocations, transfers, reinstatements, demotions,
32 suspensions, and discharges shall be made, and may also provide for any
33 other matters connected with the general subject of personnel
34 administration, and which may be considered desirable to further carry
35 out the general purposes of this chapter, or which may be found to be
36 in the interest of good personnel administration. The rules and

1 regulations and any amendments thereof shall be printed, mimeographed,
2 or multigraphed for free public distribution. Such rules and
3 regulations may be changed from time to time.

4 (2) To give practical tests which shall consist only of subjects
5 which will fairly determine the capacity of persons examined to perform
6 duties of the position to which appointment is to be made. Such tests
7 may include tests of physical fitness or manual skill or both.

8 (3) To make investigations concerning and report upon all matters
9 touching the enforcement and effect of the provisions of this chapter,
10 and the rules and regulations prescribed hereunder; to inspect all
11 departments, offices, places, positions, and employments affected by
12 this chapter, and ascertain whether this chapter and all such rules and
13 regulations are being obeyed. Such investigations may be made by the
14 commission or by any commissioner designated by the commission for that
15 purpose. Not only must these investigations be made by the commission
16 as aforesaid, but the commission must make like investigation on
17 petition of a citizen, duly verified, stating that irregularities or
18 abuses exist, or setting forth in concise language, in writing, the
19 necessity for such investigation. In the course of such investigation
20 the commission or designated commissioner, or chief examiner, may
21 administer oaths, subpoena and require the attendance of witnesses and
22 the production by them of books, papers, documents, and accounts
23 appertaining to the investigation and also cause the deposition of
24 witnesses residing within or without the state to be taken in the
25 manner prescribed by law for like depositions in civil actions in the
26 superior court; and the oaths administered and the subpoenas issued
27 hereunder shall have the same force and effect as the oaths
28 administered and subpoenas issued by a superior court judge in his or
29 her judicial capacity; and the failure of any person so subpoenaed to
30 comply with the provisions of this section shall be deemed a violation
31 of this chapter, and punishable as such.

32 (4) To conduct hearings and investigations in accordance with this
33 chapter and by the rules of practice and procedure adopted by the
34 commission, and in the conduct thereof neither the commission, nor
35 designated commissioner shall be bound by technical rules of evidence.
36 No informality in any proceedings or hearing, or in the manner of
37 taking testimony before the commission or designated commissioner,
38 shall invalidate any order, decision, rule, or regulation made,

1 approved, or confirmed by the commission: PROVIDED, That no order,
2 decision, rule, or regulation made by any designated commissioner
3 conducting any hearing or investigation alone shall be of any force or
4 effect whatsoever unless and until concurred in by at least one of the
5 other two members.

6 (5) To hear and determine appeals or complaints respecting the
7 allocation of positions, the rejection of an examinee, and such other
8 matters as may be referred to the commission.

9 (6) To provide for, formulate, and hold competitive tests to
10 determine the relative qualifications of persons who seek employment in
11 any class or position and as a result thereof establish eligible lists
12 for the various classes of positions, and provide that persons laid
13 off, or who have accepted voluntary demotion in lieu of layoff, because
14 of curtailment of expenditures, reduction in force, and for like
15 causes, head the list in the order of their seniority, to the end that
16 they shall be the first to be reemployed or reinstated in their former
17 job class.

18 (7) To certify to the appointing authority, when a vacant position
19 is to be filled, on written request, the names of the three persons
20 highest on the eligible list for the class. If there is no such list,
21 to authorize a provisional or temporary appointment list for such
22 class. A temporary appointment expires after four months. However,
23 the appointing authority may extend the temporary appointment beyond
24 the four-month period up to one year if the commission continues to
25 advertise and test for the position. If, after one year from the date
26 the initial temporary appointment was first made, there are less than
27 three persons on the eligible list for the class, then the appointing
28 authority may fill the position with any person or persons on the
29 eligible list.

30 (8) To keep such records as may be necessary for the proper
31 administration of this chapter.

32 **Sec. 13.** RCW 41.14.090 and 1959 c 1 s 9 are each amended to read
33 as follows:

34 For the benefit of the public service and to prevent delay, injury,
35 or interruption therein by reason of the enactment hereof, all persons
36 holding a position which is deemed classified by RCW 41.14.070 for a
37 continuous period of six months prior to December 4, 1958, are eligible

1 for permanent appointment under civil service to the offices, places,
2 positions, or employments which they then held without examination or
3 other act on their part, and not on probation; and every such person is
4 automatically adopted and inducted permanently into civil service, into
5 the office, place, position, or employment which he or she then held as
6 completely and effectually to all intents and purposes as if such
7 person had been permanently appointed thereto under civil service after
8 examination and investigation.

9 **Sec. 14.** RCW 41.14.110 and 1959 c 1 s 11 are each amended to read
10 as follows:

11 The tenure of every person holding an office, place, position, or
12 employment under the provisions of this chapter shall be only during
13 good behavior, and any such person may be removed or discharged,
14 suspended without pay, demoted, or reduced in rank, or deprived of
15 vacation privileges or other special privileges for any of the
16 following reasons:

17 (1) Incompetency, inefficiency, or inattention to, or dereliction
18 of duty;

19 (2) Dishonesty, intemperance, immoral conduct, insubordination,
20 discourteous treatment of the public, or a fellow employee, or any
21 other act of omission or commission tending to injure the public
22 service; or any other (~~wilful~~) willful failure on the part of the
23 employee to properly conduct himself or herself; or any (~~wilful~~)
24 willful violation of the provisions of this chapter or the rules and
25 regulations to be adopted hereunder;

26 (3) Mental or physical unfitness for the position which the
27 employee holds;

28 (4) Dishonest, disgraceful, or prejudicial conduct;

29 (5) Drunkenness or use of intoxicating liquors, narcotics, or any
30 other habit forming drug, liquid, or preparation to such extent that
31 the use thereof interferes with the efficiency or mental or physical
32 fitness of the employee, or which precludes the employee from properly
33 performing the function and duties of any position under civil service;

34 (6) Conviction of a felony, or a misdemeanor involving moral
35 turpitude;

36 (7) Any other act or failure to act which in the judgment of the

1 civil service commission is sufficient to show the offender to be an
2 unsuitable and unfit person to be employed in the public service.

3 **Sec. 15.** RCW 41.14.120 and 1984 c 199 s 1 are each amended to read
4 as follows:

5 No person in the classified civil service who has been permanently
6 appointed or inducted into civil service under provisions of this
7 chapter, shall be removed, suspended, demoted, or discharged except for
8 cause, and only upon written accusation of the appointing power or any
9 citizen or taxpayer; a written statement of which accusation, in
10 general terms, shall be served upon the accused, and a duplicate filed
11 with the commission. Any person so removed, suspended, discharged, or
12 demoted may within ten days from the time of his or her removal,
13 suspension, discharge, or demotion file with the commission a written
14 demand for an investigation, whereupon the commission shall conduct
15 such investigation. Upon receipt of the written demand for an
16 investigation, the commission shall within ten days set a date for a
17 public hearing which will be held within thirty days from the date of
18 receipt. The investigation shall be confined to the determination of
19 the question of whether the removal, suspension, demotion, or discharge
20 was made in good faith for cause. After such investigation the
21 commission shall render a written decision within ten days and may
22 affirm the removal, suspension, demotion, or discharge, or if it finds
23 that removal, suspension, demotion, or discharge was not made in good
24 faith for cause, shall order the immediate reinstatement or
25 reemployment of such person in the office, place, position, or
26 employment from which he or she was removed, suspended, demoted, or
27 discharged, which reinstatement shall, if the commission so provides,
28 be retroactive, and entitle such person to pay or compensation from the
29 time of the removal, suspension, demotion, or discharge. The
30 commission upon such investigation, in lieu of affirming a removal,
31 suspension, demotion, or discharge, may modify the order by directing
32 the removal, suspension, demotion, or discharge without pay, for a
33 given period, and subsequent restoration to duty, or demotion in
34 classification, grade, or pay. The findings of the commission shall be
35 certified, in writing to the appointing power, and shall be forthwith
36 enforced by such officer.

1 All investigations made by the commission pursuant to this section
2 shall be by public hearing, after reasonable notice to the accused of
3 the time and place thereof, at which hearing the accused shall be
4 afforded an opportunity of appearing in person and by counsel, and
5 presenting his or her defense. If order of removal, suspension,
6 demotion, or discharge is concurred in by the commission or a majority
7 thereof, the accused may appeal therefrom to the superior court of the
8 county wherein he or she resides. Such appeal shall be taken by
9 serving the commission, within thirty days after the entry of its
10 order, a written notice of appeal, stating the grounds thereof, and
11 demanding that a certified transcript of the record and of all papers
12 on file in the office of the commission affecting or relating to its
13 order, be filed by the commission with the court. The commission
14 shall, within ten days after the filing of the notice, make, certify,
15 and file such transcript with the court. The court shall thereupon
16 proceed to hear and determine the appeal in a summary manner. Such
17 hearing shall be confined to the determination of whether the order of
18 removal, suspension, demotion, or discharge made by the commission, was
19 or was not made in good faith for cause, and no appeal shall be taken
20 except upon such ground or grounds. The decision of the superior court
21 may be appealed to the supreme court or the court of appeals.

22 **Sec. 16.** RCW 41.14.180 and 1959 c 1 s 18 are each amended to read
23 as follows:

24 No commissioner or any other person, shall, by himself or herself
25 or in cooperation with others, defeat, deceive, or obstruct any person
26 in respect of his or her right of examination or registration according
27 to the rules and regulations, or falsely mark, grade, estimate, or
28 report upon the examination or proper standing of any person examined,
29 registered, or certified pursuant to this chapter, or aid in so doing,
30 or make any false representation concerning the same, or concerning the
31 person examined, or furnish any person any special or secret
32 information for the purpose of improving or injuring the prospects or
33 chances of any person so examined, registered or certified, or to be
34 examined, registered, or certified, or persuade any other person, or
35 permit or aid in any manner any other person to personate him or her,
36 in connection with any examination or registration of application or
37 request to be examined or registered.

1 The right of any person to an appointment or promotion to any
2 position in a sheriff's office shall not be withheld because of his or
3 her race, color, creed, national origin, political affiliation or
4 belief, nor shall any person be dismissed, demoted, or reduced in grade
5 for such reason.

6 **Sec. 17.** RCW 41.14.250 and 1972 ex.s. c 48 s 1 are each amended to
7 read as follows:

8 When any city or town shall contract with the county sheriff's
9 office to obtain law enforcement services to the city or town, any
10 employee of the police department of such city or town who (1) was at
11 the time such contract was entered into employed exclusively or
12 principally in performing the powers, duties, and functions which are
13 to be performed by the county sheriff's office under such contract (2)
14 will, as a direct consequence of such contract, be separated from the
15 employ of the city or town, and (3) meets the minimum standards and
16 qualifications of the county sheriff's office, then such employee may
17 transfer his or her employment to the county sheriff's office as
18 provided for in RCW 41.14.260 and 41.14.270.

19 **Sec. 18.** RCW 41.14.260 and 1972 ex.s. c 48 s 2 are each amended to
20 read as follows:

21 (1) An eligible employee may transfer into the county civil service
22 system for the sheriff's office by filing a written request with the
23 county civil service commission and by giving written notice thereof to
24 the legislative authority of the city or town. Upon receipt of such
25 request by the civil service commission the transfer of employment
26 shall be made. The employee so transferring will (1) be on probation
27 for the same period as are new employees of the sheriff's office, (2)
28 be eligible for promotion after completion of the probationary period
29 as completed, (3) receive a salary at least equal to that of other new
30 employees of the sheriff's office, and (4) in all other matters, such
31 as retirement, vacation, etc., have, within the county civil service
32 system, all the rights, benefits, and privileges that he or she would
33 have been entitled to had he or she been a member of the county
34 sheriff's office from the beginning of his or her employment with the
35 city or town police department. The city or town shall, upon receipt
36 of such notice, transmit to the county civil service commission a

1 record of the employee's service with the city or town which shall be
2 credited to such member as a part of his or her period of employment in
3 the county sheriff's office. The sheriff may appoint the transferring
4 employee to whatever duties he or she feels are in the best interest of
5 the department and the individual.

6 (2) If in the process of contracting for law enforcement services
7 economies or efficiencies are achieved or if the city or town intends
8 by such contract to curtail expenditures and the level of services to
9 the city or town, then only so many of the transferring employees shall
10 be placed upon the payroll of the sheriff's office as the sheriff
11 determines are needed to provide the contracted services. These needed
12 employees shall be taken in order of seniority and the remaining
13 employees who transfer as provided in RCW 41.14.250, 41.14.260, and
14 41.14.270 shall head the list of their respective class or job listing
15 in the civil service system in order of their seniority, to the end
16 that they shall be the first to be reemployed in the county sheriff's
17 office when appropriate positions become available.

18 **Sec. 19.** RCW 41.14.270 and 1972 ex.s. c 48 s 3 are each amended to
19 read as follows:

20 When a city or town shall contract with the county sheriff's office
21 for law enforcement services and as a result thereof lays off any
22 employee who is eligible to transfer to the county sheriff's office
23 pursuant to RCW 41.14.250 and 41.14.260, the city or town shall notify
24 such employee of his or her right to so transfer and such employee
25 shall have ninety days to transfer his or her employment to the county
26 sheriff's office: PROVIDED, That any employee layed off during the
27 year prior to February 21, 1972 shall have ninety days after the
28 effective date to transfer his or her employment.

29 **Sec. 20.** RCW 41.20.010 and 1988 c 164 s 3 are each amended to read
30 as follows:

31 (1) The mayor or his or her designated representative who shall be
32 an elected official of the city, and the clerk, treasurer, president of
33 the city council or mayor pro tem of each city of the first class, or
34 in case any such city has no city council, the commissioner who has
35 supervision of the police department, together with three active or
36 retired members of the police department, to be elected as herein

1 provided, in addition to the duties now required of them, are
2 constituted a board of trustees of the relief and pension fund of the
3 police department of each such city, and shall provide for the
4 disbursement of the fund, and designate the beneficiaries thereof.

5 (2) The police department and the retired law enforcement officers
6 of each city of the first class shall elect three members to act as
7 members of the board. Members shall be elected for three year terms.
8 Existing members shall continue in office until replaced as provided
9 for in this section.

10 (3) Such election shall be held in the following manner. Not more
11 than thirty nor less than fifteen days preceding the first day of June
12 in each year, written notice of the nomination of any member or retired
13 member of the department for membership on the board may be filed with
14 the secretary of the board. Each notice of nomination shall be signed
15 by not less than five members or retired members of the department, and
16 nothing herein contained shall prevent any member or retired member of
17 the department from signing more than one notice of nomination. The
18 election shall be held on a date to be fixed by the secretary during
19 the month of June. Notice of the dates upon which notice of nomination
20 may be filed and of the date fixed for the election of such members of
21 the board shall be given by the secretary of the board by posting
22 written notices thereof in a prominent place in the police
23 headquarters. For the purpose of such election, the secretary of the
24 board shall prepare and furnish printed or typewritten ballots in the
25 usual form, containing the names of all persons regularly nominated for
26 membership and shall furnish a ballot box for the election. Each
27 member and each retired member of the police department shall be
28 entitled to vote at the election for one nominee as a member of the
29 board. The chief of the department shall appoint two members to act as
30 officials of the election, who shall be allowed their regular wages for
31 the day, but shall receive no additional compensation therefor. The
32 election shall be held in the police headquarters of the department and
33 the polls shall open at 7:30 a.m. and close at 8:30 p.m. The one
34 nominee receiving the highest number of votes shall be declared elected
35 to the board and his or her term shall commence on the first day of
36 July succeeding the election. In the first election the nominee
37 receiving the greatest number of votes shall be elected to the three
38 year term, the second greatest to the two year term and the third

1 greatest to the one year term. Retired members who are subject to the
2 jurisdiction of the board have both the right to elect and the right to
3 be elected under this section. Ballots shall contain all names of
4 those nominated, both active and retired. Notice of nomination and
5 voting by retired members shall be conducted by the board.

6 **Sec. 21.** RCW 41.20.020 and 1973 1st ex.s. c 16 s 2 are each
7 amended to read as follows:

8 The mayor, or his or her designated representative, shall be ex
9 officio (~~(chairman)~~) chair, the clerk shall be ex officio secretary,
10 and the treasurer shall be ex officio treasurer of said board. The
11 secretary of said board, at the time of making his or her annual
12 reports as said city clerk, shall annually report the condition of said
13 fund, the receipts and disbursements on account of the same, together
14 with a complete list of the beneficiaries of said fund, and the amounts
15 paid to each of them.

16 **Sec. 22.** RCW 41.20.050 and 1973 1st ex.s. c 181 s 3 are each
17 amended to read as follows:

18 Whenever a person has been duly appointed, and has served honorably
19 for a period of twenty-five years, as a member, in any capacity, of the
20 regularly constituted police department of a city subject to the
21 provisions of this chapter, the board, after hearing, if one is
22 requested in writing, may order and direct that such person be retired,
23 and the board shall retire any member so entitled, upon his or her
24 written request therefor. The member so retired hereafter shall be
25 paid from the fund during his or her lifetime a pension equal to fifty
26 percent of the amount of salary at any time hereafter attached to the
27 position held by the retired member for the year preceding the date of
28 his or her retirement: PROVIDED, That, except as to a position higher
29 than that of captain held for at least three calendar years prior to
30 date of retirement, no such pension shall exceed an amount equivalent
31 to fifty percent of the salary of captain, and all existing pensions
32 shall be increased to not less than three hundred dollars per month as
33 of April 25, 1973: PROVIDED FURTHER, That a person hereafter retiring
34 who has served as a member for more than twenty-five years, shall have
35 his or her pension payable under this section increased by two percent

1 of his or her salary per year for each full year of such additional
2 service to a maximum of five additional years.

3 Any person who has served in a position higher than the rank of
4 captain for a minimum of three years may elect to retire at such higher
5 position and receive for his or her lifetime a pension equal to fifty
6 percent of the amount of the salary at any time hereafter attached to
7 the position held by such retired member for the year preceding his or
8 her date of retirement: PROVIDED, That such person make the said
9 election to retire at a higher position by September 1, 1969 and at the
10 time of making the said election, pay into the relief and pension fund
11 in addition to the contribution required by RCW 41.20.130: (1) an
12 amount equal to six percent of that portion of all monthly salaries
13 previously received upon which a sum equal to six percent has not been
14 previously deducted and paid into the police relief and pension fund;
15 (2) and such person agrees to continue paying into the police relief
16 and pension fund until the date of retirement, in addition to the
17 contributions required by RCW 41.20.130, an amount equal to six percent
18 of that portion of monthly salary upon which a six percent contribution
19 is not currently deducted pursuant to RCW 41.20.130.

20 Any person affected by this chapter who at the time of entering the
21 armed services was a member of such police department and is a veteran
22 as defined in RCW 41.04.005, shall have added to his or her period of
23 employment as computed under this chapter, his or her period of war
24 service in the armed forces, but such credited service shall not exceed
25 five years and such period of service shall be automatically added to
26 each member's service upon payment by him or her of his or her
27 contribution for the period of his or her absence at the rate provided
28 in RCW 41.20.130.

29 **Sec. 23.** RCW 41.20.060 and 1998 c 157 s 3 are each amended to read
30 as follows:

31 Whenever any person, while serving as a ((~~police~~man)) police
32 officer in any such city becomes physically disabled by reason of any
33 bodily injury received in the immediate or direct performance or
34 discharge of his or her duties as a ((~~police~~man)) police officer, or
35 becomes incapacitated for service on account of any duty connected
36 disability, such incapacity not having been caused or brought on by
37 dissipation or abuse, of which the board shall be judge, the board may,

1 upon his or her written request filed with the secretary, or without
2 such written request, if it deems it to be for the benefit of the
3 public, retire such person from the department, and order and direct
4 that he or she be paid from the fund during his or her lifetime, a
5 pension equal to fifty percent of the amount of salary at any time
6 hereafter attached to the position which he or she held in the
7 department at the date of his or her retirement, but not to exceed an
8 amount equivalent to fifty percent of the salary of captain except as
9 to a position higher than that of captain held for at least three
10 calendar years prior to the date of retirement in which case as to such
11 position the provisions of RCW 41.20.050 shall apply, and all existing
12 pensions shall be increased to not less than three hundred dollars per
13 month as of April 25, 1973: PROVIDED, That where, at the time of
14 retirement hereafter for duty connected disability under this section,
15 such person has served honorably for a period of more than twenty-five
16 years as a member, in any capacity, of the regularly constituted police
17 department of a city subject to the provisions of this chapter, the
18 foregoing percentage factors to be applied in computing the pension
19 payable under this section shall be increased by two percent of his or
20 her salary per year for each full year of such additional service to a
21 maximum of five additional years.

22 Whenever such disability ceases, the pension shall cease, and such
23 person shall be restored to active service at the same rank he or she
24 held at the time of his or her retirement, and at the current salary
25 attached to said rank at the time of his or her return to active
26 service.

27 Disability benefits provided for by this chapter shall not be paid
28 when the ((~~police~~man)) police officer is disabled while he or she is
29 engaged for compensation in outside work not of a police or special
30 police nature.

31 **Sec. 24.** RCW 41.20.065 and 1998 c 157 s 4 are each amended to read
32 as follows:

33 Whenever any person, while serving as a ((~~police~~man)) police
34 officer in any such city becomes physically disabled by reason of any
35 bodily injury not incurred in the line of duty, or becomes
36 incapacitated for service, such incapacity not having been caused or
37 brought on by dissipation or abuse, of which the board shall be judge,

1 the board may, upon his or her written request filed with the
2 secretary, or without such written request, if it deems it to be for
3 the benefit of the public, retire such person from the department, and
4 order and direct that he or she be paid from the fund during his or her
5 lifetime, a pension equal to fifty percent of the amount of salary at
6 any time hereafter attached to the position which he or she held in the
7 department at the date of his or her retirement, but not to exceed an
8 amount equivalent to fifty percent of the salary of captain, except as
9 to a position higher than that of captain held for at least three
10 calendar years prior to the date of retirement, in which case as to
11 such position the provisions of RCW 41.20.050 shall apply, and all
12 existing pensions shall be increased to not less than three hundred
13 dollars per month as of April 25, 1973: PROVIDED, That where, at the
14 time of retirement hereafter for disability under this section, such
15 person has served honorably for a period of more than twenty-five years
16 as a member, in any capacity, of the regularly constituted police
17 department of a city subject to the provisions of this chapter, the
18 foregoing percentage factors to be applied in computing the pension
19 payable under this section shall be increased by two percent of his or
20 her salary per year for each full year of such additional service, to
21 a maximum of five additional years.

22 Whenever such disability ceases, the pension shall cease, and such
23 person shall be restored to active service at the same rank he or she
24 held at the time of his or her retirement, and at the current salary
25 attached to said rank at the time of his or her return to active
26 service.

27 Disability benefits provided for by this chapter shall not be paid
28 when the ((~~police~~man)) police officer is disabled while he or she is
29 engaged for compensation in outside work not of a police or special
30 police nature.

31 **Sec. 25.** RCW 41.20.070 and 1909 c 39 s 6 are each amended to read
32 as follows:

33 No person shall be retired, as provided in RCW 41.20.060, or
34 receive any benefit from said fund, unless there shall be filed with
35 said board certificate of his or her disability, which certificate
36 shall be subscribed and sworn to by said person, and by the city

1 physician (if there be one) and two regularly licensed and practicing
2 physicians of such city, and such board may require other evidence of
3 disability before ordering such retirement and payment as aforesaid.

4 **Sec. 26.** RCW 41.20.080 and 1973 1st ex.s. c 181 s 5 are each
5 amended to read as follows:

6 Whenever any member of the police department of any such city loses
7 his or her life while actually engaged in the performance of duty, or
8 as the proximate result thereof, leaving a surviving spouse or child or
9 children under the age of eighteen years, upon satisfactory proof of
10 such facts made to it, the board shall order and direct that a pension,
11 equal to one-half of the amount of the salary at any time hereafter
12 attached to the position which such member held in the police
13 department at the time of his or her death, shall be paid to the
14 surviving spouse for life, or if there is no surviving spouse, or if
15 the surviving spouse shall die, then to the child or children until
16 they are eighteen years of age: PROVIDED, That if such spouse or child
17 or children marry, the person so marrying shall thereafter receive no
18 further pension from the fund: PROVIDED FURTHER, That all existing
19 pensions shall be increased to not less than three hundred dollars per
20 month as of April 25, 1973.

21 If any member so losing his or her life, leaves no spouse, or child
22 or children under the age of eighteen years, the board shall pay the
23 sum of two hundred dollars toward the funeral expenses of such member.

24 **Sec. 27.** RCW 41.20.085 and 1973 1st ex.s. c 181 s 6 are each
25 amended to read as follows:

26 Whenever any member of the police department of any such city shall
27 die, or shall have heretofore died, or whenever any such member who has
28 been heretofore retired or who is hereafter retired for length of
29 service or a disability, shall have died, or shall die, leaving a
30 surviving spouse or child or children under the age of eighteen years,
31 upon satisfactory proof of such facts made to it, the board shall order
32 and direct that a pension equal to one-third of the amount of salary at
33 any time hereafter attached to the position held by such member in the
34 police department at the time of his or her death or retirement, not to
35 exceed one-third of the salary of captain, shall be paid to the
36 surviving spouse during the surviving spouse's life, and in addition,

1 to the child or children, until they are eighteen years of age, as
2 follows: For one child, one-eighth of the salary on which such pension
3 is based; for two children, a total of one-seventh of said salary; and
4 for three or more children, a total of one-sixth of said salary:
5 PROVIDED, If such spouse or child or children marry, the person so
6 marrying shall receive no further pension from the fund. In case there
7 is no surviving spouse, or if the surviving spouse shall die, the child
8 or children shall be entitled to the spouse's share in addition to the
9 share specified herein until they reach eighteen years of age. No
10 spouse shall be entitled to any payments on the death of a retired
11 officer unless such surviving spouse has been married to such officer
12 for a period of at least five years prior to the date of his or her
13 retirement.

14 As of April 25, 1973, a surviving spouse not otherwise covered by
15 the provisions of section 2, chapter 78, Laws of 1959, shall be
16 entitled to a pension of three hundred dollars per month.

17 "Surviving spouse" as used in this section means surviving female
18 or male spouse.

19 **Sec. 28.** RCW 41.20.090 and 1959 c 78 s 6 are each amended to read
20 as follows:

21 Whenever any member of the police department of such city shall,
22 after five years of service in said department, die, his or her
23 surviving spouse or, if there is no surviving spouse, the child or
24 children under the age of eighteen years, or if there is no surviving
25 spouse or child or children, then his or her parents or unmarried
26 sister or sisters, minor brother or brothers, dependent upon him or her
27 for support, shall be entitled to the sum of one thousand dollars from
28 such fund. This section to apply to members who shall have been
29 retired, for any reason, from active service under the provisions of
30 this chapter.

31 **Sec. 29.** RCW 41.20.100 and 1909 c 39 s 9 are each amended to read
32 as follows:

33 Any person retired for disability under this chapter may be
34 summoned before the board herein provided for, at any time thereafter,
35 and shall submit himself or herself thereto for examination as to his
36 or her fitness for duty, and shall abide the decision and order of said

1 board with reference thereto; and all members of such police force who
2 may be retired under the provisions of this chapter, shall report to
3 the chief of police of such city where so retired on the first Mondays
4 of April, July, October, and January of each year; and in cases of
5 emergency, may be assigned to and shall perform such duty as said chief
6 of police may direct, and such persons shall have no claim against such
7 city for payment for such duty so performed.

8 **Sec. 30.** RCW 41.20.110 and 1937 c 24 s 5 are each amended to read
9 as follows:

10 Whenever any person who shall have received any benefit from said
11 fund shall be convicted of any felony, or shall become an habitual
12 drunkard, or shall fail to report himself or herself for examination
13 for duty as required herein, unless excused by the board, or shall
14 disobey the requirements of said board then such board shall order and
15 direct that such pension or allowance that may have been granted to
16 such person shall immediately cease, and such person shall receive no
17 further pension or allowance or benefit under this chapter, but in lieu
18 thereof the said pension or allowance or benefit may, at the discretion
19 of the board, be paid to those immediately dependent upon him or her,
20 or to his or her legally appointed guardian.

21 **Sec. 31.** RCW 41.20.120 and 1992 c 22 s 2 are each amended to read
22 as follows:

23 Whenever any active member of the police department, or any member
24 hereafter retired, on account of service, sickness or disability, not
25 caused or brought on by dissipation or abuse, of which the board shall
26 be judge, is confined in any hospital or in his or her home and,
27 whether or not so confined, requires nursing, care, or attention, the
28 board shall pay for the active member the necessary hospital, care, and
29 nursing expenses of the member out of the fund; and the board may pay
30 for the retired member hospital, care, and nursing expenses as are
31 reasonable, in the board's discretion. The board may, at its
32 discretion, elect, in lieu of paying some or all such expenses for the
33 retired member, to reimburse the retired member for premiums the member
34 has paid for medical insurance that supplements medicare, including
35 premiums the member has paid for medicare part B coverage. The salary
36 of the active member shall continue while he or she is necessarily

1 confined to the hospital or home or elsewhere during the period of
2 recuperation, as determined by the board, for a period not exceeding
3 six months; after which period the other provisions of this chapter
4 shall apply: PROVIDED, That the board in all cases may have the active
5 or retired member suffering from such sickness or disability examined
6 at any time by a licensed physician or physicians, to be appointed by
7 the board, for the purpose of ascertaining the nature and extent of the
8 sickness or disability, the physician or physicians to report to the
9 board the result of the examination within three days thereafter. Any
10 active or retired member who refuses to submit to such examination or
11 examinations shall forfeit all his or her rights to benefits under this
12 section: PROVIDED FURTHER, That the board shall designate the hospital
13 and medical services available to the (~~sick or disabled policeman~~)
14 police officer who is sick or disabled.

15 **Sec. 32.** RCW 41.20.150 and 1969 c 123 s 3 are each amended to read
16 as follows:

17 Whenever any member affected by this chapter terminates his or her
18 employment prior to the completion of twenty-five years of service he
19 or she shall receive seventy-five percent of his or her contributions
20 made after the effective date of this act and he or she shall not
21 receive any contributions made prior thereto: PROVIDED, That in the
22 case of any member who has completed twenty years of service, such
23 member, upon termination for any cause except for a conviction of a
24 felony, shall have the option of electing, in lieu of recovery of his
25 or her contributions as herein provided, to be classified as a vested
26 member in accordance with the following provisions:

27 (1) Written notice of such election shall be filed with the board
28 within thirty days after the effective date of such member's
29 termination;

30 (2) During the period between the date of his or her termination
31 and the date upon which he or she becomes a retired member as
32 hereinafter provided, such vested member and his or her spouse or
33 dependent children shall be entitled to all benefits available under
34 chapter 41.20 RCW to a retired member and his or her spouse or
35 dependent children with the exception of the service retirement
36 allowance as herein provided for: PROVIDED, That any claim for medical

1 coverage under RCW 41.20.120 shall be attributable to service connected
2 illness or injury;

3 (3) Any member electing to become a vested member shall be entitled
4 at such time as he or she otherwise would have completed twenty-five
5 years of service had he or she not terminated, to receive a service
6 retirement allowance computed on the following basis: Two percent of
7 the amount of salary at any time hereafter attached to the position
8 held by the vested member for the year preceding the date of his or her
9 termination, for each year of service rendered prior to the date of his
10 or her termination. At such time the vested member shall be regarded
11 as a retired member and, in addition to the retirement allowance herein
12 provided for, shall continue to be entitled to all such other benefits
13 as are by chapter 41.20 RCW made available to retired members.

14 **Sec. 33.** RCW 41.20.155 and 1969 c 123 s 4 are each amended to read
15 as follows:

16 The provisions of RCW 41.20.050, 41.20.060 and 41.20.150 shall be
17 applicable to all members employed on June 12, 1969, and to those who
18 shall thereafter become members, but shall not apply to any former
19 member who has terminated his or her employment prior to June 12, 1969.

20 **Sec. 34.** RCW 41.20.160 and 1983 c 3 s 92 are each amended to read
21 as follows:

22 Any person affected by this chapter who was a member of a police
23 organization operated by a private enterprise which police organization
24 shall be hereafter acquired before September 1, 1959, by a city of the
25 first class as its police department as a matter of public convenience
26 or necessity, where it is in the public interest to retain the trained
27 personnel of such police organization, shall have added to his or her
28 period of employment as computed under this chapter his or her period
29 of service with said private enterprise, except that this shall apply
30 only to those persons who are in the service of such police
31 organization at the time of its acquisition by the city of the first
32 class and who remain in the service of that city until this chapter
33 shall become applicable to such persons.

34 No such person shall have added to his or her period of employment
35 as computed under this chapter his or her period of service with said
36 private enterprise unless he or she or a third party shall pay to the

1 city his or her contribution for the period of such service with the
2 private enterprise, or, if he or she shall be entitled to any private
3 pension or retirement benefits as a result of such service with the
4 private enterprise, unless he or she agrees at the time of his or her
5 employment by the city to accept a reduction in the payment of any
6 benefits payable under this chapter that are based in whole or in part
7 on such added service by the amount of those private pension or
8 retirement benefits received. The rate of such contribution shall be
9 two percent of the wage or salary of such person during that added
10 period of service with the private enterprise before midnight, June 8,
11 1955, and four and one-half percent of such wage or salary after
12 midnight, June 8, 1955. Such contributions shall be paid into the
13 police relief and pension fund and shall be held subject to the
14 provisions of RCW 41.20.150, except that all such contributions shall
15 be deemed to have been made after June 8, 1955. Such contributions may
16 be invested in investments permitted under chapter 35.39 RCW and may be
17 kept invested until required to meet payments of benefits to such
18 persons.

19 The city may receive payments for these purposes from a third party
20 and shall make from such payments contributions with respect to such
21 prior service as may be necessary to enable the police relief and
22 pension fund to assume its obligations.

23 **Sec. 35.** RCW 41.20.170 and 1973 c 143 s 2 are each amended to read
24 as follows:

25 Any former employee of a department of a city of the first class
26 who (1) was a member of the employees' retirement system of such city,
27 and (2) is now employed within the police department of such city, may
28 transfer his or her membership from the city employees' retirement
29 system to the city's police relief and pension fund system by filing a
30 written request with the board of administration and the board of
31 trustees, respectively, of the two systems.

32 Upon the receipt of such request, the transfer of membership to the
33 city's police relief and pension fund system shall be made, together
34 with a transfer of all accumulated contributions credited to such
35 member. The board of administration of the city's employees'
36 retirement system shall transmit to the board of trustees of the city's
37 police relief and pension fund system a record of service credited to

1 such member which shall be computed and credited to such member as a
2 part of his or her period of employment in the city's police relief and
3 pension fund system. For the purpose of the transfer contemplated by
4 this section, the affected individuals shall be allowed to restore
5 withdrawn contributions to the city employees' retirement system and
6 reinstate their membership service records.

7 Any employee so transferring shall have all the rights, benefits
8 and privileges that he or she would have been entitled to had he or she
9 been a member of the city's police relief and pension fund system from
10 the beginning of his or her employment with the city.

11 No person so transferring shall thereafter be entitled to any other
12 public pension, except that provided by chapter 41.26 RCW or social
13 security, which is based upon service with the city.

14 The right of any employee to file a written request for transfer of
15 membership as set forth herein shall expire December 31, 1973.

16 **Sec. 36.** RCW 41.20.175 and 1974 ex.s. c 148 s 2 are each amended
17 to read as follows:

18 A former employee of a fire department of a city of the first class
19 who (1) was a member of the (~~fireman's~~) firefighters' pension system
20 created by chapters 41.16 or 41.18 RCW, and (2) is now employed within
21 the police department of such city, will be regarded as having received
22 membership service credit for such service to the fire department in
23 the city's police and relief pension system at the time he or she
24 recovers such service credit by paying withdrawn contributions to the
25 Washington law enforcement officers' and firefighters' retirement
26 system pursuant to RCW 41.26.030(~~(+14+)~~) (28).

27 **Sec. 37.** RCW 41.24.100 and 1945 c 261 s 10 are each amended to
28 read as follows:

29 The board of trustees herein, in addition to other powers herein
30 granted, shall have power to compel the attendance of witnesses to
31 testify before it on all matters connected with the operation of this
32 chapter, and its (~~chairman~~) chair or any member of said board may
33 administer oaths to such witnesses; to make all necessary rules and
34 regulations for its guidance in conformity with the provisions of this
35 chapter: PROVIDED, HOWEVER, That no compensation or emoluments shall

1 be paid to any member of said board of trustees for any duties
2 performed under this chapter as such trustees.

3 **Sec. 38.** RCW 41.24.260 and 1955 c 263 s 3 are each amended to read
4 as follows:

5 The state board shall hold regular semiannual meetings in April and
6 October of each year, and special meetings not more than once monthly
7 at such times and places as may be called by the (~~(chairman)~~) chair or
8 by two of its members. No action shall be taken by the state board
9 without the approval of two members.

10 **Sec. 39.** RCW 41.26.040 and 1991 c 35 s 15 are each amended to read
11 as follows:

12 The Washington law enforcement officers' and firefighters'
13 retirement system is hereby created for firefighters and law
14 enforcement officers.

15 (1) Notwithstanding RCW 41.26.030(~~((+8+))~~) (20), all firefighters and
16 law enforcement officers employed as such on or after March 1, 1970, on
17 a full time fully compensated basis in this state shall be members of
18 the retirement system established by this chapter with respect to all
19 periods of service as such, to the exclusion of any pension system
20 existing under any prior act.

21 (2) Any employee serving as a law enforcement officer or
22 firefighter on March 1, 1970, who is then making retirement
23 contributions under any prior act shall have his or her membership
24 transferred to the system established by this chapter as of such date.
25 Upon retirement for service or for disability, or death, of any such
26 employee, his or her retirement benefits earned under this chapter
27 shall be computed and paid. In addition, his or her benefits under the
28 prior retirement act to which he or she was making contributions at the
29 time of this transfer shall be computed as if he or she had not
30 transferred. For the purpose of such computations, the employee's
31 creditability of service and eligibility for service or disability
32 retirement and survivor and all other benefits shall continue to be as
33 provided in such prior retirement act, as if transfer of membership had
34 not occurred. The excess, if any, of the benefits so computed, giving
35 full value to survivor benefits, over the benefits payable under this
36 chapter shall be paid whether or not the employee has made application

1 under the prior act. If the employee's prior retirement system was the
2 Washington public employees' retirement system, payment of such excess
3 shall be made by that system; if the employee's prior retirement system
4 was the statewide city employees' retirement system, payment of such
5 excess shall be made by the employer which was the member's employer
6 when his or her transfer of membership occurred: PROVIDED, That any
7 death in line of duty lump sum benefit payment shall continue to be the
8 obligation of that system as provided in RCW 41.44.210; in the case of
9 all other prior retirement systems, payment of such excess shall be
10 made by the employer which was the member's employer when his or her
11 transfer of membership occurred.

12 (3) All funds held by any (~~firemen's~~) firefighters' or
13 (~~police~~) police officers' relief and pension fund shall remain
14 in that fund for the purpose of paying the obligations of the fund.
15 The municipality shall continue to levy the dollar rate as provided in
16 RCW 41.16.060, and this dollar rate shall be used for the purpose of
17 paying the benefits provided in chapters 41.16 and 41.18 RCW. The
18 obligations of chapter 41.20 RCW shall continue to be paid from
19 whatever financial sources the city has been using for this purpose.

20 **Sec. 40.** RCW 41.26.045 and 1979 ex.s. c 249 s 3 are each amended
21 to read as follows:

22 (1) Notwithstanding any other provision of law after February 19,
23 1974 no law enforcement officer or firefighter, may become eligible for
24 coverage in the pension system established by this chapter, until the
25 individual has met and has been certified as having met minimum medical
26 and health standards: PROVIDED, That an elected sheriff or an
27 appointed chief of police or fire chief, shall not be required to meet
28 the age standard: PROVIDED FURTHER, That in cities and towns having
29 not more than two law enforcement officers and/or not more than two
30 firefighters and if one or more of such persons do not meet the minimum
31 medical and health standards as required by the provisions of this
32 chapter, then such person or persons may join any other pension system
33 that the city has available for its other employees: AND PROVIDED
34 FURTHER, That for one year after February 19, 1974 any such medical or
35 health standard now existing or hereinafter adopted, insofar as it
36 establishes a maximum age beyond which an applicant is to be deemed
37 ineligible for coverage, shall be waived as to any applicant for

1 employment or reemployment who is otherwise eligible except for his or
2 her age, who has been a member of any one or more of the retirement
3 systems created by chapter 41.20 of the Revised Code of Washington and
4 who has restored all contributions which he or she has previously
5 withdrawn from any such system or systems.

6 (2) This section shall not apply to persons who initially establish
7 membership in the retirement system on or after July 1, 1979.

8 **Sec. 41.** RCW 41.26.046 and 1987 c 418 s 2 are each amended to read
9 as follows:

10 By July 31, 1971, the retirement board shall adopt minimum medical
11 and health standards for membership coverage into the Washington law
12 enforcement officers' and firefighters' retirement system act. In
13 adopting such standards the retirement board shall consider existing
14 standards recommended by the international association of chiefs of
15 police and the international association of firefighters, and shall
16 adopt equal or higher standards, together with appropriate standards
17 and procedures to insure uniform compliance with this chapter. The
18 standards when adopted shall be published and distributed to each
19 employer, and each employer shall adopt certification procedures and
20 such other procedures as are required to insure that no law enforcement
21 officer or firefighter receives membership coverage unless and until he
22 or she has actually met minimum medical and health standards:
23 PROVIDED, That an elected sheriff or an appointed chief of police, fire
24 chief, or director of public safety shall not be required to meet the
25 age standard. The retirement board may amend the minimum medical and
26 health standards as experience indicates, even if the standards as so
27 amended are lower or less rigid than those recommended by the
28 international associations mentioned above. The cost of the medical
29 examination contemplated by this section is to be paid by the employer.

30 **Sec. 42.** RCW 41.26.047 and 1972 ex.s. c 131 s 3 are each amended
31 to read as follows:

32 Nothing in RCW 41.26.035, 41.26.045 and 41.26.046 shall apply to
33 any firefighters or law enforcement officers who are employed as such
34 on or before August 1, 1971, as long as they continue in such
35 employment; nor to promotional appointments after becoming a member in
36 the police or fire department of any employer nor to the reemployment

1 of a law enforcement officer or firefighter by the same or a different
2 employer within six months after the termination of his or her
3 employment, nor to the reinstatement of a law enforcement officer or
4 firefighter who has been on military or disability leave, disability
5 retirement status, or leave of absence status. Nothing in this chapter
6 shall be deemed to prevent any employer from adopting higher medical
7 and health standards than those which are adopted by the retirement
8 board.

9 **Sec. 43.** RCW 41.28.010 and 1967 c 185 s 1 are each amended to read
10 as follows:

11 Unless a different meaning is plainly required by the context, the
12 following words and phrases as hereinafter used in this chapter shall
13 have the following meanings:

14 (1) "Retirement system" shall mean "employees' retirement system",
15 provided for in RCW 41.28.020.

16 (2) "Employee" shall mean any regularly appointed officer or
17 regularly appointed employee of a first-class city as described in RCW
18 41.28.005, whose compensation in such employment is paid wholly by that
19 city.

20 (3) "Member" shall mean any person included in the membership of
21 the retirement system as provided in RCW 41.28.030.

22 (4) "City" shall mean any city of the first class as described in
23 RCW 41.28.005.

24 (5) "Board" shall mean "board of administration" as provided in RCW
25 41.28.080.

26 (6) "Retirement fund" shall mean "employees' retirement fund" as
27 created and established in RCW 41.28.070.

28 (7) "City service" shall mean service rendered to city for
29 compensation, and for the purpose of this chapter, a member shall be
30 considered as being in city service only while he or she is receiving
31 compensation from the city for such service.

32 (8) "Prior service" shall mean the service of a member for
33 compensation rendered to the city prior to July 1, 1939, and shall also
34 include military or naval service of a member to the extent specified
35 in RCW 41.28.050.

36 (9) "Continuous service" shall mean uninterrupted employment by
37 that city, except that discontinuance of city service of a member

1 caused by layoff, leave of absence, suspension, or dismissal, followed
2 by reentrance into city service within one year, shall not count as a
3 break in the continuity of service: PROVIDED, That for the purpose of
4 establishing membership in the retirement system continuous service
5 shall mean six months' service in any one year.

6 (10) "Beneficiary" shall mean any person in receipt of a pension,
7 annuity, retirement allowance, disability allowance, or any other
8 benefit provided in this chapter.

9 (11) "Compensation" shall mean the compensation payable in cash,
10 plus the monetary value, as determined by the board of administration,
11 of any allowance in lieu thereof.

12 (12) "Compensation earnable" by a member shall mean the average
13 compensation as determined by the board of administration upon the
14 basis of the average period of employment of members in the same group
15 or class of employment and at the same rate of pay.

16 (13) "Final compensation" means the annual average of the greatest
17 compensation earnable by a member during any consecutive five-year
18 period of service for which service credit is allowed.

19 (14) "Normal contributions" shall mean contributions at the rate
20 provided for in RCW 41.28.040(1).

21 (15) "Additional contributions" shall mean the contributions
22 provided for in RCW 41.28.040(4).

23 (16) "Regular interest", unless changed by the board of
24 administration as provided in RCW 41.28.060, shall mean interest at
25 four percent per annum, compounded annually.

26 (17) "Accumulated normal contribution" shall mean the sum of all
27 normal contributions, deducted from the compensation of a member,
28 standing to the credit of his or her individual account, together with
29 regular interest thereon.

30 (18) "Accumulated additional contributions" shall mean the sum of
31 all the additional contributions, deducted from the compensation of a
32 member, standing to the credit of his or her individual account,
33 together with regular interest thereon.

34 (19) "Accumulated contributions" shall mean accumulated normal
35 contributions plus accumulated additional contributions.

36 (20) "Pension" shall mean payments derived from contributions made
37 by the city as provided for in RCW 41.28.130 and 41.28.150.

1 (21) "Annuity" shall mean payments derived from contributions made
2 by a member as provided in RCW 41.28.130 and 41.28.150.

3 (22) "Retirement allowance" shall mean the pension plus the
4 annuity.

5 (23) "Fiscal year" shall mean any year commencing with January 1st,
6 and ending with December 31st, next following.

7 (24) "Creditable service" shall mean such service as is evidenced
8 by the record of normal contributions received from the employee plus
9 prior service if credit for same is still intact or not lost through
10 withdrawal of accumulated normal contributions as provided in RCW
11 41.28.110.

12 **Sec. 44.** RCW 41.28.030 and 1939 c 207 s 4 are each amended to read
13 as follows:

14 (1) With the exception of those employees who are excluded from
15 membership as herein provided, all employees shall become members of
16 the retirement system as follows:

17 (a) Every employee in city service as defined in this chapter, on
18 July 1, 1939, shall become a member of the retirement system on that
19 date.

20 (b) Every employee who enters or reenters city service after July
21 1, 1939, shall become a member of the retirement system upon the
22 completion of six months of continuous service.

23 (2) The following shall be specifically exempted from the
24 provisions of this chapter:

25 (a) Members of the police departments who are entitled to the
26 benefits of the police relief and pension fund as established by state
27 law.

28 (b) Members of the fire departments who are entitled to the
29 benefits of the (~~firemen's~~) fire fighters' relief and pension fund as
30 established by state law.

31 (3) It shall be the duty of the head of each office or department
32 to give immediate notice in writing to the board of administration of
33 the change in status of any member of his or her office or department,
34 resulting from transfer, promotion, leave of absence, resignation,
35 reinstatement, dismissal or death. The head of each office or
36 department shall furnish such other information concerning any member
37 as the board may require.

1 (4) Each member shall be subject to all the provisions of this
2 chapter and to all the rules and regulations adopted by the board of
3 administration. Should the service of any member, in any period of ten
4 consecutive years, amount to less than five years, or should he or she
5 withdraw more than one quarter of his or her accumulated contributions,
6 or should he or she die or be retired, he or she shall thereupon cease
7 to be a member.

8 **Sec. 45.** RCW 41.28.040 and 1967 c 185 s 2 are each amended to read
9 as follows:

10 (1) The normal rate of contribution of members shall be those
11 adopted by the board of administration, subject to the approval of the
12 city council or city commission, and for the first five-year period
13 such rates shall be based on sex and on age of entry into the
14 retirement system, which age shall be the age at the birthday nearest
15 the time of entry into the system. The rates so adopted shall remain
16 in full force and effect until revised or changed by the board of
17 administration in the manner provided in RCW 41.28.060. The normal
18 rates of contribution shall be so fixed as to provide an annuity which,
19 together with the pension provided by the city, shall give as nearly as
20 may be a retirement allowance at the age of sixty-two years of one and
21 one-third percent of the final compensation multiplied by the number of
22 years of service of the retiring employee. The normal rate established
23 for age sixty-one shall be the rate for any member who has attained a
24 greater age before entry into the retirement system. The normal rate
25 of contribution for age twenty shall be the rate for any member who
26 enters the retirement system at an earlier age.

27 (2) Subject to the provision of this chapter, the board of
28 administration shall adopt rules and regulations governing the making
29 of deductions from the compensation of employees and shall certify to
30 the head of each office or department the normal rate of contribution
31 for each member provided for in subdivision (1) of this section. The
32 head of the department shall apply such rate of contribution, and shall
33 certify to the city comptroller on each and every payroll the amount to
34 be contributed and shall furnish immediately to the board a copy of
35 each and every payroll; and each of said amounts shall be deducted by
36 the city comptroller and shall be paid into the retirement fund,

1 hereinafter provided for, and shall be credited by the board together
2 with regular interest to an individual account of the member for whom
3 the contribution was made.

4 Every member shall be deemed to consent and agree to the
5 contribution made and provided for herein, and shall receipt in full
6 for his or her salary or compensation. Payment less said contribution
7 shall be a full and complete discharge of all claims and demands
8 whatsoever for the service rendered by such person during the period
9 covered by such payment, except his or her claim to the benefits to
10 which he or she may be entitled under the provisions of this chapter.

11 (3) At the end of each payroll period, the board shall determine
12 the aggregate amount of the normal contributions for such period, and
13 shall certify such aggregate to the city comptroller, who shall
14 thereupon transfer to the retirement fund, hereinafter provided for,
15 from the money appropriated for that purpose in the budget for the
16 fiscal year, an amount equal to the aggregate normal contributions for
17 the period received from members.

18 (4) Any member may elect to contribute at rates in excess of those
19 provided for in subdivision (1) of this section, for the purpose of
20 providing additional benefits, but the exercise of this privilege by a
21 member shall not place on the city any additional financial obligation.
22 The board of administration, upon application, shall furnish to such
23 member information concerning the nature and amount of additional
24 benefits to be provided by such additional contribution.

25 **Sec. 46.** RCW 41.28.050 and 1939 c 207 s 6 are each amended to read
26 as follows:

27 (1) Subject to the following and all other provisions of this
28 chapter, including such rules and regulations as the board shall adopt
29 in pursuance thereof, the board, subject to the approval of the city
30 council or city commission, shall determine and may modify allowance
31 for service.

32 Time during which a member is absent on leave without pay shall not
33 be allowed in computing service: PROVIDED, HOWEVER, That any member
34 shall be given credit for any period served by him or her in the
35 national guard, or in the United States army, navy, or marine corps,
36 upon the call of the president, if at the time of such service such
37 member was a regular employee under leave of absence. Certificate of

1 honorable discharge from and/or documentary evidence of such service
2 shall be submitted to the board in order to obtain credit for such
3 service.

4 Each member shall file with the board such information affecting
5 his or her status as a member of the retirement system as the board may
6 require.

7 (2) The board shall grant credit for prior service to each member
8 entering the retirement system on July 1, 1939, and to each member
9 entering after that date, if such entry is within one year after
10 rendering service prior to July 1, 1939: PROVIDED, HOWEVER, That the
11 board may grant credit for prior service to those entering the
12 retirement system after July 1, 1939, where the employee, because of
13 sickness or other disability, has been on leave of absence, regularly
14 granted, since discontinuance of city service, regardless of the length
15 of such leave. No prior service credit shall be used as a basis for
16 retirement or other benefit unless the membership continues until
17 retirement on a retirement allowance or until the granting of other
18 benefits.

19 **Sec. 47.** RCW 41.28.080 and 1983 c 3 s 93 are each amended to read
20 as follows:

21 (1) There is hereby created and established a board of
22 administration in each city coming under this chapter, which shall,
23 under the provisions of this chapter and the direction of the city
24 council or city commission, administer the retirement system and the
25 retirement fund created by this chapter. Under and pursuant to the
26 direction of the city council or city commission, the board shall
27 provide for the proper investment of the moneys in the said retirement
28 fund.

29 (2) The board of administration shall consist of seven members, as
30 follows: Three members appointed by the regular appointing authority
31 of the city, and three employees who are eligible to membership in the
32 retirement system, to be elected by the employees. The above six
33 members shall appoint the seventh member.

34 (3) The investment of all or any part of the retirement fund shall
35 be subject to chapter 35.39 RCW.

36 (4) Subject to such provisions as may be prescribed by law for the
37 deposit of municipal funds in banks, cash belonging to the retirement

1 fund may be deposited in any licensed national bank or in any bank,
2 banks or corporations authorized or licensed to do a banking business
3 and organized under the laws of the state of Washington.

4 (5) The city treasurer shall be the custodian of the retirement
5 fund. All payments from said fund shall be made by the city treasurer
6 but only upon warrant duly executed by the city comptroller.

7 (6) Except as herein provided, no member and no employee of the
8 board of administration shall have any interest, direct or indirect, in
9 the making of any investments from the retirement fund, or in the gains
10 or profits accruing therefrom. And no member or employee of said
11 board, directly or indirectly, for himself or herself or as an agent or
12 partner of others, shall borrow any of its funds or deposits or in any
13 manner use the same except to make such current and necessary payments
14 as are authorized by said board; nor shall any member or employee of
15 said board become an endorser or surety or become in any manner an
16 obligor for moneys invested by the board.

17 **Sec. 48.** RCW 41.28.110 and 1939 c 207 s 12 are each amended to
18 read as follows:

19 (1) Should the service of a member be discontinued, except by death
20 or retirement, he or she shall be paid not later than six months after
21 the day of discontinuance such part of his or her accumulated
22 contributions as he or she shall demand: PROVIDED, HOWEVER, That a
23 member may appeal to the board and by unanimous vote, the board may
24 grant a request for immediate withdrawal of contributions. If in the
25 opinion of the board said member is permanently separated from service
26 by reason of such discontinuance he or she shall be paid forthwith all
27 of his or her accumulated contributions with interest: AND PROVIDED
28 ALSO, That the board may, in its discretion, withhold for not more than
29 one year after a member last rendered service all or part of his or her
30 accumulated normal contributions if after a previous discontinuance of
31 service he or she withdrew all or part of his or her accumulated normal
32 contributions and failed to redeposit such withdrawn amount in the
33 retirement fund as provided in this section: PROVIDED FURTHER, That
34 the city shall receive credit for the full amount deposited by the city
35 in the retirement fund for such member's benefit plus interest. Any
36 member may redeposit in the retirement fund an amount equal to that
37 which he or she previously withdrew therefrom at the last termination

1 of his or her membership, such redeposit to be paid into the retirement
2 fund in accordance with rules established by the board. If a member
3 upon reentering the retirement system after a termination of his or her
4 membership shall not make such a redeposit as hereinabove provided, the
5 rate of his or her contributions for future years shall be the normal
6 rate provided for in RCW 41.28.040(1) at his or her age of reentrance;
7 otherwise his or her rate of contribution for future years shall be the
8 same as his or her rate prior to the termination of his or her
9 membership. In the event such redeposit is made by a member, an amount
10 equal to the accumulated normal contributions so redeposited shall
11 again be held for the benefit of said member, and shall no longer be
12 included in the amounts available to meet the obligations of the city
13 on account of benefits that have been granted or liabilities that have
14 been assumed on account of prior service of members, and the city shall
15 reinstate the prior service credit for such member.

16 **Sec. 49.** RCW 41.28.120 and 1967 c 185 s 3 are each amended to read
17 as follows:

18 Retirement of member for service shall be made by the board of
19 administration as follows:

20 (1) Each member in the city service on June 8, 1967, who, on or
21 before such effective date, has attained the age of sixty-five years or
22 over, shall be forthwith retired on the first day of the calendar month
23 next succeeding the month in which the employee shall have attained the
24 age of sixty-five: PROVIDED, That none of such members shall be
25 subject to compulsory retirement for a period of five years following
26 said effective date, but during such period any member having attained
27 the age of sixty-five may voluntarily retire after attaining such age.
28 Members attaining the age of sixty-five after June 8, 1967 shall be
29 retired on the first day of the calendar month next succeeding the
30 month in which the member shall have attained the age of sixty-five,
31 but none of such members shall be subject to compulsory retirement
32 until five years after said effective date: PROVIDED, FURTHER, That
33 any member attaining the age of seventy years during said five year
34 period shall be forthwith retired on the first day of the calendar
35 month next succeeding the month in which the employee shall have
36 attained the age of seventy years, except as otherwise provided in this
37 chapter. The board shall extend the time of retirement for any member

1 hired prior to June 8, 1967 so as to enable said member to qualify for
2 retirement benefits under this chapter, but in no event should such
3 extension extend beyond the age of seventy years.

4 (2) Any member in the city service may retire by filing with the
5 board a written application, stating when he or she desires to be
6 retired, such application to be made at least thirty days prior to date
7 of retirement: PROVIDED, HOWEVER, That said member, at the time
8 specified for his or her retirement, shall have completed ten years of
9 city service as defined in this chapter, and shall have attained the
10 age of fifty-seven years, or shall have completed thirty years of city
11 service as defined in this chapter. Permanent discontinuance of city
12 service after age of fifty-seven shall entitle the member to his or her
13 retirement allowance: PROVIDED, That such employee has had at least
14 ten years of city service to his or her credit: AND PROVIDED FURTHER,
15 That permanent discontinuance of city service after the completion of
16 thirty years of city service shall entitle the member to his or her
17 retirement allowance.

18 **Sec. 50.** RCW 41.28.130 and 1969 c 31 s 1 are each amended to read
19 as follows:

20 (1) A member, upon retirement from service, shall receive a
21 retirement allowance subject to the provisions of paragraph (2) of this
22 section, which shall consist of:

23 (a) An annuity which shall be the actuarial equivalent of his or
24 her accumulated contributions at the time of his or her retirement.

25 (b) A pension purchased by the contributions of the city, equal to
26 the annuity purchased by the accumulated normal contributions of the
27 member.

28 (c) For any member having credit for prior service an additional
29 pension, purchased by the contributions of the city equal to one and
30 one-third percent of the final compensation, multiplied by the number
31 of years of prior service credited to said member, except that if a
32 member shall retire before attaining the age of sixty-two years, the
33 additional pension shall be reduced to an amount which shall be equal
34 to a lesser percentage of final compensation, multiplied by the number
35 of years of prior service credited to said member, which lesser
36 percentage shall be applied to the respective ages of retirement in
37 accordance with the following tabulation:

	Retirement age	Percentage
1		
2	62	1.333
3	61	1.242
4	60	1.158
5	59	1.081
6	58	1.010
7	57	0.945
8	56	0.885
9	55	0.829
10	54	0.778
11	53	0.731
12	52	0.687
13	51	0.646
14	50	0.608

15 (2) If the retirement allowance of the member as provided in this
16 section, exclusive of any annuity purchased by his or her accumulated
17 additional contributions, is in excess of two-thirds of his or her
18 final salary, the pension of the member, purchased by the contributions
19 of the city, shall be reduced to such an amount as shall make the
20 member's retirement allowance, exclusive of any annuity purchased by
21 his or her accumulated additional contributions, equal to two-thirds of
22 his or her final salary, and the actuarial equivalent of such reduction
23 shall remain in the retirement fund to the credit of the city:
24 PROVIDED, That the retired member will be granted a cost of living
25 increase, in addition to the allowance provided in this section, of one
26 percent commencing January 1, 1968 and an additional one percent on the
27 first day of each even-numbered year thereafter if the U.S. Bureau of
28 Labor Statistics' Cost of Living Index has increased one percent or
29 more since the last cost of living increase in the member's retirement
30 allowance; such increases shall apply only to retirement allowances
31 approved on or after January 1, 1967.

32 (3) Any member, who enters the retirement system on July 1, 1939,
33 or who enters after that date and who is given the credit for prior
34 service, and who is retired by reason of attaining the age of seventy
35 years, shall receive such additional pension on account of prior

1 service, purchased by the contributions of the city, as will make his
2 or her total retirement allowance not less than four hundred twenty
3 dollars per year.

4 (4) Any member who, at the time of his or her retirement, has at
5 least ten years of creditable service, as defined in this chapter, and
6 who has attained the age of sixty-five years or over, shall receive
7 such additional pension, purchased by the contributions of the city, as
8 will make his or her total retirement allowance not less than nine
9 hundred sixty dollars per year.

10 **Sec. 51.** RCW 41.28.140 and 1939 c 207 s 15 are each amended to
11 read as follows:

12 Any member while in city service may be retired by the board of
13 administration for permanent and total disability, either ordinary or
14 accidental, upon examination, as follows:

15 (1) Any member who has not attained the age of sixty-five years and
16 who has at least ten years of city service as defined in this chapter,
17 to his or her credit: PROVIDED, That the required ten years of city
18 service shall have been credited to the member over a period of not to
19 exceed fifteen years immediately preceding retirement, within three
20 months after the discontinuance of city service, or while physically or
21 mentally incapacitated for the performance of duty, if such incapacity
22 has been continuous from discontinuance of city service, shall be
23 examined by a physician or surgeon, appointed by the board of
24 administration upon the application of the head of the office or
25 department in which said member is employed, or upon application of
26 said member, or a person acting in his or her behalf, stating that said
27 member is permanently and totally incapacitated, either physically or
28 mentally, for the performance of duty and ought to be retired. If such
29 medical examination shows, to the satisfaction of the board, that the
30 said member is permanently and totally incapacitated either physically
31 or mentally for the performance of duty and ought to be retired, the
32 board shall retire the said member for disability forthwith.

33 (2) The board shall secure such medical services and advice as it
34 may deem necessary to carry out the purpose of this section and of RCW
35 41.28.160, and shall pay for such medical services and advice such
36 compensation as the board shall deem reasonable.

1 **Sec. 52.** RCW 41.28.150 and 1963 c 91 s 2 are each amended to read
2 as follows:

3 (1) Upon retirement for disability, as hereinabove provided:
4 PROVIDED, The disability is not due to intemperance, (~~wilful~~) willful
5 misconduct or violation of law, of which the board shall be the judge,
6 a member shall receive a retirement allowance which shall consist of:

7 (a) An annuity which shall be the actuarial equivalent of his or
8 her accumulated contributions at the time of his or her retirement.

9 (b) A pension purchased by the contributions of the city, which,
10 together with his or her annuity provided by his or her accumulated
11 normal contributions, shall make the retirement allowance, exclusive of
12 the annuity provided by his or her additional contributions equal to
13 (i) one and one-fourth percent of his or her final compensation
14 multiplied by the number of years of service which would be creditable
15 to him or her were his or her services to continue until attainment by
16 him or her of age sixty-two. The minimum disability retirement
17 allowance shall be nine hundred sixty dollars per year.

18 (2) If disability is due to intemperance, (~~wilful~~) willful
19 misconduct or violation of law on the part of the member, the board of
20 administration in its discretion may pay to said member in one lump
21 sum, his or her accumulated contributions, in lieu of a retirement
22 allowance, and such payment shall constitute full satisfaction of all
23 obligations of the city to such member, and upon receipt of such
24 payment he or she shall cease to be a member of the retirement system.

25 (3) Upon the death of a member while in receipt of a disability
26 retirement allowance, his or her accumulated contributions, as they
27 were at the date of his or her retirement, less any annuity payments
28 made to him or her, shall be paid to his or her estate, or to such
29 persons having an insurable interest in his or her life as he or she
30 shall have nominated by written designation duly executed and filed
31 with the board.

32 **Sec. 53.** RCW 41.28.160 and 1939 c 207 s 17 are each amended to
33 read as follows:

34 (1) The board of administration may at its pleasure require any
35 disability beneficiary under age sixty-two years to undergo medical
36 examination to be made by a physician or surgeon appointed by the
37 board, at a place to be designated by the board. Upon the basis of

1 such examination the board shall determine whether such disability
2 beneficiary is still totally and permanently incapacitated either
3 mentally or physically for service in the office or department of the
4 city where he or she was employed or in any other city service for
5 which he or she is qualified. If the board of administration shall
6 determine that said beneficiary is not so incapacitated, his or her
7 retirement allowance shall be canceled and he or she shall be
8 reinstated forthwith in the city service.

9 (2) Should a disability beneficiary reenter the city service and be
10 eligible for membership in the retirement system in accordance with RCW
11 41.28.030(1), his or her retirement allowance shall be canceled and he
12 or she shall immediately become a member of the retirement system, his
13 or her rate of contribution for future years being that established for
14 his or her age at the time of reentry. His or her individual account
15 shall be credited with his or her accumulated contributions less the
16 annuity payments made to him or her. An amount equal to the
17 accumulated normal contributions so credited to him or her shall again
18 be held for the benefit of said member and shall no longer be included
19 in the amounts available to meet the obligations of the city on account
20 of benefits that have been granted and on account of prior service of
21 members. Such member shall receive credit for prior service in the
22 same manner as if he or she had never been retired for disability.

23 (3) Should any disability beneficiary under age sixty-two years
24 refuse to submit to medical examination, his or her pension may be
25 discontinued until his or her withdrawal of such refusal, and should
26 refusal continue for one year, his or her retirement allowance may be
27 canceled. Should said disability beneficiary, prior to attaining age
28 sixty-two years, engage in a gainful occupation not in city service, or
29 should he or she reenter the city service and be ineligible for
30 membership in the retirement system in accordance with RCW
31 41.28.030(2), the board of administration shall reduce the amount of
32 his or her retirement allowance to an amount, which when added to the
33 compensation earned by him or her in such occupation shall not exceed
34 the amount of the final compensation on the basis of which his or her
35 retirement allowance was determined. Should the earning capacity of
36 such beneficiary be further altered, the board may further alter his or
37 her retirement allowance to an amount which shall not exceed the amount
38 upon which he or she was originally retired, but which, subject to such

1 limitation shall equal, when added to the compensation earned by him or
2 her, the amount of his or her final compensation on the basis of which
3 his or her retirement allowance was determined. When said disability
4 beneficiary reaches the age of sixty-two years, his or her retirement
5 allowance shall be made equal to the amount upon which he or she was
6 originally retired, and shall not again be modified for any cause
7 except as provided in RCW 41.28.220.

8 (4) Should the retirement allowance of any disability beneficiary
9 be canceled for any cause other than reentrance into the city service
10 he or she shall be paid his or her accumulated contributions, less
11 annuity payments made to him or her.

12 **Sec. 54.** RCW 41.28.170 and 1967 c 185 s 5 are each amended to read
13 as follows:

14 A member may elect to receive, in lieu of the retirement allowance
15 provided for in RCW 41.28.130, its actuarial equivalent in the form of
16 a lesser retirement allowance, payable in accordance with the terms and
17 conditions of one of the options set forth below in this section.
18 Election of any option must be made by written application filed with
19 the board of administration at least thirty days in advance of
20 retirement as provided in RCW 41.28.120, and shall not be effective
21 unless approved by the board prior to retirement of the member.

22 Option A. The lesser retirement allowance shall be payable to the
23 member throughout his or her life: PROVIDED, That if he or she die
24 before he or she receive in annuity payments referred to in RCW
25 41.28.130(1)(a), a total amount equal to the amount of his or her
26 accumulated contributions as it was at the date of his or her
27 retirement, the balance of such accumulated contributions shall be paid
28 in one sum to his or her estate or to such person having an insurable
29 interest in his or her life as he or she shall nominate by written
30 designation duly executed and filed with the board.

31 Option B. The lesser retirement allowance shall be payable to a
32 member throughout his or her life: PROVIDED, That if he or she die
33 before he or she receive in annuity payments referred to in RCW
34 41.28.130(1)(a), a total amount equal to the amount of his or her
35 accumulated contributions as it was at the date of his or her
36 retirement, the said annuity payments resulting from his or her
37 accumulated contributions shall be continued and paid to his or her

1 estate or such person, having an insurable interest in his or her life,
2 as he or she shall nominate by written designation duly executed and
3 filed with the board until the total amount of annuity payments shall
4 equal the amount of his or her accumulated contributions as it was at
5 the date of his or her retirement.

6 Option C. The member shall elect a "guaranteed period" of any
7 number of years. If he or she dies before the lesser retirement
8 allowance has been paid to him or her for the number of years elected
9 by him or her as the "guaranteed period", the lesser retirement
10 allowance shall be continued to the end of the "guaranteed period", and
11 during such continuation shall be paid to his or her estate or to such
12 person having an insurable interest in his or her life as he or she
13 shall nominate by written designation duly executed and filed with the
14 board.

15 Option D. The lesser retirement allowance shall be payable to the
16 member throughout life, and after the death of the member, one-half of
17 the lesser retirement allowance shall be continued throughout the life
18 of and paid to the wife or husband of the member.

19 Option E. The lesser retirement allowance shall be payable to the
20 member throughout life, and after death of the member it shall be
21 continued throughout the life of and paid to the wife or husband of the
22 member.

23 **Sec. 55.** RCW 41.28.180 and 1939 c 207 s 19 are each amended to
24 read as follows:

25 Upon the death of any person who has not been retired, pursuant to
26 the provisions of this chapter, there shall be paid to his or her
27 estate, or to such persons having an insurable interest in his or her
28 life as he or she shall have nominated by written designation duly
29 executed and filed with the board, his or her accumulated contributions
30 less any payments therefrom already made to him or her, if any.

31 **Sec. 56.** RCW 41.32.044 and 1973 2nd ex.s. c 32 s 5 are each
32 amended to read as follows:

33 A retired teacher upon returning to service in the public schools
34 of Washington may elect to again become a member of the retirement
35 system: PROVIDED, That if such a retired teacher elects to be restored
36 to membership he or she must establish two full years of service credit

1 before he or she will be eligible to retire under the provision of a
2 formula other than the one in effect at the time of his or her previous
3 retirement: PROVIDED FURTHER, That where any such right to again
4 retire is exercised to become effective before a member has established
5 two full years of service credit he or she may elect to retire only
6 under the provisions of the formula in effect at the time of his or her
7 previous retirement: AND PROVIDED FURTHER, That this section shall not
8 apply to any individual who has returned to service and is presently in
9 service on the effective date of this 1973 amendatory act.

10 **Sec. 57.** RCW 41.32.497 and 1990 c 249 s 12 are each amended to
11 read as follows:

12 Any person who became a member on or before April 25, 1973 and who
13 qualifies for a retirement allowance shall, at time of retirement, make
14 an irrevocable election to receive either the retirement allowance by
15 RCW 41.32.498 as now or hereafter amended or to receive a retirement
16 allowance pursuant to this section consisting of: (1) An annuity which
17 shall be the actuarial equivalent of his or her accumulated
18 contributions at his or her age of retirement, (2) A basic service
19 pension of one hundred dollars per annum, and (3) A service pension
20 which shall be equal to one one-hundredth of his or her average
21 earnable compensation for his or her two highest compensated
22 consecutive years of service times the total years of creditable
23 service established with the retirement system: PROVIDED, That no
24 beneficiary now receiving benefits or who receives benefits in the
25 future, except those beneficiaries receiving reduced benefits pursuant
26 to RCW 41.32.520(1)(a) or 41.32.530, shall receive a pension of less
27 than six dollars and fifty cents per month for each year of creditable
28 service established with the retirement system. Pension benefits
29 payable under the provisions of this section shall be prorated on a
30 monthly basis and paid at the end of each month.

31 **Sec. 58.** RCW 41.33.020 and 1992 c 212 s 12 are each amended to
32 read as follows:

33 The terms and provisions of the plan are as follows:

34 (1) Each political subdivision of the state employing members of
35 the teachers' retirement system and the members of the teachers'
36 retirement system, after the approval of this plan by the legislature,

1 and by the eligible employees through a referendum as provided in RCW
2 41.48.030 (3) and (4), shall be deemed to have accepted and agreed to
3 be bound by the following terms and conditions in consideration of
4 extension of the existing agreement between the secretary of health,
5 education, and welfare and the governor to make the protection of the
6 federal old age and survivors insurance program available and
7 applicable to such employees.

8 (2) As used in this plan the terms quoted below shall have the
9 meanings assigned thereto in this section.

10 "Political subdivision" means any political subdivision, or
11 instrumentality of one or more subdivisions, or proprietary enterprise
12 acquired, purchased or originated by one or more such subdivisions
13 after December, 1950, which employs members of the teachers' retirement
14 system. The state, its agencies, instrumentalities, and institutions
15 of higher learning shall be grouped and considered as a single
16 political subdivision.

17 "Employee" means any person who is a member of the teachers'
18 retirement system and is employed by a political subdivision.

19 "Wages" shall have the meaning given in RCW 41.48.020(1) and
20 section 209 of the social security act (42 U.S.C.A. Sec. 409).

21 "State" where not otherwise clearly indicated by the context, means
22 the commissioner of employment security or other officer designated by
23 the governor to administer the plan at the state level for all
24 participating political subdivisions.

25 (3) The terms and conditions of this plan are intended and shall be
26 construed to be in conformity with the requirements of the federal
27 social security act as amended and with the requirements of chapter
28 41.48 RCW, and particularly RCW 41.48.050, as amended by chapter 4,
29 Laws of 1955 extraordinary session.

30 (4) The rights and benefits accruing to employees from membership
31 in the teachers' retirement system shall in no way be altered or
32 impaired by this plan or by the additional and supplementary OASI
33 coverage which such employees may receive hereunder, other than the
34 elimination of (1), (2) and (3) of section 52, chapter 80, Laws of 1947
35 and RCW 41.32.520 as each are amended, with the exception of that part
36 of (1) which permits a widow or widower without a child or children
37 under age eighteen to receive a monthly payment of fifty dollars at age

1 fifty, provided that the member had fifteen or more years of Washington
2 membership service credit at date of death.

3 (5) There shall be no additional cost to or involvement of the
4 state or a political subdivision with respect to OASI coverage of
5 members of the teachers' retirement system until this plan has been
6 approved by the legislature.

7 (6) Each employee to whom OASI coverage is made applicable under
8 this plan pursuant to an extension or modification under RCW 41.48.030
9 of the existing agreement between the secretary of health, education,
10 and welfare and the governor shall be required to pay into the OASI
11 contribution ((~~fund~~)) account established by RCW 41.48.060 during the
12 period of such coverage contributions with respect to his or her wages
13 in an amount equal to the employee tax imposed by the federal insurance
14 contributions act (section 3101, Internal Revenue Code of 1954), in
15 consideration of the employee's retention in service by the political
16 subdivision. The subdivision shall withhold such contributions from
17 the wages paid to the employee; and shall remit the contributions so
18 withheld in each calendar quarter to the state for deposit in the
19 contribution ((~~fund~~)) account not later than the twentieth calendar day
20 of the month following that quarter.

21 (7) Each political subdivision shall pay into the contribution
22 ((~~fund~~)) account with respect to the wages of its employees during the
23 period of their OASI coverage pursuant to this plan contributions in an
24 amount equal to the employer tax imposed by the federal insurance
25 contributions act (section 3111, Internal Revenue Code of 1954), from
26 the fund of the subdivision from which such employees' wages are paid.
27 The subdivision shall remit such contributions to the state for deposit
28 in the contribution ((~~fund~~)) account on a quarterly basis, not later
29 than the twentieth calendar day of the month following each calendar
30 quarter.

31 (8) If any political subdivision other than that comprising the
32 state, its agencies, instrumentalities, and institutions of higher
33 learning fails to remit as provided herein employer contributions or
34 employee contributions, or any part of either, such delinquent
35 contributions may be recovered with interest at the rate of six percent
36 per annum by action in a court of competent jurisdiction against the
37 political subdivision; or such delinquent contributions may at the

1 request of the governor be deducted from any moneys payable to such
2 subdivision by the state.

3 (9) Each political subdivision shall be charged with a share of the
4 cost of administration of this plan by the state, to be computed as
5 that proportion of the overall cost of administration which its total
6 annual contributions bear to the total annual contributions paid by all
7 subdivisions on behalf of employees covered by the plan. The state
8 shall compute the share of cost allocable to each subdivision and bill
9 the subdivision therefor at the end of each fiscal year. The
10 subdivision shall within ninety days thereafter remit its share of the
11 cost to the state for deposit in the general fund of the state.

12 (10) Each political subdivision shall submit to the state, through
13 the employment security department, P.O. Box 367, Olympia, Washington,
14 or such other officer or agency as the governor may subsequently
15 designate, on forms furnished by the state, not later than the
16 twentieth calendar day of the month following the end of each calendar
17 quarter, the following information:

- 18 A. The social security account number of each employee;
- 19 B. The name of each employee;
- 20 C. The amount of wages subject to contributions as required
21 hereunder paid to each employee during the quarter;
- 22 D. The total amount of wages subject to contributions paid to all
23 employees during the quarter;
- 24 E. The total amount of employee contributions withheld and
25 remitted for the quarter; and
- 26 F. The total amount of employer contributions paid by the
27 subdivision for the quarter.

28 (11) Each political subdivision shall furnish in the same manner as
29 provided in subsection (10) of this section, upon reasonable notice,
30 such other and further reports or information as the governor may from
31 time to time require. Each subdivision shall comply with such
32 requirements as the secretary of health, education, and welfare or the
33 governor may from time to time establish with respect to any or all of
34 the reports or information which are or may be provided for under
35 subsection (10) of this section or this subsection in order to assure
36 the correctness and verification thereof.

37 (12) The governing body of each political subdivision shall
38 designate an officer of the subdivision to administer such accounting,

1 reporting, and other functions as will be required for the effective
2 operation of this plan within the subdivision, as provided herein. The
3 commissioner of employment security or such other officer as the
4 governor may designate, shall perform or supervise those functions with
5 respect to employees of the subdivision comprising the state, its
6 agencies, instrumentalities, and institutions of higher learning; and
7 shall serve as the representative of the participating political
8 subdivisions in the administration of this plan with the secretary of
9 health, education, and welfare.

10 (13) The legislature shall designate the first day of any month
11 beginning with January, 1956, as the effective date of OASI coverage
12 for such employees, except that after January 1, 1958, the effective
13 date may not be prior to the first day of the current year.

14 The employer's contribution for any retroactive coverage shall be
15 transferred by the board of trustees from the teachers' retirement
16 pension reserve to the official designated by the governor to
17 administer the plan at the state level.

18 Each employee's contributions for any retroactive coverage shall be
19 transferred by the board of trustees from his or her accumulated
20 contributions in the teachers' retirement fund, to the official
21 designated above. Each employee, if he or she so desires, may, within
22 one year from the date of transfer, reimburse his or her accumulated
23 contributions for the amount so transferred.

24 (14) The governor may terminate the operation of this plan in its
25 entirety with respect to any political subdivision, in his or her
26 discretion, if he or she finds that the subdivision has failed to
27 comply substantially with any requirement or provision of this plan.
28 The plan shall not be so terminated until reasonable notice and
29 opportunity for hearing thereon have been given to the subdivision
30 under such conditions, consistent with the provisions of the social
31 security act, as shall have been established in regulations by the
32 governor.

33 **Sec. 59.** RCW 41.40.210 and 1972 ex.s. c 151 s 8 are each amended
34 to read as follows:

35 Upon retirement for disability, as provided in RCW 41.40.200, a
36 member who has attained age sixty, regardless of his or her creditable
37 service shall receive a service retirement allowance.

1 **Sec. 60.** RCW 41.41.020 and 1957 c 222 s 2 are each amended to read
2 as follows:

3 The terms and provisions of the plan are as follows:

4 (1) Each political subdivision of the state employing members of
5 the state employees' retirement system, and such employees, after
6 approval of this plan by its governing body as provided in RCW
7 41.48.030(4)(f) and after approval by its eligible employees through
8 referendum as provided in RCW 41.48.030 (3) and (4), and the state
9 itself as such a subdivision, and its employees, after approval of this
10 plan by the legislature as provided in RCW 41.48.050(d) and RCW
11 41.48.030(4)(f) and after approval by its eligible employees through
12 referendum as provided in RCW 41.48.030 (3) and (4), shall be deemed to
13 have accepted and agreed to be bound by the following terms and
14 conditions in consideration of extension of the existing agreement
15 between the secretary of health, education and welfare and the governor
16 to make the protection of the federal old age and survivors insurance
17 program available and applicable to such employees.

18 (2) As used in this plan the terms quoted below shall have the
19 meanings assigned thereto in this subsection.

20 "Political subdivision" means any political subdivision, or
21 instrumentality of one or more such subdivisions, or proprietary
22 enterprise acquired, purchased, or originated by one or more such
23 subdivisions after December, 1950, which employs members of the state
24 employees' retirement system. The state, its agencies,
25 instrumentalities, and institutions of higher learning shall be grouped
26 and considered as a single political subdivision.

27 "Employee" means any person who is a member of the state employees'
28 retirement system and is employed by a political subdivision, except
29 persons serving in ((~~policeman's~~)) police officer's or ((~~fireman's~~))
30 firefighters' positions and officials compensated on a fee basis.

31 "Wages" shall have the meaning given in RCW 41.48.020(1) and
32 section 209 of the social security act (42 U.S.C.A. Sec. 409); and
33 refers to the first four thousand two hundred dollars paid to any
34 employee in any calendar year.

35 "State", where not otherwise clearly indicated by the context,
36 means the commissioner of employment security or other officer
37 designated by the governor to administer the plan at the state level
38 for all participating political subdivisions.

1 (3) The terms and conditions of this plan are intended and shall be
2 construed to be in conformity with the requirements of the federal
3 social security act as amended and with the requirements of chapter
4 41.48 RCW, and particularly RCW 41.48.050, as amended by chapter 4,
5 Laws of the extraordinary session of 1955.

6 (4) The rights and benefits accruing to employees from membership
7 in the state employees' retirement system shall in no way be altered or
8 impaired by this plan or by the additional and supplementary OASI
9 coverage which such employees may receive hereunder. Nothing herein
10 shall be construed to alter in any way the obligations of any political
11 subdivision or its employees to the retirement system.

12 (5) There shall be no additional cost to or involvement of the
13 state with respect to OASI coverage for state employee members of the
14 state employees' retirement system until this plan has been approved by
15 the legislature.

16 (6) OASI coverage shall be applicable to all services performed by
17 its employees for a political subdivision which has approved this plan.

18 (7) Each employee to whom OASI coverage is made applicable under
19 this plan pursuant to an extension or modification under RCW 41.48.030
20 of the existing agreement between the secretary of health, education,
21 and welfare and the governor shall be required to pay into the OASI
22 contribution ((~~fund~~)) account established by RCW 41.48.060 during the
23 period of such coverage contributions with respect to his or her wages
24 in an amount equal to the employee tax imposed by the federal insurance
25 contributions act (section 3101, Internal Revenue Code of 1954), in
26 consideration of the employee's retention in service by the political
27 subdivision. The subdivision shall withhold such contributions from
28 the wages paid to the employee; and shall remit the contributions so
29 withheld in each calendar quarter to the state for deposit in the
30 contribution ((~~fund~~)) account not later than the twentieth calendar day
31 of the month following that quarter.

32 (8) Each political subdivision shall pay into the contribution
33 ((~~fund~~)) account with respect to the wages of its employees during the
34 period of their OASI coverage pursuant to this plan contributions in an
35 amount equal to the employer tax imposed by the federal insurance
36 contributions act (section 3111, Internal Revenue Code of 1954), from
37 the fund of the subdivision from which such employees' wages are paid.
38 The subdivision shall remit such contributions to the state for deposit

1 in the contribution ((fund)) account on a quarterly basis, not later
2 than the twentieth calendar day of the month following each calendar
3 quarter.

4 (9) If any political subdivision other than that comprising the
5 state, its agencies, instrumentalities, and institutions of higher
6 learning fails to remit as provided herein employer contributions or
7 employee contributions, or any part of either, such delinquent
8 contributions may be recovered with interest at the rate of six percent
9 per annum by action in a court of competent jurisdiction against the
10 political subdivision; or such delinquent contributions may at the
11 request of the governor be deducted from any moneys payable to such
12 subdivision by the state.

13 (10) Each political subdivision shall be charged with a share of
14 the cost of administration of this plan by the state, to be computed as
15 that proportion of the overall cost of administration which its total
16 annual contributions bear to the total annual contributions paid by all
17 subdivisions on behalf of employees covered by the plan. The state
18 shall compute the share of cost allocable to each subdivision and bill
19 the subdivision therefor at the end of each fiscal year. The
20 subdivision shall within ninety days thereafter remit its share of the
21 cost to the state for deposit in the general fund of the state.

22 (11) Each political subdivision shall submit to the state, through
23 the employment security department, P.O. Box 367, Olympia, Washington,
24 or such other officer or agency as the governor may subsequently
25 designate, on forms furnished by the state, not later than the
26 twentieth calendar day of the month following the end of each calendar
27 quarter, the following information:

28 A. The social security account number of each employee;

29 B. The name of each employee;

30 C. The amount of wages subject to contributions as required
31 hereunder paid to each employee during the quarter;

32 D. The total amount of wages subject to contributions paid to all
33 employees during the quarter;

34 E. The total amount of employee contributions withheld and
35 remitted for the quarter; and

36 F. The total amount of employer contributions paid by the
37 subdivision for the quarter.

1 (12) Each political subdivision shall furnish in the same manner as
2 provided in subsection (11), upon reasonable notice, such other and
3 further reports or information as the governor may from time to time
4 require. Each subdivision shall comply with such requirements as the
5 secretary of health, education, and welfare or the governor may from
6 time to time establish with respect to any or all of the reports or
7 information which are or may be provided for under subsection (11) or
8 this subsection in order to assure the correctness and verification
9 thereof.

10 (13) The governing body of each political subdivision shall
11 designate an officer of the subdivision to administer such accounting,
12 reporting, and other functions as will be required for the effective
13 operation of this plan within the subdivision, as provided herein. The
14 commissioner of employment security, or such other officer as the
15 governor may designate, shall perform or supervise those functions with
16 respect to employees of the subdivision comprising the state, its
17 agencies, instrumentalities, and institutions of higher learning; and
18 shall serve as the representative of the participating political
19 subdivisions in the administration of this plan with the secretary of
20 health, education, and welfare.

21 (14) OASI coverage may be made applicable as provided herein to
22 employees of any political subdivision regardless of the approval or
23 disapproval of this plan by any other subdivision.

24 (15) Each political subdivision, with the approval of a majority of
25 its employees as indicated by vote thereon in conjunction with the
26 referendum to be held pursuant to RCW 41.48.030 (3) and (4), may
27 designate the first day of any month beginning with January of 1955 as
28 the effective date of OASI coverage for such employees; except that
29 after January 1, 1958, a subdivision may not so designate an effective
30 date prior to the first day of the current calendar year.

31 (16) The governor may terminate the operation of this plan in its
32 entirety with respect to any political subdivision, in his or her
33 discretion, if he or she finds that the subdivision has failed to
34 comply substantially with any requirement or provision of this plan.
35 The plan shall not be so terminated until reasonable notice and
36 opportunity for hearing thereon have been given to the subdivision
37 under such conditions, consistent with the provisions of the social

1 security act, as shall have been established in regulations by the
2 governor.

3 **Sec. 61.** RCW 41.44.030 and 1967 ex.s. c 28 s 6 are each amended to
4 read as follows:

5 As used in this chapter, unless a different meaning is plainly
6 required by the context:

7 (1) "Retirement system" means the statewide city employees
8 retirement system provided for herein.

9 (2) "City" or "cities" includes town or towns.

10 (3) "Employee" means any appointive officer or employee and shall
11 include elective officials to the extent specified herein.

12 (4) "Member" means any person included in the membership of the
13 retirement system as provided herein.

14 (5) "Board" means the "board of trustees" provided for herein.

15 (6) "Retirement fund" means "statewide city employees retirement
16 fund" provided for herein.

17 (7) "Service" means service rendered to a city for compensation;
18 and for the purpose of this chapter a member shall be considered as
19 being in service only while he or she is receiving compensation from
20 the city for such service or is on leave granted for service in the
21 armed forces of the United States as contemplated in RCW 41.44.120.

22 (8) "Prior service" means the service of a member for compensation
23 rendered a city prior to the effective date and shall include service
24 in the armed forces of the United States to the extent specified herein
25 and service specified in RCW 41.44.120(5).

26 (9) "Current service" means service after the employee has become
27 a member of the system.

28 (10) "Creditable service" means such service as is evidenced by the
29 record of normal contributions, plus prior service as evidenced by
30 prior service certificate.

31 (11) "Beneficiary" means any person in receipt of a pension,
32 annuity, retirement allowance, disability allowance, or any other
33 benefit herein.

34 (12) "Compensation" means the compensation payable in cash, plus
35 the monetary value, as determined by the board of trustees, of any
36 allowance in lieu thereof (but for the purposes of this chapter such
37 "compensation" shall not exceed three hundred dollars per month, except

1 as to those employees of any member city the legislative body of which
2 shall not later than July 1, 1953, have irrevocably elected by
3 resolution or ordinance to increase the limitation herein contained,
4 effective as to all of its employees, from three hundred dollars to
5 four hundred dollars, commencing on said date, or which shall so elect
6 prior to January 1st of any succeeding year, effective as of January
7 1st of any such succeeding year, and as to such employees shall,
8 commencing on the specified date, not exceed four hundred dollars or an
9 amount equal to such increased limitation established by such ordinance
10 or resolution per month): PROVIDED HOWEVER, That the foregoing
11 limitation shall not apply to uniformed personnel.

12 (13) "Compensation earnable" means the full rate of compensation
13 that would be payable to an employee if he or she worked the full
14 normal working time (but for the purposes of this chapter, such
15 "compensation earnable" shall not exceed three hundred dollars per
16 month, except as to those employees of any member city the legislative
17 body of which shall not later than July 1, 1953, have irrevocably
18 elected by resolution or ordinance to increase the limitation herein
19 contained, effective as to all of its employees, from three hundred
20 dollars to four hundred dollars, commencing on said date, or which
21 shall so elect prior to January 1st of any succeeding year, effective
22 as of January 1st of any such succeeding year, and as to such employees
23 shall, commencing on the specified date, not exceed four hundred
24 dollars or an amount equal to such increased limitation established by
25 such ordinance or resolution per month): PROVIDED, HOWEVER, That the
26 foregoing limitation shall not apply to uniformed personnel: PROVIDED
27 FURTHER, That after January 1, 1968 this term shall mean the full rate
28 of compensation payable to an employee if he or she worked the full
29 normal working time.

30 (14) "Final compensation" means the highest average annual
31 compensation earnable in any five consecutive years of actual service
32 rendered during the ten years immediately preceding retirement, or
33 where the employee has less than five consecutive years of actual
34 service, the earnable compensation for the last five years preceding
35 his or her retirement.

36 (15) "Matching contribution" means the contribution of the city
37 deposited in an amount equal to the normal contributions of the
38 employee.

1 (16) "Normal contributions" means the contributions at the rate
2 provided for in RCW 41.44.130, excluding those referred to in
3 subsection (6).

4 (17) "Released matching contributions" means such "matching
5 contributions" as are no longer held for the benefit of the employee.

6 (18) "Regular interest" means interest compounded annually at such
7 rate as shall have been adopted by the board of trustees in accordance
8 with the provisions of this chapter.

9 (19) "Accumulated normal contributions" means the sum of all normal
10 contributions, deducted from the compensation of a member, standing to
11 the credit of his or her individual account, together with regular
12 interest thereon.

13 (20) "Pension" means payments derived from contributions made by
14 the city as provided herein.

15 (21) "Annuity" means payments derived from contributions made by a
16 member as provided herein.

17 (22) "Retirement allowance" means the pension plus annuity.

18 (23) "Fiscal year" means any year commencing with January 1st and
19 ending with December 31st next following.

20 (24) "Miscellaneous personnel" means officers and employees other
21 than those in the uniformed police or fire service: PROVIDED, Those
22 members of the fire department who are ineligible to the benefits of a
23 (~~firemen's~~) firefighters' pension system established by or pursuant
24 to any other state law, are also included in the miscellaneous
25 personnel.

26 (25) "Uniformed personnel" means any employee who is a
27 (~~police~~) police officer in service or who is subject to call to
28 active service or duty as such.

29 (26) "Effective date" when used with regard to employees means the
30 date on which any individual or group of employees became members of
31 any retirement system and when used with regard to any city or town
32 shall mean the date on which it became a participant.

33 (27) "Actuarial equivalent" means a benefit of equal value when
34 computed at regular interest upon the basis of such mortality tables as
35 shall be adopted by the board of trustees.

36 (28) "Persons having an insurable interest in his or her life"
37 means and includes only such persons who, because of relationship from

1 ties of blood or marriage, have reason to expect some benefit from the
2 continuation of the life of the member.

3 (29) "Additional contributions" means contributions made pursuant
4 to subsection (6) of RCW 41.44.130.

5 (30) "Accumulated additional contributions" means the sum of all
6 "additional contributions" made by a member standing to the credit of
7 the individual account, together with regular interest thereon.

8 (31) "Part time employees" means those employees who, although
9 regularly and continuously employed, do not regularly perform their
10 duties the full number of hours required of other regular employees,
11 including but not confined to such employees as police judges, city
12 attorneys, and other officers and employees who are also engaged in
13 outside employment or occupations.

14 (32) "Excess interest income" means that interest income earned and
15 received from investments in excess of the interest income on
16 investments required to meet actuarial funding requirements.

17 **Sec. 62.** RCW 41.44.070 and 1967 ex.s. c 28 s 7 are each amended to
18 read as follows:

19 (1) The board of trustees shall consist of seven members, one of
20 whom shall be the state insurance commissioner, ex officio; three
21 elective city officials eligible to the benefits of the system who
22 shall be appointed by the governor from a list of six city officials
23 submitted by the executive committee of the association of Washington
24 cities as the official representative of cities and towns in the state.
25 Original terms of office of the appointees shall be one, two and three
26 years as designated by the governor; thereafter terms shall be for
27 three years duration. Appointments to fill vacancies other than those
28 caused by expiration of a term, shall be for the unexpired term.
29 Appointees shall serve until successors have been appointed and
30 qualified.

31 In addition to these four members, there shall be three city
32 employees who shall be elected by a secret ballot vote of the city
33 employees who are members of the system. The method and details of
34 such election shall be determined by the board of trustees. The first
35 such election shall be held in June of 1968. The original terms of
36 office for the elected city employee members shall be one, two and
37 three years as designated by the board of trustees, and such terms

1 shall begin July 1, 1968; thereafter terms shall be for three years'
2 duration. In the case of vacancies of elected city employee positions
3 the board of trustees shall appoint city employees to serve for the
4 unexpired terms. Such appointees shall serve until successors have
5 been elected.

6 (2) The board shall annually, dating from the first officially
7 recorded meeting, elect a ((~~chairman~~)) chair and secretary. Four
8 members shall constitute a quorum.

9 (3) Each member of the board shall take an oath of office that he
10 or she will diligently and honestly administer the affairs of the
11 board, and that he or she will not knowingly violate or ((~~wilfully~~))
12 willfully permit to be violated any of the provisions of this chapter.

13 **Sec. 63.** RCW 41.44.080 and 1961 c 227 s 2 are each amended to read
14 as follows:

15 The administration of the system is hereby vested in the board of
16 trustees created in RCW 41.44.070 of this chapter and the board shall:

17 (1) Keep in convenient form such data as shall be deemed necessary
18 for actuarial valuation purposes;

19 (2) From time to time, through its actuary, make an actuarial
20 investigation into the mortality and service experience of the
21 beneficiaries under this chapter and the various accounts created for
22 the purpose of showing the financial status of the retirement fund;

23 (3) Adopt for the retirement system the mortality tables and such
24 other tables as shall be deemed necessary;

25 (4) Certify annually the amount of appropriation which each city
26 shall pay into the retirement fund in the next fiscal year, at such a
27 time that the local authorities shall have ample opportunity for
28 including such expense in the budget;

29 (5) Keep a record of all its proceedings, which shall be open to
30 inspection by the public;

31 (6) From time to time adopt such rules and regulations not
32 inconsistent with this chapter, for the administration of the
33 provisions of this chapter, for the administration of the fund created
34 by this chapter and the several accounts thereof, and for the
35 transaction of the business of the board;

36 (7) Provide for investment, reinvestment, deposit, and withdrawal
37 of funds;

1 (8) Prepare and publish annually a financial statement showing the
2 condition of the fund and the various accounts thereof, and setting
3 forth such other facts, recommendations, and data as may be of use in
4 the advancement of knowledge concerning the statewide city employees
5 retirement system, and furnish a copy thereof to each city which has
6 joined the retirement system, and to such members as may request copies
7 thereof;

8 (9) Serve without compensation but shall be reimbursed for expense
9 incident to service as individual members thereof;

10 (10) Determine equitable amount of administrative expense and
11 death-in-line-of-duty benefit expense to be borne by each city;

12 (11) Make available to any city considering participation in the
13 system, the services of the actuary employed by the board for the
14 purpose of ascertaining the probable cost of such participation. The
15 cost of any such calculation or valuation shall be paid by the city
16 requesting same to the retirement system;

17 (12) Perform such other functions as are required for the execution
18 of the provisions of this chapter;

19 (13) No member of the board shall be liable for the negligence,
20 default, or failure of any employee or of any other member of the board
21 to perform the duties of his or her office and no member of the board
22 shall be considered or held to be an insurer of the funds or assets of
23 the retirement system but shall be liable only for his or her own
24 personal default or individual failure to perform his or her duties as
25 such member and to exercise reasonable diligence to provide for the
26 safeguarding of the funds and assets of the system.

27 (14) Fix the amount of interest to be credited at a rate which
28 shall be based upon the net annual earnings of the fund for the
29 preceding twelve-month period and from time to time make any necessary
30 changes in such rate.

31 (15) Distribute excess interest income to retired members on a cost
32 of living index basis, as published by the United States department of
33 health, education, and welfare, applied only to the annuity and current
34 service portion of the retired members' retirement allowance:
35 PROVIDED, That such distribution shall not exceed the income earned and
36 received on open end investments.

1 **Sec. 64.** RCW 41.44.110 and 1971 ex.s. c 271 s 14 are each amended
2 to read as follows:

3 (1) Subject to subsection (2) of this section, membership of this
4 retirement system shall be composed of the following groups of
5 employees in any participating city or cities:

6 (a) Miscellaneous personnel as defined in this chapter;

7 (b) Uniformed personnel as defined in this chapter;

8 (c) Elective officials, who shall have the right to membership in
9 this retirement system upon filing written notice of such election with
10 the board of trustees;

11 (d) Employees of the retirement system itself shall be entitled to
12 membership and any costs in connection with such membership shall be a
13 part of the cost of administration.

14 (e) Employees of any state association of cities and towns shall be
15 entitled to membership, upon election to participate made by the board
16 of directors pursuant to RCW 41.44.050, and any costs in connection
17 with such membership which would be borne by a city in the case of
18 employees of a city shall be borne by the association.

19 (2) Any city may, when electing to participate in this retirement
20 system in the manner set forth in RCW 41.44.050, include any one group
21 or combination of the groups mentioned in subsection (1) of this
22 section. For an initial period not to exceed one year from the
23 effective date of any city's entry into this system, if so provided at
24 the time of its election to participate, only a majority of the
25 employees of any group or combination of groups must be members of the
26 system.

27 At all times subsequent to the effective date of the city's entry
28 into this system, or at all times after expiration of such initial
29 period, if such initial period is established at the time of the city's
30 election to participate, all employees of any group or combination of
31 groups must be included or excluded as members of this system. Groups
32 (c) and (d) shall be considered as being composed of miscellaneous
33 personnel as far as benefits and obligations are concerned except when
34 the contrary is clearly indicated.

35 (3) Subject to subsection (2) of this section, membership in the
36 retirement system shall be compulsory for all employees in groups (a)
37 and (b), after qualification as provided in subsection (4) of this
38 section.

1 (4) Subject to subsection (2) of this section, all employees in
2 city service, on the effective date, or on June 9, 1949, or on
3 expiration of the initial period therein provided if they have
4 completed six consecutive months' service or six months' service in any
5 calendar year prior to the expiration of such initial period, shall be
6 members of the system, provided that such employees who are not regular
7 full time employees and are earning less than one hundred dollars per
8 month, or are part time employees serving in an official or special
9 capacity may with the acquiescence of the legislative body of the city
10 or town in which they are employed, elect on or before January 1, 1950,
11 to discontinue membership by giving written notice of such election to
12 the board. All other regular employees earning more than one hundred
13 dollars per month shall become members upon the completion of six
14 consecutive months' service or six months' service in any calendar
15 year. Any employee otherwise eligible, employed in a permanent
16 position, may elect in writing to become a member of the system at any
17 time during the initial period, or at any time prior to completing such
18 six months' service. Such individual employees other than regular
19 employees, who are earning less than one hundred dollars per month or
20 who are serving in an official or special capacity may elect to become
21 members with the acquiescence of the legislative body of the city or
22 town in which they are employed upon the completion of six months of
23 consecutive service or six months' service in any calendar year.

24 (5) It shall be the duty of the proper persons in each city to
25 immediately report to the board routine changes in the status of
26 personnel and to immediately furnish such other information regarding
27 the employment of members as the board may from time to time require.

28 (6) Should any member withdraw more than one-quarter of his or her
29 accumulated contributions, or should he or she die or be retired, he or
30 she shall thereupon cease to be a member.

31 (7) Transfer of any employee from one city to another shall not
32 cause the employee to lose membership in the system providing the city
33 to which he or she transfers participates in the retirement system
34 created herein.

35 **Sec. 65.** RCW 41.44.120 and 1971 ex.s. c 271 s 15 are each amended
36 to read as follows:

1 (1) Subject to subsections (4) and (5) of this section the
2 following members shall be entitled to prior service credit:

3 (a) Each member in service on the effective date.

4 (b) Each member entering after the effective date if such entry is
5 within one year after rendering service prior to the effective date.

6 (c) Each member entering in accordance with the provisions and
7 subject to the conditions and limitations prescribed in subsection (5)
8 of this section.

9 As soon as practicable, the board shall issue to each member
10 entitled to prior service credit a certificate certifying the aggregate
11 length of service rendered prior to the effective date. Such
12 certificate shall be final and conclusive as to his or her prior
13 service unless hereafter modified by the board, upon application of the
14 member.

15 (2) Each city joining the system shall have the privilege of
16 selecting the rate at which prior service pensions shall be calculated
17 for its employees and may select any one of the three rates set forth
18 below:

19 (a) 1.33% of final compensation multiplied by the number of years
20 of prior service credited to the member. This rate may be referred to
21 as "full prior service credit."

22 (b) 1.00% of final compensation multiplied by the number of years
23 of prior service credited to the member. This rate may be referred to
24 as "full (~~(three-fourths)~~) prior service credit."

25 (c) .667% of final compensation multiplied by the number of years
26 of prior service credited to the member. This rate may be referred to
27 as "one-half prior service credit."

28 (3) The above rates shall apply at the age of sixty-two or over for
29 members included in the miscellaneous personnel and at age sixty or
30 over for members in the uniformed personnel: PROVIDED, That if a
31 member shall retire before attaining either of the ages above referred
32 to, the total prior service pension shall be reduced to the percentages
33 computed and established in accordance with the following tables, to
34 wit:

35 Miscellaneous Personnel

36 Percent of Full Prior Service Allowable

	Male		Female	
	Age	Factor	Age	Factor
1				
2				
3	45	65.48	45	66.78
4	46	66.86	46	67.91
5	47	68.29	47	69.09
6	48	69.77	48	70.34
7	49	71.28	49	71.67
8	50	72.82	50	73.10
9	51	74.43	51	74.71
10	52	76.13	52	76.41
11	53	77.93	53	78.21
12	54	79.84	54	80.11
13	55	81.86	55	82.12
14	56	84.00	56	84.24
15	57	86.28	57	86.50
16	58	88.69	58	88.89
17	59	91.26	59	91.42
18	60	94.00	60	94.11
19	61	96.90	61	96.96
20	62	100.00	62	100.00

Percent of Full Prior Service Allowable

Uniformed Personnel

	Age	Factor
21		
22		
23		
24	45	69.66
25	46	71.13
26	47	72.65
27	48	74.22
28	49	75.83
29	50	77.47
30	51	79.18
31	52	80.99
32	53	82.91
33	54	84.93
34	55	87.09
35	56	89.37

1	57	91.79
2	58	94.36
3	59	97.09
4	60	100.00

5 (4) If sickness, injury, or service in the armed forces of the
6 United States during the national emergency identified with World War
7 I or World War II and/or service in the armed forces of the United
8 States of America for extended active duty by any employee who shall
9 have been regularly granted a leave of absence from the city service by
10 reason thereof, prevents any regular employee from being in service on
11 the effective date, the board shall grant prior service credit to such
12 person when he or she is again employed. The legislative authority in
13 each participating city shall specify the amount of prior service to be
14 granted or current service credit to be made available to such
15 employees: PROVIDED, That in no case shall such service credit exceed
16 five years. Certificate of honorable discharge from or documentary
17 evidence of such service shall be submitted to the board before any
18 such credit may be granted or made available. Prior or current service
19 rates, or both, for such employees shall not exceed the rates
20 established for fellow employees.

21 (5) There shall be granted to any person who was an employee of a
22 private enterprise or a portion thereof which shall be hereafter
23 acquired by a city as a matter of public convenience or necessity,
24 where it is in the public interest to retain the trained personnel of
25 such enterprise or portion thereof, credit for prior service for the
26 period such person was actually employed by such private enterprise,
27 except that this shall apply only to those persons who shall be
28 employees of such enterprise or portion thereof at the time of its
29 acquisition by the city and who remain in the service of such city
30 until the effective date of membership of such person under this
31 chapter.

32 There shall be granted to any person who was an employee of any
33 state association of cities and towns, which association elects to
34 participate in the retirement system established by this chapter,
35 credit for prior service for the period such person was actually
36 employed by such association, except that this shall apply only to

1 those persons who shall be employees of such association on May 21,
2 1971.

3 Credit for such prior service shall be given only if payment for
4 the additional cost of including such service has been made or if
5 payment of such additional cost or reimbursement therefor has been
6 otherwise provided for to the satisfaction of the board or if such
7 person be entitled to any private pension or retirement benefits as a
8 result of such service with such private enterprise, credit will be
9 given only if he or she agrees at the time of his or her employment by
10 the municipality to accept a reduction in the payment of any benefits
11 payable under this chapter that are based in whole or in part on such
12 added and accredited service by the amount of these private pension or
13 retirement benefits received. The conditions and limitations provided
14 for in this subsection (5) shall be embodied in any certificate of
15 prior service issued or granted by the board where any portion of the
16 prior service credited under this subsection is included therein.

17 The city may receive payments for these purposes from a third party
18 and shall make from such payments contributions with respect to such
19 prior service as may be necessary to enable the fund to assume its
20 obligations.

21 **Sec. 66.** RCW 41.44.130 and 1965 ex.s. c 99 s 3 are each amended to
22 read as follows:

23 (1) The normal rates of contribution of members shall be based on
24 sex and age at time of entry into the system, which age shall be the
25 age at the birthday nearest the date of such entry.

26 (2) The normal rates of contribution for miscellaneous personnel
27 shall be so fixed as to provide an annuity which, together with the
28 pension provided by the city, shall produce as nearly as may be, a
29 retirement allowance at the age of sixty-two years, of one and one-
30 third percent of the final compensation multiplied by the number of
31 years of service of the retiring employee. The normal rate established
32 for age sixty shall be the rate for any member who has attained a
33 greater age before entrance into the retirement system and the normal
34 contribution established for age twenty-four shall be the rate for any
35 member who enters the system at an earlier age.

36 (3) The normal rates of contribution for uniformed personnel shall
37 be so fixed as to provide an annuity which, together with the pension

1 that would be derived from equal contributions by the city, shall
2 produce as nearly as may be for members who enter service at age
3 thirty-seven or below, a retirement allowance, at age fifty-five with
4 twenty-five or more years of service, or at an age greater than fifty-
5 five after twenty-five years of service, equal to fifty percent of
6 final compensation; and for members entering service at ages over
7 thirty-seven, a retirement allowance at age sixty-two which shall be
8 the same proportion of fifty percent of final compensation as the
9 member's actual years credited bear to twenty-five years. The normal
10 rate established for age fifty shall be the rate for any member who has
11 attained a greater age before entrance into the retirement system.

12 (4) Subject to the provisions of this chapter, the board shall
13 adopt rules and regulations governing the making of deductions from the
14 compensation of employees and shall certify to the proper officials in
15 each city the normal rate of contribution for each member provided for
16 in subsections (2) and (3) of this section. The proper officials in
17 each city shall apply such rate of contribution to the full
18 compensation of uniformed personnel and to so much of the compensation
19 of miscellaneous personnel as does not exceed three hundred dollars per
20 month, or four hundred dollars per month, or to any increased amount of
21 such compensation as to members whose member cities have duly elected
22 to increase the limitation provided for in subsection (12) of RCW
23 41.44.030 and shall certify to the board on each and every payroll the
24 total amount to be contributed and shall furnish immediately to the
25 board a copy of each and every payroll; and each of said amounts shall
26 be forwarded immediately to the board and the board shall credit the
27 deduction shown on such payroll to individual accounts of the members
28 represented on such payrolls.

29 (5) Every member shall be deemed to consent and agree to the
30 contribution made and provided for herein, and shall receipt in full
31 for his or her salary or compensation. Payment less said contributions
32 shall be a full and complete discharge of all claims and demands
33 whatsoever for the service rendered by such person during the period
34 covered by such payment, except his or her claim to the benefits to
35 which he or she may be entitled under the provisions of this chapter.

36 (6) Any member may elect to contribute in excess of the
37 contributions provided for in this section in accordance with rules to
38 be established by the board for the purpose of providing additional

1 benefits, but the exercise of this privilege shall not place on the
2 member city or cities any additional financial obligation. The board
3 shall have authority to fix the rate of interest to be paid or allowed
4 upon the additional contributions and from time to time make any
5 necessary changes in said rate. Refunds of additional contributions
6 shall be governed by the same rules as those covering normal
7 contributions unless the board shall establish separate rules therefor.

8 **Sec. 67.** RCW 41.44.140 and 1967 ex.s. c 28 s 4 are each amended to
9 read as follows:

10 Retirement of a member for service shall be made by the board as
11 follows:

12 (1) Each member included in the miscellaneous personnel in service
13 on the effective date, who, on or before such effective date, has
14 attained the age of sixty-five years or over shall be compulsorily
15 retired forthwith: PROVIDED, That there shall be no compulsory
16 retirements for a period of two years immediately following the
17 effective date, but any member having attained the age of sixty-five
18 may voluntarily retire at any time after attaining such age. Members
19 included in the miscellaneous personnel attaining age sixty-five after
20 effective date shall be retired on the first day of the calendar month
21 next succeeding the month in which the member shall have attained
22 sixty-five, but none of such members shall be subject to compulsory
23 retirement until two years after the effective date. The legislative
24 authority of the city shall have the privilege at all times of
25 extending time for retirement of any such member to his or her
26 attainment of any age not exceeding age seventy: PROVIDED, That any
27 such extension shall not increase the retirement age of such member in
28 excess of one year at a time.

29 (2) Any member included in the miscellaneous personnel may retire
30 by filing with the board a written application duly attested, setting
31 forth on what date he or she desires to be retired, such application to
32 be made at least thirty days prior to date of retirement: PROVIDED,
33 That said member, at the time specified for his or her retirement,
34 shall have attained the age of sixty years, or shall have thirty years
35 of creditable service regardless of attained age: PROVIDED FURTHER,
36 That during the two years immediately following the effective date

1 voluntary service retirement of such members under sixty-two years of
2 age shall not be granted.

3 (3) Each member included in the uniformed personnel in service on
4 the effective date who on or before such effective date has attained
5 the minimum age for social security benefits shall be compulsorily
6 retired forthwith: PROVIDED, That there shall be no compulsory service
7 retirements for a period of two years immediately following the
8 effective date, but any such member having attained the minimum age for
9 social security benefits may voluntarily retire at any time after
10 attaining such age. Members included in the uniformed personnel
11 attaining the minimum age for social security benefits after the
12 effective date shall be retired on the first day of the calendar month
13 next succeeding the month in which the members shall have attained the
14 minimum age for social security benefits, but none of such members
15 shall be subject to compulsory retirement until two years after the
16 effective date. The legislative authority shall have the privilege at
17 all times of extending time for retirement of any such member:
18 PROVIDED, That any such extension shall not increase the retirement age
19 of such member in excess of one year at a time.

20 (4) Any member included in the uniformed personnel may retire by
21 filing with the board a written application duly attested, setting
22 forth on what date he or she desires to be retired, such application to
23 be made at least thirty days prior to date of retirement: PROVIDED,
24 That said members, at the time specified for retirement, shall have
25 twenty-five years of creditable service regardless of age, or shall
26 have attained the age of fifty-five years regardless of years of
27 creditable service: PROVIDED FURTHER, That during the two years
28 immediately following the effective date voluntary service retirement
29 of such members under the minimum age for social security benefits
30 shall not be granted.

31 (5) After the retirement of any employee, any member city, by
32 unanimous vote of its legislative body and with the consent of the
33 board, may reemploy or retain such employee in its service to fill a
34 supervisory or key position.

35 **Sec. 68.** RCW 41.44.150 and 1965 ex.s. c 99 s 5 are each amended to
36 read as follows:

1 (1) A member upon retirement for service, shall receive a
2 retirement allowance subject to the provisions of subsection (2) of
3 this section, which shall consist of:

4 (a) An annuity which shall be the actuarial equivalent of his or
5 her accumulated normal contributions at the time of his or her
6 retirement; and

7 (b) A pension provided by the contributions of the city, equal to
8 the annuity purchased by the accumulated normal contributions of the
9 member;

10 (c) For any member having credit for prior service an additional
11 pension, provided by the contributions of the city, as set forth in RCW
12 41.44.120 at the rate selected by the city employing the member;

13 (d) Any member, excepting a part time employee, who has ten or more
14 years of creditable service and who is retired by reason of attaining
15 the age of sixty-five or over if included in the miscellaneous
16 personnel or the age of fifty-five or over if included in the uniformed
17 personnel, and whose retirement allowance is calculated to be less than
18 sixty dollars per month, shall receive such additional pension,
19 provided by the contributions of the city, as will make his or her
20 total retirement allowance equal to sixty dollars per month. An
21 annuity purchased by accumulated additional contributions in such case
22 shall be paid in addition to the minimum guaranteed as herein provided.
23 A part time employee having ten or more years of creditable service,
24 retired by reason of attaining the ages in this subdivision specified
25 and whose retirement allowance is calculated to be less than forty
26 dollars per month, shall receive such additional pension, provided by
27 the contributions of the city, as will make the total retirement
28 allowance equal to forty dollars per month, together with an annuity
29 purchased by his or her accumulated additional contributions, if any,
30 in addition to the minimum guaranteed.

31 Nothing herein contained shall be construed in a manner to increase
32 or to decrease any pension being paid or to be paid to a member retired
33 prior to June 11, 1953.

34 (e) Any member, excepting a part time employee, who has been or is
35 retired by reason of attaining the age of sixty-five or over if
36 included in the miscellaneous personnel or the age of fifty-five or
37 over if included in the uniformed personnel, and whose retirement
38 allowance is calculated to be less than sixty dollars per month, shall

1 receive such additional pension, provided by the contributions of the
2 city, as will make his or her total retirement allowance equal to six
3 dollars per month for each year of his or her creditable service:
4 PROVIDED, That the total additional retirement allowance shall be
5 limited to an amount equal to such amount as will make his or her total
6 retirement allowance not more than sixty dollars per month. An annuity
7 purchased by accumulated additional contributions, if any, in such case
8 shall be paid in addition to the minimum guaranteed, as herein
9 provided.

10 Nothing herein contained shall be construed in a manner to increase
11 or to decrease any pension being paid or to be paid to a member retired
12 prior to June 11, 1953.

13 (f) The normal retirement age for uniformed personnel shall be age
14 fifty-five with twenty-five years of creditable service, or shall be at
15 an age greater than age fifty-five upon the completion of twenty-five
16 years or more of creditable service. Upon retirement at the normal
17 age, the retirement allowance shall be equal to fifty percent of final
18 compensation. If retirement occurs at an age other than the normal
19 age, the retirement allowance shall be the same proportion of fifty
20 percent of final compensation as the member's actual years of service
21 bears to the years of service that were or would have been served up to
22 the normal retirement age: PROVIDED, That if retirement occurs prior
23 to the normal age of retirement, said allowance shall be the actuarial
24 equivalent of said allowance at the normal age of retirement.

25 Nothing herein contained shall be construed in a manner to increase
26 or to decrease any pension being paid or to be paid to a member retired
27 prior to August 6, 1965.

28 (2) If the retirement allowance of the member as provided in this
29 section, is in excess of three-fourths of his or her final
30 compensation, the pension of the member, purchased by the contributions
31 of the city, shall be reduced to such an amount as shall make the
32 member's retirement allowance equal to three-fourths of his or her
33 final compensation, except as provided in subdivision (3) of this
34 section.

35 (3) A member, upon retirement from service, shall receive in
36 addition to the retirement allowance provided in this section, an
37 additional annuity which shall be the actuarial equivalent of any

1 accumulated additional contributions which he or she has to his or her
2 credit at the time of his or her retirement.

3 **Sec. 69.** RCW 41.44.160 and 1965 ex.s. c 99 s 6 are each amended to
4 read as follows:

5 Any member who has at least ten years of creditable service within
6 the fifteen years immediately preceding retirement and has not attained
7 the age of sixty-five years, or who attains or has attained the age of
8 sixty-five years prior to two years after the effective date, may be
9 retired by the board for permanent and total disability, either
10 ordinary or accidental not incurred in line of duty, and any member,
11 regardless of his or her age or years of service, may be retired by the
12 board for any permanent and total disability incurred in line of duty,
13 upon examination as follows:

14 Any member while in service, or while physically or mentally
15 incapacitated for the performance of duty, if such incapacity has been
16 continuous from discontinuance of city service, shall be examined by
17 such medical authority as the board shall employ, upon the application
18 of the head of the office or department in which the member is employed
19 with approval of the legislative body, or upon application of said
20 member, or a person acting in his or her behalf, stating that said
21 member is permanently and totally incapacitated, either physically or
22 mentally, for the performance of duty and ought to be retired. If
23 examination shows, to the satisfaction of the board, that the member
24 should be retired, he or she shall be retired forthwith: PROVIDED,
25 That no such application shall be considered or granted upon the
26 application of a member unless said member or someone in his or her
27 behalf, in case of the incapacity of a member, shall have filed the
28 application within a period of one year from and after the
29 discontinuance of service of said member: PROVIDED, The board shall
30 retire the said member for disability forthwith: PROVIDED, That the
31 disability retirement allowance shall be effective on the first of the
32 month following that in which the member last received salary or wages
33 in city service.

34 The board shall secure such medical services and advice as it may
35 deem necessary to carry out the purpose of this section and RCW
36 41.44.180.

1 **Sec. 70.** RCW 41.44.170 and 1973 1st ex.s. c 154 s 78 are each
2 amended to read as follows:

3 On retirement for permanent and total disability not incurred in
4 line of duty a member shall receive a retirement allowance which shall
5 consist of:

6 (1) An annuity which shall be the actuarial equivalent of his or
7 her accumulated normal contributions; and

8 (2) A pension provided by the contributions of the city which,
9 together with his or her annuity provided by his or her accumulated
10 normal contributions, shall make his or her retirement allowance equal
11 to thirty percent of his or her final compensation for the first ten
12 years of service, which allowance shall be increased by one and one-
13 half percent for each year of service in excess of ten years to a
14 maximum of fifty percent of his or her final compensation; otherwise he
15 or she shall receive a retirement allowance of forty dollars per month
16 or, except as to a part time employee, such sum, monthly, not in excess
17 of sixty dollars per month, as is equal to six dollars per month for
18 each year of his or her creditable service, whichever is greater. If
19 the retirement allowance of a part time employee, based upon the
20 pension hereinabove provided, does not exceed forty dollars per month,
21 then such part time employee shall receive a retirement allowance of
22 forty dollars per month and no more.

23 Nothing herein contained shall be construed in a manner to increase
24 or to decrease any pension being paid or to be paid to a member retired
25 prior to August 6, 1965.

26 (3) If it appears to the satisfaction of the board that permanent
27 and total disability was incurred in line of duty, a member shall
28 receive in lieu of the retirement allowance provided under subdivisions
29 (1) and (2) of this section full pay from, and be furnished all
30 hospital and medical care by, the city for a period of six months from
31 the date of his or her disability, and commencing at the expiration of
32 such six month period, shall receive a retirement allowance, regardless
33 of his or her age or years of service, equal to fifty percent of his or
34 her final compensation exclusive of any other benefit he or she may
35 receive.

36 (4) No disability retirement allowance shall exceed seventy-five
37 percent of final compensation, anything herein to the contrary
38 notwithstanding, except as provided in subdivision (7) of this section.

1 (5) Upon the death of a member while in receipt of a disability
2 retirement allowance, his or her accumulated contributions, as they
3 were at the date of his or her retirement, less any annuity payments
4 made to him or her, shall be paid to his or her estate, or to such
5 persons having an insurable interest in his or her life as he or she
6 shall have nominated by written designation duly executed and filed
7 with the board. In the alternative, if there be a surviving spouse, or
8 if no surviving spouse, there are surviving a child or children under
9 the age of eighteen years, upon written notice to the board by such
10 spouse, or if there be no such spouse, by the duly appointed, qualified
11 and acting guardian of such child or children, within sixty days of the
12 date of such member's death, there shall be paid to such spouse during
13 his or her lifetime, or, if there be no such spouse, to such child or
14 children, until they shall reach the age of eighteen years, a monthly
15 pension equal to one-half of the monthly final compensation of such
16 deceased member. If any such spouse or child or children shall marry,
17 then such person so marrying shall thereafter receive no further
18 pension herein provided.

19 (6) If disability is due to intemperance, (~~willful~~) willful
20 misconduct, or violation of law, on the part of the member, the board,
21 in its discretion, may pay to said member, in one lump sum his or her
22 accumulated contribution, in lieu of a retirement allowance, and such
23 payment shall constitute full satisfaction of all obligations of the
24 city to such member.

25 (7) In addition to the annuity and pension provided for in
26 subdivisions (1) and (2) of this section, a member shall receive an
27 annuity which shall be the actuarial equivalent of his or her
28 accumulated additional contributions.

29 **Sec. 71.** RCW 41.44.180 and 1961 c 227 s 8 are each amended to read
30 as follows:

31 (1) The board may, at its pleasure, require any disability
32 beneficiary under age sixty-two in the miscellaneous personnel and
33 under age fifty-five in the uniformed personnel to undergo medical
34 examination by medical authority designated by the board. Upon the
35 basis of such examination the board shall determine whether such
36 disability beneficiary is still totally and permanently incapacitated,
37 either physically or mentally, for service in the office or department

1 of the city where he or she was employed or in any other position in
2 that city, the duties of which he or she might reasonably be expected
3 to carry out.

4 (2) If the board shall determine that the beneficiary is not so
5 incapacitated his or her retirement allowance shall be canceled and he
6 or she shall be reinstated forthwith in city service. If the city is
7 unable to find employment for a disability beneficiary found to be no
8 longer totally and permanently disabled, the board shall continue the
9 disability retirement allowance of the beneficiary until such time as
10 employment is available, except as provided in paragraph (4) of this
11 section.

12 (3) Should a disability beneficiary reenter city service and be
13 eligible for membership in the retirement system, his or her retirement
14 allowance shall be canceled and he or she shall immediately become a
15 member of the retirement system, his or her rate of contribution for
16 future years being that established for his or her age at the time of
17 such reentry. His or her individual account shall be credited with his
18 or her accumulated contributions less the annuity payments made to him
19 or her. An amount equal to the accumulated normal contributions so
20 credited to him or her shall again be held for the benefit of said
21 member and shall no longer be included in the amounts available to meet
22 the obligations of the city on account of benefits that have been
23 granted. Such member shall receive credit for prior service in the
24 same manner as if he or she had never been retired for disability.

25 (4) Should any disability beneficiary under age sixty-two in the
26 miscellaneous personnel or under age fifty-five in the uniformed
27 personnel, refuse to submit to medical examination, his or her
28 retirement allowance may be discontinued until his or her withdrawal of
29 such refusal, and should refusal continue for one year, his or her
30 retirement allowance may be canceled. Should said disability
31 beneficiary, prior to attaining age sixty-two or age fifty-five, as the
32 case may be, engage in a gainful occupation the board shall reduce the
33 amount of his or her retirement allowance to an amount, which when
34 added to the compensation earned by him or her in such occupation,
35 shall not exceed the amount of the final compensation on the basis of
36 which his or her retirement allowance was determined. Should the
37 earning capacity of such beneficiary be further altered, the board may
38 further alter his or her retirement allowance as indicated above. When

1 said disability beneficiary reaches age sixty-two, if included in the
2 miscellaneous personnel, or age fifty-five, in the uniformed personnel,
3 his or her retirement allowance shall be made equal to the amount upon
4 which he or she was originally retired, and shall not again be modified
5 for any cause except as provided in RCW 41.44.250.

6 (5) Should the retirement allowance of any disability beneficiary
7 be canceled for any cause other than reentrance into city service, he
8 or she shall be paid his or her accumulated contributions, less annuity
9 payments made to him or her.

10 **Sec. 72.** RCW 41.44.190 and 1967 ex.s. c 28 s 5 are each amended to
11 read as follows:

12 (1) Should service of a member of the miscellaneous personnel be
13 discontinued except by death or retirement, he or she shall be paid six
14 months after the day of discontinuance such part of his or her
15 accumulated contributions as he or she shall demand. Six months after
16 the date of such discontinuance, unless on leave of absence regularly
17 granted, or unless he or she has exercised the option hereinafter
18 provided, his or her rights to all benefits as a member shall cease,
19 without notice, and his or her accumulated contributions shall be
20 returned to him or her in any event or held for his or her account if
21 for any reason the return of the same is prevented. Should service of
22 a member of the uniformed personnel be discontinued except by death or
23 retirement, he or she shall be paid six months after the day of
24 discontinuance such part of his or her accumulated contributions as he
25 or she shall demand, and six months after the date of such
26 discontinuance, unless on leave of absence regularly granted, his or
27 her rights to all benefits as a member shall cease, without notice, and
28 his or her accumulated contributions shall be returned to him or her in
29 any event, or held for his or her account if for any reason the same is
30 prevented: PROVIDED, That the board may in its discretion, grant the
31 privilege of withdrawal in the amounts above specified at any time
32 following such discontinuance. Any member whose service is
33 discontinued except by death or retirement, and who has five or more
34 years of creditable service when such discontinuance occurs, may, at
35 his or her option, leave his or her accumulated contributions in the
36 fund and thereby be entitled to receive a deferred retirement allowance
37 commencing at retirement age sixty for miscellaneous personnel and at

1 age fifty-five for uniformed personnel, such retirement allowance to be
2 computed in the same manner provided in subsection (1) of RCW
3 41.44.150: PROVIDED, That this option may be revoked at any time prior
4 to commencement of annuity payments by filing a written notice of such
5 intention with the board together with a written application for a
6 refund of such accumulated contributions. The board may establish
7 rules and regulations to govern withdrawal and redeposit of
8 contributions.

9 (2) Should a former member, within five years after discontinuance
10 of service, return to service in the same city in which he or she was
11 employed he or she may restore to the fund in such manner as may be
12 agreed upon by such person and the board, his or her withdrawn normal
13 accumulated contributions as they were at the time of his or her
14 separation from service and upon completion of such redeposit all his
15 or her rights and privileges existing at the time of discontinuance of
16 service shall be restored and his or her obligations as a member shall
17 begin again. The rate of contribution of such returning member shall
18 be the same as it was at the time he or she separated from service.

19 (3) Upon the death of any person who has not been retired, pursuant
20 to the provisions hereof, there shall be paid to his or her estate, or
21 to such persons having an insurable interest in his or her life as he
22 or she shall have nominated by written designation duly executed and
23 filed with the board, his or her accumulated contributions less any
24 payments therefrom already made to him or her. Such payment may be
25 made in one lump sum or may be paid in installments over a period of
26 not to exceed five years, as may be designated by the member or his or
27 her beneficiary, with such rate of interest as may be determined by the
28 board.

29 (4) In lieu of the death benefit otherwise payable under subsection
30 (3) of this section, there shall be paid a total allowance equal to
31 one-fourth average final compensation per month to the surviving spouse
32 of a member with at least twenty years service as such, at the time of
33 death and who has not been retired and who, by reason of membership in
34 the system, is covered by the Old Age and Survivors Insurance
35 provisions of the Federal Social Security Act, but not at the time of
36 death qualified to receive the benefits thereof. Said allowance shall
37 become payable upon the death of said member or upon the date the
38 surviving spouse becomes ineligible for any benefit payment from the

1 Federal OASI, if later, and shall cease upon death or remarriage, or
2 upon the date the surviving spouse would become entitled, upon
3 application therefor; to any insurance benefit from the Federal OASI
4 system, whichever event shall first occur: PROVIDED, That said benefit
5 shall cease upon the beneficiary becoming employed by any member city
6 of said system: PROVIDED FURTHER, That this allowance shall consist
7 of:

8 (a) An amount which shall be the actuarial equivalent of the normal
9 contributions at the time specified for retirement;

10 (b) An amount provided by the contributions of the city, equal to
11 the annuity purchased by the accumulated normal contributions of the
12 member;

13 (c) Such additional amount, provided by the contributions of the
14 city, as will make the total allowance equal to one-fourth average
15 final compensation per month;

16 (d) An annuity purchased by the accumulated additional
17 contributions, if any, in addition to the minimum guaranteed.

18 (5) In lieu of the death benefit otherwise payable under subsection
19 (3) of this section, the surviving spouse of a member who dies after
20 having attained the minimum requirements for his or her service
21 retirement as required by RCW 41.44.140 may elect to receive the
22 allowance which would have been paid to such surviving spouse had the
23 member been retired on the date of his or her death and had he or she
24 elected to receive the lesser retirement allowances provided for in
25 option C of RCW 41.44.220.

26 (6) If a former member shall, within one year from date of
27 discontinuance of service, be employed by another city participating in
28 this retirement system he or she shall have the privilege of
29 redepositing and the matching contributions deposited by the city or
30 cities in which he or she was formerly employed shall again be held for
31 the benefit of such member. If such redepositing member possessed a
32 prior service certificate the city employing him or her at time of
33 retirement shall accept the liability evidenced by such certificate.

34 Reinstatement of a prior service certificate shall be effective
35 only upon a showing that normal contributions are on deposit in the
36 retirement fund, to the credit of the member, covering all current
37 service.

1 **Sec. 73.** RCW 41.44.200 and 1953 c 228 s 8 are each amended to read
2 as follows:

3 Whenever a member withdraws his or her accumulated normal
4 contributions the matching contributions of the city so released shall
5 be transferred to a reserve account created for the purpose of showing
6 the amount of credits due each city through such operation. Such
7 credits may be used by the city to apply on any charges made against
8 the city but only so much thereof as will insure leaving in such
9 account an amount estimated to be sufficient to again match
10 contributions redeposited by employees returning to service as
11 contemplated in RCW 41.44.190. The board may credit such reserve
12 accounts with interest at such rate as the board deems equitable:
13 PROVIDED, That as to any member city which has elected to and is making
14 contributions in lieu of those required in RCW 41.44.090(1)(a), there
15 shall be no release of the city's matching contributions after the date
16 of its commencement to make such lieu contributions: PROVIDED FURTHER,
17 That any released contributions of any such city which have been
18 credited to its reserve account prior to the date of such commencement,
19 shall be available to it for the purposes hereinabove specified, unless
20 the board shall determine that their immediate use for such purposes
21 would result in a harmful effect upon the assets of the system, in
22 which event the board shall have the right to defer their use for a
23 reasonable time in which to permit it to make adjustments in the
24 current assets of the system to prevent the same.

25 **Sec. 74.** RCW 41.44.210 and 1973 1st ex.s. c 154 s 79 are each
26 amended to read as follows:

27 Upon the death of any member who dies from injuries or disease
28 arising out of or incurred in the performance of his or her duty or
29 duties, of which the board of trustees shall be the judge, if death
30 occurs within one year from date of discontinuance of city service
31 caused by such injury, there shall be paid to his or her estate or to
32 such person or persons having an insurable interest in his or her life,
33 as he or she shall have nominated by written designation duly executed
34 and filed with the board, the sum of one thousand dollars, purchased by
35 the contributions of the cities participating in the retirement system;
36 and in addition thereto there shall be paid to the surviving spouse
37 during such spouse's lifetime, or if there be no surviving spouse, then

1 to his or her minor child or children until they shall have reached the
2 age of eighteen years, a monthly pension equal to one-half the monthly
3 final compensation of such deceased member. If any such spouse, or
4 child or children shall marry, then such person so marrying shall
5 thereafter receive no further pension herein provided. Cost of the
6 lump sum benefit above provided shall be determined by actuarial
7 calculation and prorated equitably to each city. The benefits provided
8 in this section shall be exclusive of any other benefits due the member
9 under this chapter.

10 **Sec. 75.** RCW 41.44.220 and 1965 ex.s. c 99 s 9 are each amended to
11 read as follows:

12 A member may elect to receive in lieu of the retirement allowance
13 provided for in RCW 41.44.150, its actuarial equivalent in the form of
14 a lesser retirement allowance, payable in accordance with the terms and
15 conditions of one of the options set forth below in this section.
16 Election of any option must be made by written application filed with
17 the board at least thirty days in advance of retirement, or may be made
18 by any member after he or she has attained the minimum requirements for
19 his or her service retirement as required by RCW 41.44.140, and shall
20 not be effective unless approved by the board prior to retirement of
21 the member.

22 Option A. The lesser retirement allowance shall be payable to the
23 member throughout his or her life: PROVIDED, That if he or she die
24 before he or she receives in annuity payments referred to in paragraph
25 (a) of subsection (1) of RCW 41.44.150 a total amount equal to the
26 amount of his or her accumulated contributions as it was at date of his
27 or her retirement, the balance of such accumulated contributions shall
28 be paid in one sum to his or her estate or to such person having an
29 insurable interest in his or her life as he or she shall nominate by
30 written designation duly executed and filed with the board.

31 Option B. The lesser retirement allowance shall be payable to the
32 member throughout life, and after death of the member, one-half of the
33 lesser retirement allowance shall be continued throughout the life of
34 and paid to the wife or husband of this member.

35 Option C. The lesser retirement allowance shall be payable to the
36 member throughout life, and after death of the member it shall be

1 continued throughout the life of and paid to the wife or husband of the
2 member.

3 A member may apply for some other benefit or benefits and the board
4 may grant such application provided such other benefit or benefits,
5 together with the reduced retirement allowance, shall be certified by
6 the actuary to be of equivalent value to his or her retirement
7 allowance.

8 The surviving spouse may elect to receive a cash refund of the
9 member's accumulated contributions in lieu of the monthly benefit under
10 either Option B or Option C.

11 **Sec. 76.** RCW 41.44.250 and 1951 c 275 s 15 are each amended to
12 read as follows:

13 The payment of any retirement allowance to a member who has been
14 retired from service shall be suspended during the time that the
15 beneficiary is in receipt of compensation for service to any city or
16 town that is a member of the statewide city employees' retirement
17 system, except as to the amount by which such retirement allowance may
18 exceed such compensation for the same period. It is the intent of this
19 section to prevent any retired person from being able to receive both
20 his or her retirement allowance and compensation for service to any
21 city or town that is a member of the statewide city employees'
22 retirement system: PROVIDED, That nothing in this section shall
23 prevent county or state welfare departments from furnishing to any
24 retired employee under the terms of this chapter the hospital, medical,
25 dental, and other benefits granted to pensioners under the provisions
26 of Title 74 RCW.

27 **Sec. 77.** RCW 41.48.020 and 1955 ex.s. c 4 s 2 are each amended to
28 read as follows:

29 For the purposes of this chapter:

30 (1) "Wages" means all remuneration for employment as defined
31 herein, including the cash value of all remuneration paid in any medium
32 other than cash, except that such term shall not include that part of
33 such remuneration which, even if it were for "employment" within the
34 meaning of the federal insurance contributions act, would not
35 constitute "wages" within the meaning of that act;

1 (2) "Employment" means any service performed by an employee in the
2 employ of the state, or any political subdivision thereof, for such
3 employer, except (a) service which in the absence of an agreement
4 entered into under this chapter would constitute "employment" as
5 defined in the social security act; or (b) service which under the
6 social security act may not be included in an agreement between the
7 state and the secretary of health, education, and welfare entered into
8 under this chapter;

9 (3) "Employee" includes all officers and employees of the state or
10 its political subdivisions except officials compensated on a fee basis;

11 (4) "Secretary of health, education, and welfare" includes any
12 individual to whom the secretary of health, education, and welfare has
13 delegated any of his or her functions under the social security act
14 with respect to coverage under such act of employees of states and
15 their political subdivisions, and with respect to any action taken
16 prior to April 11, 1953, includes the federal security administrator
17 and any individual to whom such administrator has delegated any such
18 function;

19 (5) "Political subdivision" includes an instrumentality of the
20 state, of one or more of its political subdivisions, or of the state
21 and one or more of its political subdivisions. Such term also includes
22 a proprietary enterprise acquired, purchased, or originated by the
23 state or any of its political subdivisions subsequent to December,
24 1950. Such a subdivision may elect to accept federal OASI coverage
25 under this chapter.

26 (6) "Federal insurance contributions act" means subchapter A of
27 chapter 9 of the federal internal revenue code of 1939 and subchapters
28 A and B of chapter 21 of the federal internal revenue code of 1954, as
29 such codes have been and may from time to time be amended; and the term
30 "employee tax" means the tax imposed by section 1400 of such code of
31 1939 and section 3101 of such code of 1954.

32 **Sec. 78.** RCW 41.48.040 and 1955 ex.s. c 4 s 4 are each amended to
33 read as follows:

34 (1) Every employee of the state whose services are covered by an
35 agreement entered into under RCW 41.48.030 shall be required to pay for
36 the period of such coverage, into the contribution (~~fund~~) account
37 established by RCW 41.48.060, contributions, with respect to wages (as

1 defined in RCW 41.48.020), equal to the amount of employee tax which
2 would be imposed by the federal insurance contributions act if such
3 services constituted employment within the meaning of that act. Such
4 liability shall arise in consideration of the employees' retention in
5 the service of the state, or his or her entry upon such service, after
6 the enactment of this chapter.

7 (2) The contribution imposed by this section shall be collected by
8 deducting the amount of the contribution from wages as and when paid,
9 but failure to make such deduction shall not relieve the employee from
10 liability for such contribution.

11 (3) If more or less than the correct amount of the contribution
12 imposed by this section is paid or deducted with respect to any
13 remuneration, proper adjustments, or refund if adjustment is
14 impracticable, shall be made, without interest, in such manner and at
15 such times as the state agency shall prescribe.

16 **Sec. 79.** RCW 41.48.050 and 1981 c 119 s 1 are each amended to read
17 as follows:

18 (1) Each political subdivision of the state is hereby authorized to
19 submit for approval by the governor a plan for extending the benefits
20 of title II of the social security act, in conformity with the
21 applicable provisions of such act, to those employees of such political
22 subdivisions who are not covered by an existing pension or retirement
23 system. Each pension or retirement system established by the state or
24 a political subdivision thereof is hereby authorized to submit for
25 approval by the governor a plan for extending the benefits of title II
26 of the social security act, in conformity with applicable provisions of
27 such act, to members of such pension or retirement system. Each such
28 plan and any amendment thereof shall be approved by the governor if he
29 or she finds that such plan, or such plan as amended, is in conformity
30 with such requirements as are provided in regulations of the governor,
31 except that no such plan shall be approved unless--

32 (a) It is in conformity with the requirements of the social
33 security act and with the agreement entered into under RCW 41.48.030;

34 (b) It provides that all services which constitute employment as
35 defined in RCW 41.48.020 and are performed in the employ of the
36 political subdivision by employees thereof, shall be covered by the
37 plan;

1 (c) It specifies the source or sources from which the funds
2 necessary to make the payments required by paragraph (a) of subsection
3 (3) and by subsection (4) of this section are expected to be derived
4 and contains reasonable assurance that such sources will be adequate
5 for such purposes;

6 (d) It provides that in the plan of coverage for members of the
7 state teachers' retirement system or for state employee members of the
8 state employees' retirement system, there shall be no additional cost
9 to or involvement of the state until such plan has received prior
10 approval by the legislature;

11 (e) It provides for such methods of administration of the plan by
12 the political subdivision as are found by the governor to be necessary
13 for the proper and efficient administration of the plan;

14 (f) It provides that the political subdivision will make such
15 reports, in such form and containing such information, as the governor
16 may from time to time require and comply with such provisions as the
17 governor or the secretary of health, education, and welfare may from
18 time to time find necessary to assure the correctness and verification
19 of such reports; and

20 (g) It authorizes the governor to terminate the plan in its
21 entirety, in his or her discretion, if he or she finds that there has
22 been a failure to comply substantially with any provision contained in
23 such plan, such termination to take effect at the expiration of such
24 notice and on such conditions as may be provided by regulations of the
25 governor and may be consistent with the provisions of the social
26 security act.

27 (h) It provides that law enforcement officers and firefighters of
28 each political subdivision of this state who are covered by the
29 Washington Law Enforcement Officers' and Firefighters' Retirement
30 System Act (chapter 209, Laws of 1969 ex. sess.) as now in existence or
31 hereafter amended shall constitute a separate "coverage group" for
32 purposes of the plan or agreement entered into under this section and
33 for purposes of section 216 of the social security act. To the extent
34 that the plan or agreement entered into between the state and any
35 political subdivision of this state is inconsistent with this
36 subsection, the governor shall seek to modify the inconsistency.

37 (i) It provides that the plan or agreement may be terminated by any
38 political subdivision as to any such coverage group upon giving at

1 least two years advance notice in writing to the governor, effective at
2 the end of the calendar quarter specified in the notice. It shall
3 specify that before notice of such termination is given, a referendum
4 shall be held among the members of the coverage group under the
5 following conditions:

6 (i) The referendum shall be conducted under the supervision of the
7 legislative body of the political subdivision.

8 (ii) Not less than sixty days' notice of such referendum shall be
9 given to members of the coverage group.

10 (iii) An opportunity to vote by secret ballot in such referendum
11 shall be given and shall be limited to all members of the coverage
12 group.

13 (iv) The proposal for termination shall be approved only if a
14 majority of the coverage group vote in favor of termination.

15 (v) If a majority of the coverage group vote in favor of
16 termination, the legislative body of the political subdivision shall
17 certify the results of the referendum to the governor and give notice
18 of termination of such coverage group.

19 (2) The governor shall not finally refuse to approve a plan
20 submitted by a political subdivision under subsection (1), and shall
21 not terminate an approved plan, without reasonable notice and
22 opportunity for hearing to the political subdivision affected thereby.

23 (3)(a) Each political subdivision as to which a plan has been
24 approved under this section shall pay into the contribution ((~~fund~~))
25 account, with respect to wages (as defined in RCW 41.48.020), at such
26 time or times as the governor may by regulation prescribe,
27 contributions in the amounts and at the rates specified in the
28 applicable agreement entered into by the governor under RCW 41.48.030.

29 (b) Each political subdivision required to make payments under
30 paragraph (a) of this subsection is authorized, in consideration of the
31 employee's retention in, or entry upon, employment after enactment of
32 this chapter, to impose upon each of its employees, as to services
33 which are covered by an approved plan, a contribution with respect to
34 his or her wages (as defined in RCW 41.48.020), not exceeding the
35 amount of employee tax which is imposed by the federal insurance
36 contributions act, and to deduct the amount of such contribution from
37 his or her wages as and when paid. Contributions so collected shall be
38 paid into the OASI contribution ((~~fund~~)) account in partial discharge

1 of the liability of such political subdivision or instrumentality under
2 paragraph (a) of this subsection. Failure to deduct such contribution
3 shall not relieve the employee or employer of liability therefor.

4 (4) Delinquent reports and payments due under paragraph (f) of
5 subsection (1) and paragraph (a) of subsection (3) of this section will
6 be subject to an added interest charge of six percent per year or, if
7 higher, the rate chargeable to the state by the secretary by virtue of
8 federal law, if the late report or payment contributes to any federal
9 penalty for late filing of reports or for late deposit of
10 contributions. Delinquent contributions, interest, and penalties may
11 be recovered by civil action or may, at the request of the governor, be
12 deducted from any other moneys payable to the political subdivision by
13 any department or agency of the state.

14 **Sec. 80.** RCW 41.48.090 and 1951 c 184 s 10 are each amended to
15 read as follows:

16 The governor shall make and publish such rules and regulations, not
17 inconsistent with the provisions of this chapter, as he or she finds
18 necessary or appropriate to the efficient administration of the
19 functions with which he or she is charged under this chapter.

20 **Sec. 81.** RCW 41.48.100 and 1951 c 184 s 11 are each amended to
21 read as follows:

22 Any authority conferred upon the governor by this chapter may be
23 exercised by an official or state agency designated by him or her.

24 **Sec. 82.** RCW 41.50.020 and 1975-'76 2nd ex.s. c 105 s 4 are each
25 amended to read as follows:

26 There is created a department of state government to be known as
27 the department of retirement systems. The executive and administrative
28 head of the department shall be the director, who shall be appointed by
29 the governor with the consent of the senate. The director shall serve
30 at the pleasure of the governor and may be removed upon written
31 notification by the governor to the respective retirement boards.

32 The director shall have complete charge of and supervisory powers
33 over the department and shall be paid a salary fixed by the governor in
34 accordance with the provisions of RCW 43.03.040. If a vacancy occurs
35 in the position of director while the senate is not in session, the

1 governor shall make a temporary appointment until the next meeting of
2 the senate at which time he or she shall present to that body the name
3 of the person appointed to the position of director.

4 **Sec. 83.** RCW 41.56.070 and 2007 c 75 s 2 and 2007 c 75 s 1 are
5 each reenacted and amended to read as follows:

6 In the event the commission elects to conduct an election to
7 ascertain the exclusive bargaining representative, and upon the request
8 of a prospective bargaining representative showing written proof of at
9 least thirty percent representation of the public employees within the
10 unit, the commission shall hold an election by secret ballot to
11 determine the issue. The ballot shall contain the name of such
12 bargaining representative and of any other bargaining representative
13 showing written proof of at least ten percent representation of the
14 public employees within the unit, together with a choice for any public
15 employee to designate that he or she does not desire to be represented
16 by any bargaining agent. Where more than one organization is on the
17 ballot and neither of the three or more choices receives a majority
18 vote of the public employees within the bargaining unit, a run-off
19 election shall be held. The run-off ballot shall contain the two
20 choices which received the largest and second-largest number of votes.
21 No question concerning representation may be raised within one year of
22 a certification or attempted certification. Where there is a valid
23 collective bargaining agreement in effect, no question of
24 representation may be raised except during the period not more than
25 ninety nor less than sixty days prior to the expiration date of the
26 agreement. Any agreement which contains a provision for automatic
27 renewal or extension of the agreement shall not be a valid agreement;
28 nor shall any agreement be valid if it provides for a term of existence
29 for more than three years, except that any agreement entered into
30 between school districts, cities, counties, or municipal corporations,
31 and their respective employees, may provide for a term of existence of
32 up to six years.

33 **Sec. 84.** RCW 41.56.080 and 1975 1st ex.s. c 296 s 19 are each
34 amended to read as follows:

35 The bargaining representative which has been determined to
36 represent a majority of the employees in a bargaining unit shall be

1 certified by the commission as the exclusive bargaining representative
2 of, and shall be required to represent, all the public employees within
3 the unit without regard to membership in said bargaining
4 representative: PROVIDED, That any public employee at any time may
5 present his or her grievance to the public employer and have such
6 grievance adjusted without the intervention of the exclusive bargaining
7 representative, if the adjustment is not inconsistent with the terms of
8 a collective bargaining agreement then in effect, and if the exclusive
9 bargaining representative has been given reasonable opportunity to be
10 present at any initial meeting called for the resolution of such
11 grievance.

12 **Sec. 85.** RCW 41.56.120 and 1967 ex.s. c 108 s 12 are each amended
13 to read as follows:

14 Nothing contained in this chapter shall permit or grant any public
15 employee the right to strike or refuse to perform his or her official
16 duties.

17 **Sec. 86.** RCW 41.56.220 and 1980 c 87 s 17 are each amended to read
18 as follows:

19 Any public employee who represents fifty percent or more of a
20 bargaining unit or who represents on a statewide basis a group of five
21 or more bargaining units shall have the right to absent himself or
22 herself from his or her employment without pay and without suffering
23 any discrimination in his or her future employment and without losing
24 benefits incident to his or her employment while representing his or
25 her bargaining unit at the legislature of the state of Washington
26 during any regular or special session thereof: PROVIDED, That such
27 employee is replaced by his or her bargaining unit with an employee who
28 shall be paid by the employer and who shall be qualified to perform the
29 duties and obligations of the absent member in accordance with the
30 rules of the civil service or other standards established by his or her
31 employer for such absent employee.

32 **Sec. 87.** RCW 41.56.450 and 1983 c 287 s 2 are each amended to read
33 as follows:

34 If an agreement has not been reached following a reasonable period
35 of negotiations and mediation, and the executive director, upon the

1 recommendation of the assigned mediator, finds that the parties remain
2 at impasse, then an interest arbitration panel shall be created to
3 resolve the dispute. The issues for determination by the arbitration
4 panel shall be limited to the issues certified by the executive
5 director. Within seven days following the issuance of the
6 determination of the executive director, each party shall name one
7 person to serve as its arbitrator on the arbitration panel. The two
8 members so appointed shall meet within seven days following the
9 appointment of the later appointed member to attempt to choose a third
10 member to act as the neutral ((~~chairman~~)) chair of the arbitration
11 panel. Upon the failure of the arbitrators to select a neutral
12 ((~~chairman~~)) chair within seven days, the two appointed members shall
13 use one of the two following options in the appointment of the third
14 member, who shall act as ((~~chairman~~)) chair of the panel: (1) By
15 mutual consent, the two appointed members may jointly request the
16 commission to, and the commission shall l appoint a third member within
17 two days of such request. Costs of each party's appointee shall be
18 borne by each party respectively; other costs of the arbitration
19 proceedings shall be borne by the commission; or (2) either party may
20 apply to the commission, the federal mediation and conciliation
21 service, or the American Arbitration Association to provide a list of
22 five qualified arbitrators from which the neutral ((~~chairman~~)) chair
23 shall be chosen. Each party shall pay the fees and expenses of its
24 arbitrator, and the fees and expenses of the neutral ((~~chairman~~)) chair
25 shall be shared equally between the parties.

26 The arbitration panel so constituted shall promptly establish a
27 date, time, and place for a hearing and shall provide reasonable notice
28 thereof to the parties to the dispute. A hearing, which shall be
29 informal, shall be held, and each party shall have the opportunity to
30 present evidence and make argument. No member of the arbitration panel
31 may present the case for a party to the proceedings. The rules of
32 evidence prevailing in judicial proceedings may be considered, but are
33 not binding, and any oral testimony or documentary evidence or other
34 data deemed relevant by the ((~~chairman~~)) chair of the arbitration panel
35 may be received in evidence. A recording of the proceedings shall be
36 taken. The arbitration panel has the power to administer oaths,
37 require the attendance of witnesses, and require the production of such
38 books, papers, contracts, agreements, and documents as may be deemed by

1 the panel to be material to a just determination of the issues in
2 dispute. If any person refuses to obey a subpoena issued by the
3 arbitration panel, or refuses to be sworn or to make an affirmation to
4 testify, or any witness, party, or attorney for a party is guilty of
5 any contempt while in attendance at any hearing held hereunder, the
6 arbitration panel may invoke the jurisdiction of the superior court in
7 the county where the labor dispute exists, and the court has
8 jurisdiction to issue an appropriate order. Any failure to obey the
9 order may be punished by the court as a contempt thereof. The hearing
10 conducted by the arbitration panel shall be concluded within twenty-
11 five days following the selection or designation of the neutral
12 ((~~chairman~~)) chair of the arbitration panel, unless the parties agree
13 to a longer period.

14 The neutral ((~~chairman~~)) chair shall consult with the other members
15 of the arbitration panel, and, within thirty days following the
16 conclusion of the hearing, the neutral ((~~chairman~~)) chair shall make
17 written findings of fact and a written determination of the issues in
18 dispute, based on the evidence presented. A copy thereof shall be
19 served on the commission, on each of the other members of the
20 arbitration panel, and on each of the parties to the dispute. That
21 determination shall be final and binding upon both parties, subject to
22 review by the superior court upon the application of either party
23 solely upon the question of whether the decision of the panel was
24 arbitrary or capricious.

25 **Sec. 88.** RCW 41.56.470 and 1973 c 131 s 6 are each amended to read
26 as follows:

27 During the pendency of the proceedings before the arbitration
28 panel, existing wages, hours, and other conditions of employment shall
29 not be changed by action of either party without the consent of the
30 other but a party may so consent without prejudice to his or her rights
31 or position under chapter 131, Laws of 1973.

32 **Sec. 89.** RCW 41.58.010 and 1981 c 338 s 21 are each amended to
33 read as follows:

34 (1) There is hereby created the public employment relations
35 commission (hereafter called the "commission") to administer the
36 provisions of this chapter. The commission shall consist of three

1 members who shall be citizens appointed by the governor by and with the
2 advice and consent of the senate. One of the original members shall be
3 appointed for a term of three years, one for a term of four years, and
4 one for a term of five years. Their successors shall be appointed for
5 terms of five years each, except that any person chosen to fill a
6 vacancy shall be appointed only for the unexpired term of the member
7 whom he or she succeeds. Commission members shall be eligible for
8 reappointment. The governor shall designate one member to serve as
9 ((~~chairman~~)) chair of the commission. Any member of the commission may
10 be removed by the governor, upon notice and hearing, for neglect of
11 duty or malfeasance in office, but for no other cause. Commission
12 members shall not be eligible for state retirement under chapter 41.40
13 RCW by virtue of their service on the commission.

14 (2) In making citizen member appointments initially, and
15 subsequently thereafter, the governor shall be cognizant of the
16 desirability of appointing persons knowledgeable in the area of labor
17 relations in the state.

18 (3) A vacancy in the commission shall not impair the right of the
19 remaining members to exercise all of the powers of the commission, and
20 two members of the commission shall, at all times, constitute a quorum
21 of the commission.

22 (4) The commission shall at the close of each fiscal year make a
23 report in writing to the legislature and to the governor stating the
24 cases it has heard, the decisions it has rendered, the names, salaries,
25 and duties of all employees and officers in the employ or under the
26 supervision of the commission, and an account of all moneys it has
27 disbursed.

28 **Sec. 90.** RCW 41.58.801 and 1979 c 151 s 66 are each amended to
29 read as follows:

30 All reports, documents, surveys, books, records, files, papers, or
31 other writings in the possession of the marine employee commission, the
32 office of the superintendent of public instruction, the state board for
33 community ((~~college—education~~)) and technical colleges, and the
34 department of labor and industries and pertaining to the functions
35 transferred to the commission by chapter 296, Laws of 1975 1st ex.
36 sess. shall by January 1, 1976, be delivered to the custody of the
37 commission. All cabinets, furniture, office equipment, motor vehicles,

1 and other tangible property employed in carrying out the functions
2 transferred by chapter 296, Laws of 1975 1st ex. sess. shall by January
3 1, 1976, be transferred to the commission.

4 Any appropriation or portion thereof remaining as of January 1,
5 1976, and which is made to an agency for the purpose of carrying out
6 functions transferred from such agency pursuant to chapter 296, Laws of
7 1975 1st ex. sess., shall, by January 1, 1976, be transferred and
8 credited to the commission for the purpose of carrying out such
9 functions. This paragraph shall not affect the transfer of moneys
10 prior to January 1, 1976, pursuant to section 67, chapter 269, Laws of
11 1975 1st ex. sess.

12 Whenever any question arises as to the transfer of any funds,
13 including unexpended balances within any accounts, books, documents,
14 records, papers, files, equipment, or any other tangible property used
15 or held in the exercise of the performance of the functions transferred
16 under chapter 296, Laws of 1975 1st ex. sess., the director of
17 financial management or his or her successor shall make a determination
18 as to the proper allocation and certify the same to the state agencies
19 concerned.

20 **Sec. 91.** RCW 41.59.090 and 1975 1st ex.s. c 288 s 10 are each
21 amended to read as follows:

22 The employee organization which has been determined to represent a
23 majority of the employees in a bargaining unit shall be certified by
24 the commission as the exclusive bargaining representative of, and shall
25 be required to represent all the employees within the unit without
26 regard to membership in that bargaining representative: PROVIDED, That
27 any employee at any time may present his or her grievance to the
28 employer and have such grievance adjusted without the intervention of
29 the exclusive bargaining representative, as long as such representative
30 has been given an opportunity to be present at that adjustment and to
31 make its views known, and as long as the adjustment is not inconsistent
32 with the terms of a collective bargaining agreement then in effect.

33 **Sec. 92.** RCW 41.59.120 and 2010 c 235 s 804 are each amended to
34 read as follows:

35 (1) Either an employer or an exclusive bargaining representative
36 may declare that an impasse has been reached between them in collective

1 bargaining and may request the commission to appoint a mediator for the
2 purpose of assisting them in reconciling their differences and
3 resolving the controversy on terms which are mutually acceptable. If
4 the commission determines that its assistance is needed, not later than
5 five days after the receipt of a request therefor, it shall appoint a
6 mediator in accordance with rules and regulations for such appointment
7 prescribed by the commission. The mediator shall meet with the parties
8 or their representatives, or both, forthwith, either jointly or
9 separately, and shall take such other steps as he or she may deem
10 appropriate in order to persuade the parties to resolve their
11 differences and effect a mutually acceptable agreement. The mediator,
12 without the consent of both parties, shall not make findings of fact or
13 recommend terms of settlement. The services of the mediator,
14 including, if any, per diem expenses, shall be provided by the
15 commission without cost to the parties. Nothing in this subsection (1)
16 shall be construed to prevent the parties from mutually agreeing upon
17 their own mediation procedure, and in the event of such agreement, the
18 commission shall not appoint its own mediator unless failure to do so
19 would be inconsistent with the effectuation of the purposes and policy
20 of this chapter.

21 (2) If the mediator is unable to effect settlement of the
22 controversy within ten days after his or her appointment, either party,
23 by written notification to the other, may request that their
24 differences be submitted to fact-finding with recommendations, except
25 that the time for mediation may be extended by mutual agreement between
26 the parties. Within five days after receipt of the aforesaid written
27 request for fact-finding, the parties shall select a person to serve as
28 fact finder and obtain a commitment from that person to serve. If they
29 are unable to agree upon a fact finder or to obtain such a commitment
30 within that time, either party may request the commission to designate
31 a fact finder. The commission, within five days after receipt of such
32 request, shall designate a fact finder in accordance with rules and
33 regulations for such designation prescribed by the commission. The
34 fact finder so designated shall not be the same person who was
35 appointed mediator pursuant to subsection (1) of this section without
36 the consent of both parties.

37 The fact finder, within five days after his or her appointment,
38 shall meet with the parties or their representatives, or both, either

1 jointly or separately, and make inquiries and investigations, hold
2 hearings, and take such other steps as he or she may deem appropriate.
3 For the purpose of such hearings, investigations and inquiries, the
4 fact finder shall have the power to issue subpoenas requiring the
5 attendance and testimony of witnesses and the production of evidence.
6 If the dispute is not settled within ten days after his or her
7 appointment, the fact finder shall make findings of fact and recommend
8 terms of settlement within thirty days after his or her appointment,
9 which recommendations shall be advisory only.

10 (3) Such recommendations, together with the findings of fact, shall
11 be submitted in writing to the parties and the commission privately
12 before they are made public. Either the commission, the fact finder,
13 the employer, or the exclusive bargaining representative may make such
14 findings and recommendations public if the dispute is not settled
15 within five days after their receipt from the fact finder.

16 (4) The costs for the services of the fact finder, including, if
17 any, per diem expenses and actual and necessary travel and subsistence
18 expenses, and any other incurred costs, shall be borne by the
19 commission without cost to the parties.

20 (5) Nothing in this section shall be construed to prohibit an
21 employer and an exclusive bargaining representative from agreeing to
22 substitute, at their own expense, their own procedure for resolving
23 impasses in collective bargaining for that provided in this section or
24 from agreeing to utilize for the purposes of this section any other
25 governmental or other agency or person in lieu of the commission.

26 (6) Any fact finder designated by an employer and an exclusive
27 representative or the commission for the purposes of this section shall
28 be deemed an agent of the state.

29 (7) This section does not apply to negotiations and mediations
30 conducted under RCW 28A.657.050.

31 **Sec. 93.** RCW 41.59.140 and 1975 1st ex.s. c 288 s 15 are each
32 amended to read as follows:

33 (1) It shall be an unfair labor practice for an employer:

34 (a) To interfere with, restrain, or coerce employees in the
35 exercise of the rights guaranteed in RCW 41.59.060.

36 (b) To dominate or interfere with the formation or administration
37 of any employee organization or contribute financial or other support

1 to it: PROVIDED, That subject to rules and regulations made by the
2 commission pursuant to RCW 41.59.110, an employer shall not be
3 prohibited from permitting employees to confer with it or its
4 representatives or agents during working hours without loss of time or
5 pay;

6 (c) To encourage or discourage membership in any employee
7 organization by discrimination in regard to hire, tenure of employment
8 or any term or condition of employment, but nothing contained in this
9 subsection shall prevent an employer from requiring, as a condition of
10 continued employment, payment of periodic dues and fees uniformly
11 required to an exclusive bargaining representative pursuant to RCW
12 41.59.100;

13 (d) To discharge or otherwise discriminate against an employee
14 because he or she has filed charges or given testimony under this
15 chapter;

16 (e) To refuse to bargain collectively with the representatives of
17 its employees.

18 (2) It shall be an unfair labor practice for an employee
19 organization:

20 (a) To restrain or coerce (i) employees in the exercise of the
21 rights guaranteed in RCW 41.59.060: PROVIDED, That this paragraph
22 shall not impair the right of an employee organization to prescribe its
23 own rules with respect to the acquisition or retention of membership
24 therein; or (ii) an employer in the selection of his or her
25 representatives for the purposes of collective bargaining or the
26 adjustment of grievances;

27 (b) To cause or attempt to cause an employer to discriminate
28 against an employee in violation of subsection (1)(c) of this section;

29 (c) To refuse to bargain collectively with an employer, provided it
30 is the representative of its employees subject to RCW 41.59.090.

31 (3) The expressing of any views, argument, or opinion, or the
32 dissemination thereof to the public, whether in written, printed,
33 graphic, or visual form, shall not constitute or be evidence of an
34 unfair labor practice under any of the provisions of this chapter, if
35 such expression contains no threat of reprisal or force or promise of
36 benefit.

1 **Sec. 94.** RCW 42.04.020 and 1919 c 139 s 1 are each amended to read
2 as follows:

3 That no person shall be competent to qualify for or hold any
4 elective public office within the state of Washington, or any county,
5 district, precinct, school district, municipal corporation or other
6 district or political subdivision, unless he or she be a citizen of the
7 United States and state of Washington and an elector of such county,
8 district, precinct, school district, municipality or other district or
9 political subdivision.

10 **Sec. 95.** RCW 42.08.020 and Code 1881 s 653 are each amended to
11 read as follows:

12 When a public officer by official misconduct or neglect of duty,
13 shall forfeit his or her official bond or render his or her sureties
14 therein liable upon such bond, any person injured by such misconduct or
15 neglect, or who is by law entitled to the benefit of the security, may
16 maintain an action at law thereon in his or her own name against the
17 officer and his or her sureties to recover the amount to which he or
18 she may by reason thereof be entitled.

19 **Sec. 96.** RCW 42.08.030 and Code 1881 s 654 are each amended to
20 read as follows:

21 Before an action can be commenced by a plaintiff, other than the
22 state, or the municipal or public corporation named in the bond, leave
23 shall be obtained of the court or judge thereof where the action is
24 triable. Such leave shall be granted upon the production of a
25 certified copy of the bond and an affidavit of the plaintiff, or some
26 person in his or her behalf, showing the delinquency. But if the
27 matter set forth in his or her affidavit be such that, if true, the
28 party applying would clearly not be entitled to recover in the action,
29 the leave shall not be granted. If it does not appear from the
30 complaint that the leave herein provided for has been granted, the
31 defendant, on motion, shall be entitled to judgment of nonsuit; if it
32 does, the defendant may controvert the allegation, and if the issue be
33 found in his or her favor, judgment shall be given accordingly.

34 **Sec. 97.** RCW 42.08.050 and Code 1881 s 656 are each amended to
35 read as follows:

1 In an action upon an official bond, if judgments have been
2 recovered against the surety therein other than by confession, equal in
3 the aggregate to the penalty or any part thereof of such bond, and if
4 such recovery be established on the trial, judgment shall not be given
5 against such surety for an amount exceeding such penalty, or such
6 portion thereof as is not already recovered against him or her.

7 **Sec. 98.** RCW 42.08.090 and 1890 p 35 s 4 are each amended to read
8 as follows:

9 Whenever any such official bond shall not contain the substantial
10 matter or condition or conditions required by law, or there shall be
11 any defect in the approval or filing thereof, such bond shall not be
12 void so as to discharge such officer and his or her sureties, but they
13 shall be bound to the state, or party interested, and the state or such
14 party may, by action instituted in any court of competent jurisdiction,
15 suggest the defect of such bond or such approval or filing, and recover
16 his or her proper and equitable demand or damages from such officer,
17 and the person or persons, who intended to become, and were included in
18 such bond as sureties.

19 **Sec. 99.** RCW 42.08.100 and 1955 c 157 s 11 are each amended to
20 read as follows:

21 The official bonds of officers shall be approved and filed as
22 follows, to wit: The official bond of the secretary of state shall be
23 approved by the governor and filed in the office of the state auditor.
24 The official bonds of all other state officers required by law to give
25 bonds, except as otherwise expressly provided by law, shall be approved
26 by the governor and filed in the office of the secretary of state.

27 The official bonds of all county and township officers, except the
28 county superintendent of schools, shall be approved by the board of
29 county commissioners, if in session, and if not in session, by the
30 ((~~chairman~~)) chair of such board, and filed and recorded in the office
31 of the county clerk of their respective counties: PROVIDED, That the
32 bond of the county clerk shall be recorded in the office of the county
33 auditor and filed in the office of the county treasurer.

34 **Sec. 100.** RCW 42.08.110 and 1890 p 35 s 6 are each amended to read
35 as follows:

1 Whenever the sureties, or any one of them, in the official bond of
2 any county or township officer shall die, remove from the state, become
3 insolvent or insufficient, or the penalty of such bond shall become
4 insufficient, on account of recoveries had thereon, or otherwise, it
5 shall be the duty of the board of county commissioners of the proper
6 county, of their own motion, or on the showing of any person, supported
7 by affidavit, to summon any such officer to appear before them at a
8 stated time, not less than five days after service of such summons, and
9 show cause why he or she should not execute an additional official bond
10 with good and sufficient sureties.

11 **Sec. 101.** RCW 42.08.120 and 1890 p 36 s 7 are each amended to read
12 as follows:

13 Should such officer, after due notice, fail to appear at the time
14 appointed, the matter may be heard and determined in his or her
15 absence; if after examination the board of county commissioners shall
16 be of opinion that the bond of such officer has become insufficient
17 from any cause whatever, they shall require an additional bond with
18 such security as may be deemed necessary, which said additional bond
19 shall be executed and filed within such time as the board of county
20 commissioners may order; and if any such officer shall fail to execute
21 and file such additional bond within the time prescribed by such order,
22 his or her office shall become vacant.

23 **Sec. 102.** RCW 42.08.130 and 1890 p 36 s 8 are each amended to read
24 as follows:

25 Whenever the official bond of any state officer shall become
26 insufficient from any cause whatever, the like proceedings may be had
27 before the superior court of the county in which said state officer
28 holds his or her office with reference thereto: PROVIDED, That such
29 proceedings may be commenced by a written motion supported by
30 affidavit.

31 **Sec. 103.** RCW 42.08.140 and 1890 p 36 s 9 are each amended to read
32 as follows:

33 Every such additional bond shall be of like force and obligation
34 upon the principal and sureties therein, and shall subject the officer

1 and his or her sureties to the same liabilities as are prescribed
2 respecting the original bonds of officers.

3 **Sec. 104.** RCW 42.08.160 and 1901 c 14 s 1 are each amended to read
4 as follows:

5 In all cases where official bonds are required or may be hereafter
6 required, from state, county, township, or precinct officers, the
7 officer or officers whose duty it is or may be to approve such bonds,
8 shall not accept or approve any such bonds except such bond be that of
9 a surety company, unless the sureties thereon shall severally justify
10 before an officer authorized to administer oaths as follows: (1) On a
11 bond given by a state or county officer that he or she is a resident
12 and freeholder within this state, and on a bond given by a township or
13 precinct officer that he or she is a resident and freeholder within the
14 county in which such township or precinct is situated. (2) That he or
15 she is worth double the amount for which he or she becomes surety over
16 and above all his or her debts and liabilities, in property situated
17 within this state which is not exempt from seizure and sale under
18 execution.

19 **Sec. 105.** RCW 42.12.030 and 1981 c 180 s 5 are each amended to
20 read as follows:

21 Whenever any officer resigns his or her office before the
22 expiration of his or her term, or the office becomes vacant from any
23 other cause, and at a subsequent special election such vacancy is
24 filled, the person so elected to fill such vacancy shall hold office
25 for the remainder of the unexpired term.

26 **Sec. 106.** RCW 42.14.010 and 1963 c 203 s 2 are each amended to
27 read as follows:

28 Unless otherwise clearly required by the context, the following
29 definitions apply:

30 (1) "Unavailable" means either that a vacancy in the office exists
31 or that the lawful incumbent of the office is absent or unable to
32 exercise the powers and discharge the duties of the office following an
33 attack and a declaration of existing emergency by the governor or his
34 or her successor.

1 (2) "Attack" means any acts of warfare taken by an enemy of the
2 United States causing substantial damage or injury to persons or
3 property in the United States and in the state of Washington.

4 **Sec. 107.** RCW 42.14.030 and 1963 c 203 s 4 are each amended to
5 read as follows:

6 In the event enemy attack reduces the number of legislators
7 available for duty, then those legislators available for duty shall
8 constitute the legislature and shall have full power to act in separate
9 or joint assembly by majority vote of those present. In the event of
10 an attack, (1) quorum requirements for the legislature shall be
11 suspended, and (2) where the affirmative vote of a specified proportion
12 of members for approval of a bill, resolution, or other action would
13 otherwise be required, the same proportion of those voting thereon
14 shall be sufficient. In the event of an attack, the governor shall
15 call the legislature into session as soon as practicable, and in any
16 case within thirty days following the inception of the attack. If the
17 governor fails to issue such call, the legislature shall, on the
18 thirtieth day from the date of inception of the attack, automatically
19 convene at the place where the governor then has his or her office.
20 Each legislator shall proceed to the place of session as expeditiously
21 as practicable. At such session or at any session in operation at the
22 inception of the attack, and at any subsequent sessions, limitations on
23 the length of session and on the subjects which may be acted upon shall
24 be suspended.

25 **Sec. 108.** RCW 42.14.060 and 1963 c 203 s 7 are each amended to
26 read as follows:

27 The governor shall, subject to such rules and regulations as he or
28 she may adopt, permit each appointed officer of the state to designate
29 temporary interim successors to the office of such officer.

30 **Sec. 109.** RCW 42.16.013 and 1981 c 9 s 3 are each amended to read
31 as follows:

32 The state treasurer shall make such transfers to the state payroll
33 revolving account in the amounts to be disbursed as certified by the
34 respective agencies: PROVIDED, That if the payroll is prepared on
35 behalf of an agency from data authenticated and certified by the agency

1 under a centralized system established pursuant to regulation of the
2 director of financial management, the state treasurer shall make the
3 transfer upon the certification of the head of the agency preparing the
4 centralized payroll or his or her designee.

5 **Sec. 110.** RCW 42.16.014 and 1981 c 9 s 4 are each amended to read
6 as follows:

7 Disbursements from the revolving account and fund created by RCW
8 42.16.010 through 42.16.017 shall be by warrant in accordance with the
9 provisions of RCW 43.88.160: PROVIDED, That when the payroll is
10 prepared under a centralized system established pursuant to regulations
11 of the director of financial management, disbursements on behalf of the
12 agency shall be certified by the head of the agency preparing the
13 centralized payroll or his or her designee: PROVIDED FURTHER, That
14 disbursements from a centralized paying agency representing amounts
15 withheld, and/or contributions, for payment to any individual payee on
16 behalf of several agencies, may be by single warrant representing the
17 aggregate amounts payable by all such agencies to such payee. The
18 procedure for disbursement and certification of these aggregate amounts
19 shall be established by the director of financial management.

20 All payments to employees or other payees, from the revolving
21 account and fund created by RCW 42.16.010 through 42.16.017, whether
22 certified by an agency or by the director of financial management on
23 behalf of such agency, shall be made wherever possible by a single
24 warrant reflecting on its face the amount charged to each revolving
25 account and fund.

26 **Sec. 111.** RCW 42.16.020 and 1981 c 19 s 3 are each amended to read
27 as follows:

28 No state, county, municipal, or other public officer within the
29 state of Washington, who receives from the state, or from any county or
30 municipality therein, a fixed and stated salary as compensation for
31 services rendered as such public officer shall be allowed or paid any
32 per diem for attending or testifying on behalf of the state of
33 Washington, or any county or municipality therein, at any trial or
34 other judicial proceeding, in any state, county, or municipal court
35 within this state; nor shall such officer, in any case, be allowed nor
36 paid any per diem for attending or testifying in any state or municipal

1 court of this state, in regard to matters and information that have
2 come to his or her knowledge in connection with and as a result of the
3 performance of his or her duties as a public officer as aforesaid:
4 Provided, This section shall not apply when any deduction shall be made
5 from the regular salary of such officer by reason of his or her being
6 in attendance upon the superior court, but in such cases regular
7 witness fees shall be paid; and further, that if a public officer be
8 subpoenaed and required to appear or testify in judicial proceedings in
9 a county other than that in which he or she resides, then said public
10 officer shall be entitled to receive per diem and mileage as provided
11 by statute in other cases; and, provided further, that this section
12 shall not apply to police officers when called as witnesses in the
13 superior courts during hours when they are off duty as such officers.
14 A law enforcement officer who has issued a notice of traffic infraction
15 is not entitled to receive witness fees or mileage in a contested
16 traffic infraction case.

17 **Sec. 112.** RCW 42.16.040 and Code 1881 s 2099 are each amended to
18 read as follows:

19 All fees are invariably due in advance where demanded by the
20 officer required to perform any official act, and no officer shall be
21 required to perform any official act unless his or her fees are paid
22 when he or she demands the same: PROVIDED, This section shall not
23 apply when the officer performs any official act for his or her county
24 or the state.

25 **Sec. 113.** RCW 42.20.020 and 1909 c 249 s 83 are each amended to
26 read as follows:

27 Every public officer who, for any reward, consideration, or
28 gratuity paid or agreed to be paid, shall, directly or indirectly,
29 grant to another the right or authority to discharge any function of
30 his or her office, or permit another to perform any of his or her
31 duties, shall be guilty of a gross misdemeanor.

32 **Sec. 114.** RCW 42.20.030 and 1909 c 249 s 84 are each amended to
33 read as follows:

34 Every person who shall falsely personate or represent any public
35 officer, or who shall (~~wilfully~~) willfully intrude himself or herself

1 into a public office to which he or she has not been duly elected or
2 appointed, or who shall (~~wilfully~~) willfully exercise any of the
3 functions or perform any of the duties of such officer, without having
4 duly qualified therefor, as required by law, or who, having been an
5 executive or administrative officer, shall (~~wilfully~~) willfully
6 exercise any of the functions of his or her office after his or her
7 right to do so has ceased, or wrongfully refuse to surrender the
8 official seal or any books or papers appertaining to such office, upon
9 the demand of his or her lawful successor, shall be guilty of a gross
10 misdemeanor.

11 **Sec. 115.** RCW 42.20.050 and 1909 c 249 s 128 are each amended to
12 read as follows:

13 Every public officer who, being authorized by law to make or give
14 a certificate or other writing, shall knowingly make and deliver as
15 true such a certificate or writing containing any statement which he or
16 she knows to be false, in a case where the punishment thereof is not
17 expressly prescribed by law, shall be guilty of a gross misdemeanor.

18 **Sec. 116.** RCW 42.20.080 and 1909 c 249 s 318 are each amended to
19 read as follows:

20 Every officer or other person mentioned in RCW 42.20.070, who shall
21 (~~wilfully~~) willfully disobey any provision of law regulating his or
22 her official conduct in cases other than those specified in said
23 section, shall be guilty of a gross misdemeanor.

24 **Sec. 117.** RCW 42.20.110 and 1911 c 115 s 1 are each amended to
25 read as follows:

26 It shall be a misdemeanor for any judge or justice of any court not
27 of record, during the hearing of any cause or proceeding therein, to
28 address any person in his or her presence in unfit, unseemly, or
29 improper language.

30 **Sec. 118.** RCW 42.24.110 and 1965 c 116 s 4 are each amended to
31 read as follows:

32 Any person who knowingly approves or pays or causes to be approved
33 or paid a false or untrue claim shall be guilty of a gross misdemeanor
34 and, in addition, he or she shall be civilly liable on his or her bond

1 to the municipal corporation or political subdivision, as the case may
2 be, for the amount so paid or for three hundred dollars whichever is
3 the greater.

4 **Sec. 119.** RCW 42.24.140 and 1969 c 74 s 3 are each amended to read
5 as follows:

6 To protect the municipal corporation or political subdivision from
7 any losses on account of advances made as provided in RCW 42.24.120
8 through 42.24.160, the municipal corporation or political subdivision
9 shall have a prior lien against and a right to withhold any and all
10 funds payable or to become payable by the municipal corporation or
11 political subdivision to such officer or employee to whom such advance
12 has been given, as provided in RCW 42.24.120 through 42.24.160, up to
13 the amount of such advance and interest at the rate of ten percent per
14 annum, until such time as repayment or justification has been made. No
15 advance of any kind may be made to any officer or employee under RCW
16 42.24.120 through 42.24.160, at any time when he or she is delinquent
17 in accounting for or repaying a prior advance under RCW 42.24.120
18 through 42.24.160.

19 **Sec. 120.** RCW 42.24.150 and 1995 c 194 s 9 are each amended to
20 read as follows:

21 On or before the fifteenth day following the close of the
22 authorized travel period for which expenses have been advanced to any
23 officer or employee, he or she shall submit to the appropriate official
24 a fully itemized travel expense voucher, for all reimbursable items
25 legally expended, accompanied by the unexpended portion of such
26 advance, if any.

27 Any advance made for this purpose, or any portion thereof, not
28 repaid or accounted for in the time and manner specified herein, shall
29 bear interest at the rate of ten percent per annum from the date of
30 default until paid.

31 **Sec. 121.** RCW 42.24.160 and 1969 c 74 s 5 are each amended to read
32 as follows:

33 An advance made under RCW 42.24.120 through 42.24.160 shall be
34 considered as having been made to such officer or employee to be
35 expended by him or her as an agent of the municipal corporation or

1 political subdivision for the municipal corporation's or political
2 subdivision's purposes only, and specifically to defray necessary costs
3 while performing his or her official duties.

4 No such advance shall be considered as a personal loan to such
5 officer or employee and any expenditure thereof, other than for
6 official business purposes, shall be considered a misappropriation of
7 public funds.

8 **Sec. 122.** RCW 42.26.050 and 1979 c 151 s 76 are each amended to
9 read as follows:

10 The agency requesting a petty cash account or an increase in the
11 amount of petty cash advanced under the provisions of this chapter
12 shall submit its request to the director of financial management in the
13 form and detail prescribed by him or her. The agency's written request
14 and the approval authorized by this chapter shall be the only
15 documentation or certification required as a condition precedent to the
16 issuance of such warrant. A copy of his or her approval shall be
17 forwarded by the director of financial management to the state
18 treasurer.

19 **Sec. 123.** RCW 42.26.070 and 1979 c 151 s 77 are each amended to
20 read as follows:

21 The head of the agency or an employee designated by him or her
22 shall have full responsibility as custodian for the petty cash account
23 and its proper use under this chapter and applicable regulations of the
24 director of financial management. The custodian of the petty cash
25 account shall be covered by a surety bond in the full amount of the
26 account at all times and all advances to it, conditioned upon the
27 proper accounting for and legal expenditure of all such funds, in
28 addition to other conditions required by law.

29 **Sec. 124.** RCW 42.30.040 and 1971 ex.s. c 250 s 4 are each amended
30 to read as follows:

31 A member of the public shall not be required, as a condition to
32 attendance at a meeting of a governing body, to register his or her
33 name and other information, to complete a questionnaire, or otherwise
34 to fulfill any condition precedent to his or her attendance.

1 **Sec. 125.** RCW 42.30.090 and 1971 ex.s. c 250 s 9 are each amended
2 to read as follows:

3 The governing body of a public agency may adjourn any regular,
4 adjourned regular, special, or adjourned special meeting to a time and
5 place specified in the order of adjournment. Less than a quorum may so
6 adjourn from time to time. If all members are absent from any regular
7 or adjourned regular meeting the clerk or secretary of the governing
8 body may declare the meeting adjourned to a stated time and place. He
9 or she shall cause a written notice of the adjournment to be given in
10 the same manner as provided in RCW 42.30.080 for special meetings,
11 unless such notice is waived as provided for special meetings.
12 Whenever any meeting is adjourned a copy of the order or notice of
13 adjournment shall be conspicuously posted immediately after the time of
14 the adjournment on or near the door of the place where the regular,
15 adjourned regular, special, or adjourned special meeting was held.
16 When a regular or adjourned regular meeting is adjourned as provided in
17 this section, the resulting adjourned regular meeting is a regular
18 meeting for all purposes. When an order of adjournment of any meeting
19 fails to state the hour at which the adjourned meeting is to be held,
20 it shall be held at the hour specified for regular meetings by
21 ordinance, resolution, bylaw, or other rule.

22 **Sec. 126.** RCW 42.30.120 and 1985 c 69 s 1 are each amended to read
23 as follows:

24 (1) Each member of the governing body who attends a meeting of such
25 governing body where action is taken in violation of any provision of
26 this chapter applicable to him or her, with knowledge of the fact that
27 the meeting is in violation thereof, shall be subject to personal
28 liability in the form of a civil penalty in the amount of one hundred
29 dollars. The civil penalty shall be assessed by a judge of the
30 superior court and an action to enforce this penalty may be brought by
31 any person. A violation of this chapter does not constitute a crime
32 and assessment of the civil penalty by a judge shall not give rise to
33 any disability or legal disadvantage based on conviction of a criminal
34 offense.

35 (2) Any person who prevails against a public agency in any action
36 in the courts for a violation of this chapter shall be awarded all
37 costs, including reasonable attorneys' fees, incurred in connection

1 with such legal action. Pursuant to RCW 4.84.185, any public agency
2 who prevails in any action in the courts for a violation of this
3 chapter may be awarded reasonable expenses and attorney fees upon final
4 judgment and written findings by the trial judge that the action was
5 frivolous and advanced without reasonable cause.

6 **Sec. 127.** RCW 42.56.040 and 1973 c 1 s 25 are each amended to read
7 as follows:

8 (1) Each state agency shall separately state and currently publish
9 in the Washington Administrative Code and each local agency shall
10 prominently display and make available for inspection and copying at
11 the central office of such local agency, for guidance of the public:

12 (a) Descriptions of its central and field organization and the
13 established places at which, the employees from whom, and the methods
14 whereby, the public may obtain information, make submittals or
15 requests, or obtain copies of agency decisions;

16 (b) Statements of the general course and method by which its
17 operations are channeled and determined, including the nature and
18 requirements of all formal and informal procedures available;

19 (c) Rules of procedure;

20 (d) Substantive rules of general applicability adopted as
21 authorized by law, and statements of general policy or interpretations
22 of general applicability formulated and adopted by the agency; and

23 (e) Each amendment or revision to, or repeal of any of the
24 foregoing.

25 (2) Except to the extent that he or she has actual and timely
26 notice of the terms thereof, a person may not in any manner be required
27 to resort to, or be adversely affected by, a matter required to be
28 published or displayed and not so published or displayed.

29 **Sec. 128.** RCW 46.21.030 and 1963 c 120 s 3 are each amended to
30 read as follows:

31 The compact administrator provided for in Article VII of the
32 compact shall not be entitled to any additional compensation on account
33 of his or her service as such administrator, but shall be entitled to
34 expenses incurred in connection with his or her duties and
35 responsibilities as such administrator, in the same manner as for

1 expenses incurred in connection with any other duties or
2 responsibilities of his or her office or employment.

3 **Sec. 129.** RCW 46.23.020 and 1982 c 212 s 2 are each amended to
4 read as follows:

5 (1) The Washington state department of licensing is authorized and
6 encouraged to execute a reciprocal agreement with the Canadian province
7 of British Columbia, and with any other state which is not a member of
8 the nonresident violator compact, concerning the rendering of mutual
9 assistance in the disposition of traffic infractions committed by
10 persons licensed in one state or province while in the jurisdiction of
11 the other.

12 (2) Such agreements shall provide that if a person licensed by
13 either state or province is issued a citation by the other state or
14 province for a moving traffic violation covered by the agreement, he or
15 she shall not be detained or required to furnish bail or collateral,
16 and that if he or she fails to comply with the terms of the citation,
17 his or her license shall be suspended or renewal refused by the state
18 or province that issued the license until the home jurisdiction is
19 notified by the issuing jurisdiction that he or she has complied with
20 the terms of the citation.

21 (3) Such agreement shall also provide such terms and procedures as
22 are necessary and proper to facilitate its administration.

23 **Sec. 130.** RCW 49.32.072 and 1933 ex.s. c 7 s 7 are each amended to
24 read as follows:

25 No court of the state of Washington or any judge or judges thereof
26 shall have jurisdiction to issue a temporary or permanent injunction in
27 any case involving or growing out of a labor dispute, as herein
28 defined, except after hearing the testimony of witnesses in open court
29 (with opportunity for cross-examination) in support of the allegations
30 of a complaint made under oath, and testimony in opposition thereto, if
31 offered, and except after findings of fact by the court, to the
32 effect--

33 (1) That unlawful acts have been threatened and will be committed
34 unless restrained or have been committed and will be continued unless
35 restrained, but no injunction or temporary restraining order shall be
36 issued on account of any threat or unlawful act excepting against the

1 person or persons, association, or organization making the threat or
2 committing the unlawful act or actually authorizing or ratifying the
3 same after actual knowledge thereof;

4 (2) That substantial and irreparable injury to complainant's
5 property will follow;

6 (3) That as to each item of relief granted greater injury will be
7 inflicted upon complainant by the denial of relief than will be
8 inflicted upon defendants by the granting of relief;

9 (4) That complainant has no adequate remedy at law; and

10 (5) That the public officers charged with the duty to protect
11 complainant's property are unable or unwilling to furnish adequate
12 protection.

13 Such hearing shall be held after due and personal notice thereof
14 has been given, in such manner as the court shall direct, to all
15 persons against whom relief is sought, and also to the chief of those
16 public officials of the county and city within which the unlawful acts
17 have been threatened or committed charged with the duty to protect
18 complainant's property: PROVIDED, HOWEVER, That if a complainant shall
19 also allege that, unless a temporary restraining order shall be issued
20 without notice, a substantial and irreparable injury to complainant's
21 property will be unavoidable, such a temporary restraining order may be
22 issued upon testimony under oath, sufficient, if sustained, to justify
23 the court in issuing a temporary injunction upon a hearing after
24 notice. Such a temporary restraining order shall be effective for no
25 longer than five days and shall become void at the expiration of said
26 five days. No temporary restraining order or temporary injunction
27 shall be issued except on condition that complainant shall first file
28 an undertaking with adequate security in an amount to be fixed by the
29 court sufficient to recompense those enjoined for any loss, expense, or
30 damage caused by the improvident or erroneous issuance of such order or
31 injunction, including all reasonable costs (together with a reasonable
32 (~~attorney's~~) attorneys' fee) and expense of defense against the order
33 or against the granting of any injunctive relief sought in the same
34 proceeding and subsequently denied by the court.

35 The undertaking herein mentioned shall be understood to signify an
36 agreement entered into by the complainant and the surety upon which a
37 decree may be rendered in the same suit or proceeding against said
38 complainant and surety, upon a hearing to assess damages of which

1 hearing complainant and surety shall have reasonable notice, the said
2 complainant and surety submitting themselves to the jurisdiction of the
3 court for that purpose. But nothing herein contained shall deprive any
4 party having a claim or cause of action under or upon such undertaking
5 from electing to pursue his or her ordinary remedy by suit at law or in
6 equity.

7 **Sec. 131.** RCW 60.08.020 and 1983 c 33 s 1 are each amended to read
8 as follows:

9 In order to make such lien effectual, the lien claimant shall,
10 within ninety days from the date of delivery of such chattel to the
11 owner, file in the office of the auditor of the county in which such
12 chattel is kept, a lien notice, which notice shall state the name of
13 the claimant, the name of the owner, a description of the chattel upon
14 which the claimant has performed labor or furnished material, the
15 amount for which a lien is claimed, and the date upon which such
16 expenditure of labor or material was completed, which notice shall be
17 signed by the claimant or someone on his or her behalf, and may be in
18 substantially the following form:

19 CHATTEL LIEN NOTICE.

20 Claimant, }
21 against }
22 Owner. }

23 Notice is hereby given that has and claims a
24 lien upon (here insert description of chattel), owned by
25 for the sum of dollars, for and on account of
26 labor, skill and material expended upon said
27 which was completed upon the day of, 19...

28
29 Claimant.

30 **Sec. 132.** RCW 60.08.060 and 1983 c 33 s 2 are each amended to read
31 as follows:

32 Upon presentation of such lien notice to the auditor of any county,
33 he or she shall file the same, and endorse thereon the time of the
34 reception, the number thereof, and shall enter the same in a suitable
35 book or file (but need not record the same). Such book or file shall

1 have herewith an alphabetic index, in which the county auditor shall
2 index such notice by noting the name of the owner, name of lien
3 claimant, description of property, date of lien (which shall be the
4 date upon which such expenditure of labor, skill or material was
5 completed), date of filing and when released, the date of release.

6 **Sec. 133.** RCW 60.10.070 and 1969 c 82 s 8 are each amended to read
7 as follows:

8 As used in this chapter, "commercially reasonable" shall be
9 construed in a manner consistent with the following:

10 The fact that a better price could have been obtained by a sale at
11 a different time or in a different method from that selected by the
12 lien holder is not of itself sufficient to establish that the sale was
13 not made in a commercially reasonable manner. If the lien holder
14 either sells the collateral in the usual manner in any recognized
15 market therefor or if he or she sells at the price current in such
16 market at the time of his or her sale or if he or she has otherwise
17 sold in conformity with reasonable commercial practices among dealers
18 in the type of property sold he or she has sold in a commercially
19 reasonable manner. A disposition which has been approved in any
20 judicial proceeding or by any bona fide creditors' committee or
21 representative of creditors shall conclusively be deemed to be
22 commercially reasonable, but this sentence does not indicate that any
23 such approval must be obtained in any case nor does it indicate that
24 any disposition not so approved is not commercially reasonable.

25 **Sec. 134.** RCW 60.16.010 and 1917 c 110 s 1 are each amended to
26 read as follows:

27 Any person or corporation who shall do or cause to be done any
28 labor upon any orchard or orchard lands, in pruning, spraying,
29 cultivating, and caring for the same, at the request of the owner
30 thereof, or his or her agent, shall have a lien upon such orchard and
31 orchard lands for such work and labor so performed.

32 **Sec. 135.** RCW 60.24.020 and 1923 c 10 s 1 are each amended to read
33 as follows:

34 Every person performing labor upon or who shall assist in obtaining
35 or securing saw logs, spars, piles, cord wood, shingle bolts, or other

1 timber, and the owner or owners of any tugboat or towboat, which shall
2 tow or assist in towing, from one place to another within this state,
3 any saw logs, spars, piles, cord wood, shingle bolts, or other timber,
4 and the owner or owners of any team or any logging engine, which shall
5 haul or assist in hauling from one place to another within this state,
6 any saw logs, spars, piles, cord wood, shingle bolts, or other timber,
7 and the owner or owners of any logging or other railroad over which saw
8 logs, spars, piles, cord wood, shingle bolts, or other timber shall be
9 transported and delivered, shall have a lien upon the same for the work
10 or labor done upon, or in obtaining or securing, or for services
11 rendered in towing, transporting, hauling, or driving, the particular
12 saw logs, spars, cord wood, shingle bolts, or other timber in said
13 claim of lien described whether such work, labor, or services was done,
14 rendered, or performed at the instance of the owner of the same or his
15 or her agent. Scalers, and bull cooks, and cooks, flunkeys and waiters
16 in lumber camps, shall be regarded as persons who assist in obtaining
17 or securing the timber herein mentioned.

18 **Sec. 136.** RCW 60.24.030 and 1893 c 132 s 2 are each amended to
19 read as follows:

20 Every person performing work or labor or assisting in manufacturing
21 saw logs and other timber into lumber and shingles, has a lien upon
22 such lumber while the same remains at the mill where it was
23 manufactured, or in the possession or under the control of the
24 manufacturer, whether such work or labor was done at the instance of
25 the owner of such logs or his or her agent or any contractor or
26 subcontractor of such owner. The term "lumber," as used in this
27 chapter, shall be held and be construed to mean all logs or other
28 timber sawed or split for use, including beams, joists, planks, boards,
29 shingles, laths, staves, hoops, and every article of whatsoever nature
30 or description manufactured from saw logs or other timber.

31 **Sec. 137.** RCW 60.24.035 and 1893 c 132 s 3 are each amended to
32 read as follows:

33 Any person who shall permit another to go upon his or her timber
34 land and cut thereon saw logs, spars, piles, or other timber, has a
35 lien upon the same for the price agreed to be paid for such privilege,

1 or for the price such privilege would be reasonably worth in case there
2 was no express agreement fixing the price.

3 **Sec. 138.** RCW 60.24.075 and 1986 c 179 s 2 are each amended to
4 read as follows:

5 Every person, within sixty days after the close of the rendition of
6 the services, or after the close of the work or labor mentioned in the
7 preceding sections, claiming the benefit hereof, must file for record
8 with the county auditor of the county in which such saw logs, spars,
9 piles, and other timber were cut, or in which such lumber or shingles
10 were manufactured, a claim containing a statement of his or her demand
11 and the amount thereof, after deducting as nearly as possible all just
12 credits and offsets, with the name of the person by whom he or she was
13 employed, with a statement of the terms and conditions of his or her
14 contract, if any, and in case there is no express contract, the claim
15 shall state what such service, work, or labor is reasonably worth; and
16 it shall also contain a description of the property to be charged with
17 the lien sufficient for identification with reasonable certainty, which
18 claim must be verified by the oath of himself or herself or some other
19 person to the effect that the affiant believes the same to be true,
20 which claim shall be substantially in the following form:

21 Claimant, vs.

22 Notice is hereby given that of county,
23 state of Washington, claims a lien upon a of
24, being about in quantity, which were cut or
25 manufactured in county, state of Washington, are marked
26 thus, and are now lying in, for labor
27 performed upon and assistance rendered in said;
28 that the name of the owner or reputed owner is; that
29 employed said to perform such labor and render
30 such assistance upon the following terms and conditions, to wit:

31 The said agreed to pay the said for such
32 labor and assistance; that said contract has been
33 faithfully performed and fully complied with on the part of said
34, who performed labor upon and assisted in said
35 for the period of; that said labor and
36 assistance were so performed and rendered upon said between
37 the day of and the day of; and

1 the rendition of said service was closed on the day of
2, and sixty days have not elapsed since that time; that the
3 amount of claimant's demand for said service is; that no
4 part thereof has been paid except, and there is now due and
5 remaining unpaid thereon, after deducting all just credits and offsets,
6 the sum of, in which amount he or she claims a lien upon
7 said The said also claims a lien on all
8 said now owned by said of said county to secure
9 payment for the work and labor performed in obtaining or securing the
10 said logs, spars, piles, or other timber, lumber, or shingles herein
11 described.

12 State of Washington, county of ss.
13 being first duly sworn, on oath says that he or she is
14 named in the foregoing claim, has heard the same read,
15 knows the contents thereof, and believes the same to be true.

16
17 Subscribed and sworn to before me this day of
18

19 **Sec. 139.** RCW 60.24.100 and 1893 c 132 s 9 are each amended to
20 read as follows:

21 The county auditor must record any claim filed under this chapter
22 in a book kept by him or her for that purpose, which record must be
23 indexed, as deeds and other conveyances are required by law to be
24 indexed, and for which he or she may receive the same fees as are
25 allowed by law for recording deeds and other instruments.

26 **Sec. 140.** RCW 60.24.130 and 1899 c 90 s 1 are each amended to read
27 as follows:

28 The sheriff of the county wherein the lien is filed shall be the
29 receiver when one is appointed, and the superior court upon a showing
30 made shall appoint such receiver without notice, who shall be allowed
31 such fees as may seem just to the court, which fees shall be accounted
32 for by such sheriff as other fees collected by him or her in his or her

1 official capacity: PROVIDED, That at any time when any property is in
2 the custody of such sheriff under the provisions of this chapter, and
3 any person claiming any interest therein, may deposit with the clerk of
4 the court in which such action is pending, a sum of money in an amount
5 equal to the claim sued upon, together with one hundred dollars, to
6 cover costs and interest, (unless the court shall make an order fixing
7 a different amount to cover such costs and interest, then such an
8 amount as the court shall fix to secure such costs and interest, which
9 such action is being prosecuted) and shall have the right to demand and
10 receive forthwith from such sheriff the possession and custody of such
11 property: PROVIDED, That in no action brought under the provisions of
12 this chapter shall costs be allowed to lien holders unless a demand has
13 been made for payment of his or her lien claim before commencement of
14 suit, unless the court shall find the claimants at time of bringing
15 action had reasonable ground to believe that the owner or the person
16 having control of the property upon which such lien is claimed was
17 attempting to defraud such claimant, or prevent the collection of such
18 lien.

19 **Sec. 141.** RCW 60.24.140 and 1893 c 132 s 13 are each amended to
20 read as follows:

21 If the defendant or defendants appear in a suit to enforce any lien
22 provided by this chapter, he, she, or they shall make their answer on
23 the merits of the complaint, and any motion or demurrer against the
24 said complaint must be filed with the answer; and no motion shall be
25 allowed to make complaint more definite and certain, if it appear to
26 the court that the defendant or defendants have or should have
27 knowledge of the facts, or that it can be made more certain and
28 definite by facts which will appear necessarily in the testimony; but
29 the case, unless the court sustains the demurrer to the complaint,
30 shall be heard on the merits as speedily as possible, and amendments of
31 the pleadings, if necessary, shall be liberally allowed.

32 **Sec. 142.** RCW 60.24.150 and 1893 c 132 s 14 are each amended to
33 read as follows:

34 Any person who shall bring a civil action to enforce the lien
35 herein provided for, or any person having a lien as herein provided
36 for, who shall be made a party to any such civil action, has the right

1 to demand that such lien be enforced against the whole or any part of
2 the saw logs, spars, piles, or other timber or manufactured lumber or
3 shingles upon which he or she has performed labor or which he or she
4 has assisted in securing or obtaining, or which he or she has cut on
5 his or her timber land during the eight months next preceding the
6 filing of his or her lien, for all his or her labor upon or for all his
7 of her assistance in obtaining or securing said logs, spars, piles, or
8 other timber, or in manufacturing said lumber or shingles during the
9 whole or any part of the eight months mentioned in section seven (7) of
10 this act, or for timber cut during the whole or any part of the eight
11 months above mentioned. And where proceedings are commenced against
12 any lot of saw logs, spars, piles, or other timber or lumber or
13 shingles as herein provided, and some of the lienors claim liens
14 against the specific logs, spars, piles, or other timber or lumber or
15 shingles proceeded against, and others against the same generally, to
16 secure their claims for work and labor, the priority of the liens shall
17 be determined as hereinbefore provided.

18 **Sec. 143.** RCW 60.24.170 and 1893 c 132 s 16 are each amended to
19 read as follows:

20 It shall be conclusively presumed by the court that a party
21 purchasing the property liened upon within thirty days given herein to
22 claimants wherein to file their liens, is not an innocent third party,
23 nor that he or she has become a bona fide owner of the property liened
24 upon, unless it shall appear that he or she has paid full value for the
25 said property, and has seen that the purchase money of the said
26 property has been applied to the payment of such bona fide claims as
27 are entitled to liens upon the said property under the provisions of
28 this chapter, according to the priorities herein established.

29 **Sec. 144.** RCW 60.24.190 and 1893 c 132 s 18 are each amended to
30 read as follows:

31 In each civil action, judgment must be rendered in favor of each
32 person having a lien for the amount due to him or her, and the court or
33 judge thereof shall order any property subject to the lien herein
34 provided for to be sold by the sheriff of the proper county in the same
35 manner that personal property is sold on execution, and the court or

1 judge shall apportion the proceeds of such sale to the payment of each
2 judgment, according to the priorities established in this chapter pro
3 rata in its class according to the amount of such judgment.

4 **Sec. 145.** RCW 60.24.200 and 1893 c 132 s 20 are each amended to
5 read as follows:

6 Any person who shall eloin, injure, or destroy, or who shall
7 render difficult, uncertain, or impossible of identification any saw
8 logs, spars, piles, shingles, or other timber upon which there is a
9 lien as herein provided, without the express consent of the person
10 entitled to such lien, shall be liable to the lien holder for the
11 damages to the amount secured by his or her lien, and it being shown to
12 the court in the civil action to enforce said lien, it shall be the
13 duty of the court to enter a personal judgment for the amount in such
14 action against the said person, provided he or she be a party to such
15 action, or the damages may be recovered by a civil action against such
16 person.

17 **Sec. 146.** RCW 60.28.030 and 1979 ex.s. c 38 s 1 are each amended
18 to read as follows:

19 Any person, firm, or corporation filing a claim against the reserve
20 fund shall have four months from the time of the filing thereof in
21 which to bring an action to foreclose the lien. The lien shall be
22 enforced by action in the superior court of the county where filed, and
23 shall be governed by the laws regulating the proceedings in civil
24 actions touching the mode and manner of trial and the proceedings and
25 laws to secure property so as to hold it for the satisfaction of any
26 lien against it: PROVIDED, That the public body shall not be required
27 to make any detailed answer to any complaint or other pleading but need
28 only certify to the court the name of the contractor; the work
29 contracted to be done; the date of the contract; the date of completion
30 and final acceptance of the work; the amount retained; the amount of
31 taxes certified due or to become due to the state; and all claims filed
32 with it showing respectively the dates of filing, the names of
33 claimants, and amounts claimed. Such certification shall operate to
34 arrest payment of so much of the funds retained as is required to
35 discharge the taxes certified due or to become due and the claims filed
36 in accordance with this chapter. In any action brought to enforce the

1 lien, the claimant, if he or she prevails, is entitled to recover, in
2 addition to all other costs, attorney fees in such sum as the court
3 finds reasonable. If a claimant fails to bring action to foreclose his
4 or her lien within the four months period, the reserve fund shall be
5 discharged from the lien of his or her claim and the funds shall be
6 paid to the contractor. The four months limitation shall not, however,
7 be construed as a limitation upon the right to sue the contractor or
8 his or her surety where no right of foreclosure is sought against the
9 fund.

10 **Sec. 147.** RCW 60.28.060 and 2009 c 432 s 9 are each amended to
11 read as follows:

12 If within thirty days after receipt of notice by the department of
13 revenue, the employment security department, and the department of
14 labor and industries of the completion of the contract, the amount of
15 all taxes, increases, and penalties due from the contractor or any of
16 his or her successors or assignees or to become due with respect to
17 such contract have not been paid, the department of revenue, the
18 employment security department, and the department of labor and
19 industries may certify to the disbursing officer the amount of all
20 taxes, increases, and penalties due from the contractor, together with
21 the amount of all taxes due and to become due with respect to the
22 contract and may request payment thereof in accordance with the
23 priority provided by this chapter. The disbursing officer shall within
24 ten days after receipt of such certificate and request pay to the
25 department of revenue, the employment security department, and the
26 department of labor and industries the amount of all taxes, increases,
27 and penalties certified to be due or to become due and all claims which
28 by statute are a lien upon the retained percentage withheld by the
29 disbursing officer in accordance with the priority provided by this
30 chapter. If the contractor owes no taxes imposed pursuant to Titles
31 50, 51, and 82 RCW, the department of revenue, the employment security
32 department, and the department of labor and industries shall so certify
33 to the disbursing officer.

34 **Sec. 148.** RCW 60.32.010 and 1897 c 43 s 1 are each amended to read
35 as follows:

36 Every person performing labor for any person, company, or

1 corporation, in the operation of any railway, canal, or transportation
2 company, or any water, mining, or manufacturing company, sawmill,
3 lumber or timber company, shall have a prior lien on the franchise,
4 earnings, and on all the real and personal property of said person,
5 company, or corporation, which is used in the operation of its
6 business, to the extent of the moneys due him or her from such person,
7 company, or corporation, operating said franchise or business, for
8 labor performed within six months next preceding the filing of his or
9 her claim therefor, as hereinafter provided; and no mortgage, deed of
10 trust, or conveyance shall defeat or take precedence over said lien.

11 **Sec. 149.** RCW 60.32.020 and 1977 ex.s. c 176 s 1 are each amended
12 to read as follows:

13 No person shall be entitled to the lien given by RCW 60.32.010,
14 unless he or she shall, within ninety days after he or she has ceased
15 to perform labor for such person, company, or corporation, filed for
16 record with the county auditor of the county in which said labor was
17 performed, or in which is located the principal office of such person,
18 company, or corporation in this state, a notice of claim, containing a
19 statement of his or her demand, after deducting all just credits and
20 offsets, the name of the person, company, or corporation, and the name
21 of the person or persons employing claimant, if known, with the
22 statement of the terms and conditions of his or her contract, if any,
23 and the time he or she commenced the employment, and the date of his or
24 her last service, and shall serve a copy thereof on said person,
25 company, or corporation within thirty days after the same is so filed
26 for record.

27 Any number of claimants may join in the same notice for the purpose
28 of filing and enforcing their liens, but the amount claimed by each
29 claimant shall be separately stated.

30 **Sec. 150.** RCW 60.34.010 and 1953 c 205 s 1 are each amended to
31 read as follows:

32 Every person performing labor in the operation of any restaurant,
33 hotel, tavern, or other place of business engaged in the selling of
34 prepared foods or drinks, or any hotel service employee, shall have a
35 lien on the earnings and on all the property of his or her employer

1 used in the operation of said business to the extent of the moneys due
2 him or her for labor performed within three months next preceding the
3 filing of his or her claim therefor.

4 **Sec. 151.** RCW 60.34.020 and 1953 c 205 s 2 are each amended to
5 read as follows:

6 The lien claimant shall within thirty days after he or she has
7 ceased to perform such labor, file for record with the auditor of the
8 county in which the labor was performed a notice of claim, containing
9 a statement of his or her demand, the name of the employer and the name
10 of the person employing him or her, if known, with a statement of the
11 terms and conditions of his or her contract, if any, and the time he or
12 she commenced the employment, and the date of his or her last service,
13 and shall serve or mail a copy thereof to said employer within said
14 period.

15 **Sec. 152.** RCW 60.40.020 and Code 1881 s 3287 are each amended to
16 read as follows:

17 When an attorney refuses to deliver over money or papers, to a
18 person from or for whom he or she has received them in the course of
19 professional employment, whether in an action or not, he or she may be
20 required by an order of the court in which an action, if any, was
21 prosecuted, or if no action was prosecuted, then by order of any judge
22 of a court of record, to do so within a specified time, or show cause
23 why he or she should not be punished for a contempt.

24 **Sec. 153.** RCW 60.44.060 and 1937 c 69 s 6 are each amended to read
25 as follows:

26 Such lien may be enforced by a suit at law brought by the claimant
27 or his or her assignee within one year after the filing of such lien
28 against the said tort feisor and/or insurer. In the event that such
29 tort feisor and/or insurer shall have made payment or settlement on
30 account of such injury, the fact of such payment shall only for the
31 purpose of such suit be prima facie evidence of the negligence of the
32 tort feisor and of the liability of the payer to compensate for such
33 negligence.

1 **Sec. 154.** RCW 60.52.010 and 1890 p 451 s 1 are each amended to
2 read as follows:

3 In order to secure to the owner or owners of sires payment for
4 service, the following provisions are enacted: That every owner of a
5 sire having a service fee, in order to have a lien upon the female
6 served, and upon the get of any such sire, under the provisions of this
7 chapter, for such service, shall file for record with the county
8 auditor of the county where said sire is kept for service a statement,
9 verified by oath or affirmation, to the best of his or her knowledge
10 and belief, giving the name, age, description, and pedigree, as well as
11 the terms and conditions upon which such sire is advertised for
12 service: PROVIDED, That owners of sires who are not in possession of
13 pedigrees for such sires shall not be debarred from the benefits of
14 this chapter.

15 **Sec. 155.** RCW 60.56.005 and 1993 c 53 s 1 are each amended to read
16 as follows:

17 For purposes of this chapter "agister" means a farmer, (~~(ranchman)~~)
18 rancher, herder of cattle, livery and boarding stable keeper,
19 veterinarian, or other person, to whom horses, mules, cattle, or sheep
20 are entrusted for the purpose of feeding, herding, pasturing, training,
21 caring for, or ranching.

22 **Sec. 156.** RCW 60.60.040 and Code 1881 s 1983 are each amended to
23 read as follows:

24 The moneys arising from sales made under the provisions of this
25 chapter shall first be applied to the payment of the costs and expenses
26 of the sale, and then to the payment of the lawful charges of the
27 person or persons having a lien thereon for advances, freight,
28 transportation, wharfage, or storage, for whose benefit the sale shall
29 (~~(have)~~) have been made; the surplus, if any, shall be retained
30 subject to the future lawful charge of the person or persons for whose
31 benefit the sale was made, upon the property of the same owner still
32 remaining in store uncalled for, if any there be, and to the demand of
33 the owner of the property, who shall have paid such charges or
34 otherwise satisfied such lien, and all moneys remaining uncalled for,
35 for the period of three months, shall be paid to the county treasurer,

1 and shall remain in his or her hands a special fund for the benefit of
2 the lawful claimant thereof.

3 **Sec. 157.** RCW 60.66.020 and 1890 p 96 s 2 are each amended to read
4 as follows:

5 Whenever any baggage, property, or other valuables which have been
6 retained by any hotel keeper, inn keeper, lodging house keeper, or
7 boarding house keeper, in his or her possession by virtue of the
8 provision of RCW 60.66.010, shall remain unredeemed for the period of
9 three months after the same shall have been so retained, then it shall
10 be lawful for such hotel keeper, inn keeper, lodging house keeper, or
11 boarding house keeper to sell such baggage, property, or other
12 valuables at public auction, after giving the owner thereof ten days'
13 notice of the time and place of such sale, through the post office, or
14 by advertising in some newspaper published in the county where such
15 sale is made, or by posting notices in three conspicuous places in such
16 county, and out of the proceeds of such sale to pay all legal charges
17 due from the owner of such baggage, property, or valuables, including
18 proper charges for storage of the same, and the overplus, if any, shall
19 be paid to the owner upon demand.

20 **Sec. 158.** RCW 60.76.010 and 1961 c 86 s 1 are each amended to read
21 as follows:

22 Every employer who is required to pay contributions, by agreement
23 or otherwise, into a fund of any employee benefit plan in order that
24 his or her employee may participate therein, shall pay such
25 contributions in the required amounts and at the stipulated time or
26 each employee affected thereby shall have a lien on the earnings and on
27 all property used in the operation of said employer's business to the
28 extent of the moneys, plus any penalties, due to be paid by or on his
29 or her behalf in order to qualify him or her for participation therein,
30 and for any moneys expended or obligations incurred for medical,
31 hospital, or other expenses to which he or she would have been entitled
32 had such required contributions been paid.

33 **Sec. 159.** RCW 60.76.020 and 1961 c 86 s 2 are each amended to read
34 as follows:

35 The lien claimant, or his or her representative on his or her

1 behalf, or the trustee of the fund on the claimant's behalf, within
2 sixty days after such payment becomes due shall file for record with
3 the auditor of the county wherein the claimant is or was employed by
4 such employer a notice of claim, containing a statement of the demand,
5 the name of the employer, and the name of the person employing the
6 claimant, if known, with a statement of the pertinent terms and
7 conditions of the employee benefit plan and the time when such
8 contributions are due and were to have been paid, and shall serve or
9 mail a copy thereof to said employer within such time.

10 **Sec. 160.** RCW 61.12.040 and Code 1881 s 609 are each amended to
11 read as follows:

12 When default is made in the performance of any condition contained
13 in a mortgage, the mortgagee or his or her assigns may proceed in the
14 superior court of the county where the land, or some part thereof,
15 lies, to foreclose the equity of redemption contained in the mortgage.

16 **Sec. 161.** RCW 61.12.090 and 1988 c 231 s 36 are each amended to
17 read as follows:

18 A decree of foreclosure of mortgage or other lien may be enforced
19 by execution as an ordinary judgment or decree for the payment of
20 money. The execution shall contain a description of the property
21 described in the decree. The sheriff shall endorse upon the execution
22 the time when he or she receives it, and he or she shall thereupon
23 forthwith proceed to sell such property, or so much thereof as may be
24 necessary to satisfy the judgment, interest, and costs upon giving the
25 notice prescribed in RCW 6.21.030.

26 **Sec. 162.** RCW 61.12.093 and 1965 c 80 s 1 are each amended to read
27 as follows:

28 In actions to foreclose mortgages on real property improved by
29 structure or structures, if the court finds that the mortgagor or his
30 or her successor in interest has abandoned said property for six months
31 or more, the purchaser at the sheriff's sale shall take title in and to
32 such property free from all redemption rights as provided for in RCW
33 6.23.010 et seq. upon confirmation of the sheriff's sale by the court.
34 Lack of occupancy by, or by authority of, the mortgagor or his or her
35 successor in interest for a continuous period of six months or more

1 prior to the date of the decree of foreclosure, coupled with failure to
2 make payment upon the mortgage obligation within the said six month
3 period, will be prima facie evidence of abandonment.

4 **Sec. 163.** RCW 61.12.094 and 1965 c 80 s 2 are each amended to read
5 as follows:

6 When proceeding under RCW 61.12.093 through 61.12.095, no
7 deficiency judgment shall be allowed. No mortgagee shall deprive any
8 mortgagor, his or her successors in interest, or any redemptioner of
9 redemption rights by default decree without alleging such intention in
10 the complaint: PROVIDED, HOWEVER, That such complaint need not be
11 served upon any person who acquired the status of such successor in
12 interest or redemptioner after the recording of lis pendens in such
13 foreclosure action.

14 **Sec. 164.** RCW 61.12.120 and Code 1881 s 614 are each amended to
15 read as follows:

16 The plaintiff shall not proceed to foreclose his or her mortgage
17 while he or she is prosecuting any other action for the same debt or
18 matter which is secured by the mortgage, or while he or she is seeking
19 to obtain execution of any judgment in such other action; nor shall he
20 or she prosecute any other action for the same matter while he or she
21 is foreclosing his or her mortgage or prosecuting a judgment of
22 foreclosure.

23 **Sec. 165.** RCW 63.10.030 and 1983 c 158 s 3 are each amended to
24 read as follows:

25 (1) Where the lessee's liability on expiration of a consumer lease
26 is based on the estimated residual value of the property, such
27 estimated residual value shall be a reasonable approximation of the
28 anticipated actual fair market value of the property on lease
29 expiration. There shall be a rebuttable presumption that the estimated
30 residual value is unreasonable to the extent that the estimated
31 residual value exceeds the actual residual value by more than three
32 times the average payment allocable to a monthly period under the
33 lease. In addition, where the lessee has such liability on expiration
34 of a consumer lease there shall be a rebuttable presumption that the
35 lessor's estimated residual value is not in good faith to the extent

1 that the estimated residual value exceeds the actual residual value by
2 more than three times the average payment allocable to a monthly period
3 under the lease and such lessor shall not collect from the lessee the
4 amount of such excess liability on expiration of a consumer lease
5 unless the lessor brings a successful action with respect to such
6 excess liability. In all actions, the lessor shall pay the lessee's
7 reasonable attorneys' fees. The presumptions stated in this section
8 shall not apply to the extent the excess of estimated over actual
9 residual value is due to physical damage to the property beyond
10 reasonable wear and use, or to excessive use, and the lease may set
11 standards for such wear and use if such standards are not unreasonable.
12 Nothing in this subsection shall preclude the right of a willing lessee
13 to make any mutually agreeable final adjustment with respect to such
14 excess residual liability, provided such an agreement is reached after
15 termination of the lease.

16 (2) Penalties or other charges for delinquency, default, or early
17 termination may be specified in the lease but only at an amount which
18 is reasonable in the light of the anticipated or actual harm caused by
19 the delinquency, default, or early termination, the difficulties of
20 proof of loss, and the inconvenience or nonfeasibility of otherwise
21 obtaining an adequate remedy.

22 (3) If a lease has a residual value provision at the termination of
23 the lease, the lessee may obtain, at his or her expense, a professional
24 appraisal of the leased property by an independent third party agreed
25 to be both parties. Such appraisal shall be final and binding on the
26 parties.

27 **Sec. 166.** RCW 63.14.030 and 1981 c 77 s 2 are each amended to read
28 as follows:

29 The retail seller shall deliver to the retail buyer, at the time
30 the buyer signs the contract, a copy of the contract as signed by the
31 buyer, unless the contract is completed by the buyer in situations
32 covered by RCW 63.14.060, and if the contract is accepted at a later
33 date by the seller, the seller shall mail to the buyer at his or her
34 address shown on the retail installment contract a copy of the contract
35 as accepted by the seller or a copy of the memorandum as required in
36 RCW 63.14.060. Until the seller does so, the buyer shall be obligated
37 to pay only the sale price. Any acknowledgment by the buyer of

1 delivery of a copy of the contract shall be in a size equal to at least
2 ten point bold type and, if contained in the contract, shall appear
3 directly above the buyer's signature.

4 **Sec. 167.** RCW 63.14.040 and 1999 c 113 s 2 are each amended to
5 read as follows:

6 (1) The retail installment contract shall contain the names of the
7 seller and the buyer, the place of business of the seller, the
8 residence or other address of the buyer as specified by the buyer and
9 a description or identification of the goods sold or to be sold, or
10 service furnished or rendered or to be furnished or rendered. The
11 contract also shall contain the following items, which shall be set
12 forth in the sequence appearing below:

- 13 (a) The sale price of each item of goods or services;
- 14 (b) The amount of the buyer's down payment, if any, identifying the
15 amounts paid in money and allowed for goods traded in;
- 16 (c) The difference between items (a) and (b);
- 17 (d) The aggregate amount, if any, included for insurance,
18 specifying the type or types of insurance and the terms of coverage;
- 19 (e) The aggregate amount of official fees, if any;
- 20 (f) The amount, if any, actually paid or to be paid by the retail
21 seller pursuant to an agreement with the buyer to discharge a security
22 interest or lien on like-kind goods traded in or lease interest in the
23 circumstance of a lease for like goods being terminated in conjunction
24 with the sale pursuant to a retail installment contract;
- 25 (g) The principal balance, which is the sum of items (c), (d), (e),
26 and (f);
- 27 (h) The dollar amount or rate of the service charge;
- 28 (i) The amount of the time balance owed by the buyer to the seller,
29 which is the sum of items (g) and (h), if (h) is stated in a dollar
30 amount; and
- 31 (j) Except as otherwise provided in the next two sentences, the
32 maximum number of installment payments required and the amount of each
33 installment and the due date of each payment necessary to pay such
34 balance. If installment payments other than the final payment are
35 stated as a series of equal scheduled amounts and if the amount of the
36 final installment payment does not substantially exceed the scheduled
37 amount of each preceding installment payment, the maximum number of

1 payments and the amount and due date of each payment need not be
2 separately stated and the amount of the scheduled final installment
3 payment may be stated as the remaining unpaid balance. The due date of
4 the first installment payment may be fixed by a day or date or may be
5 fixed by reference to the date of the contract or to the time of
6 delivery or installation.

7 Additional items may be included to explain the calculations
8 involved in determining the balance to be paid by the buyer.

9 (2) Every retail installment contract shall contain the following
10 notice in ten point bold face type or larger directly above the space
11 reserved in the contract for the signature of the buyer: "NOTICE TO
12 BUYER:

13 (a) Do not sign this contract before you read it or if any spaces
14 intended for the agreed terms, except as to unavailable information,
15 are blank.

16 (b) You are entitled to a copy of this contract at the time you
17 sign it.

18 (c) You may at any time pay off the full unpaid balance due under
19 this contract, and in so doing you may receive a partial rebate of the
20 service charge.

21 (d) The service charge does not exceed% (must be filled in)
22 per annum computed monthly.

23 (e) You may cancel this contract if it is solicited in person, and
24 you sign it, at a place other than the seller's business address shown
25 on the contract, by sending notice of such cancellation by certified
26 mail return receipt requested to the seller at his or her address shown
27 on the contract which notice shall be posted not later than midnight of
28 the third day (excluding Sundays and holidays) following your signing
29 this contract. If you choose to cancel this contract, you must return
30 or make available to the seller at the place of delivery any
31 merchandise, in its original condition, received by you under this
32 contract."

33 ((~~Clause~~)) Subsection (2)(e) of this section needs to be included
34 in the notice only if the contract is solicited in person by the seller
35 or his or her representative, and the buyer signs it, at a place other
36 than the seller's business address shown on the contract.

1 **Sec. 168.** RCW 63.14.060 and 1967 c 234 s 4 are each amended to
2 read as follows:

3 Retail installment contracts negotiated and entered into by mail or
4 telephone without solicitation in person by (~~salesmen~~) salespersons
5 or other representatives of the seller and based upon a catalog of the
6 seller, or other printed solicitation of business, if such catalog or
7 other printed solicitation clearly sets forth the cash sale prices and
8 other terms of sales to be made through such medium, may be made as
9 provided in this section. The provisions of this chapter with respect
10 to retail installment contracts shall be applicable to such sales,
11 except that the retail installment contract, when completed by the
12 buyer need not contain the items required by RCW 63.14.040.

13 When the contract is received from the retail buyer, the seller
14 shall prepare a written memorandum containing all of the information
15 required by RCW 63.14.040 to be included in a retail installment
16 contract. In lieu of delivering a copy of the contract to the retail
17 buyer as provided in RCW 63.14.030, the seller shall deliver to the
18 buyer a copy of such memorandum prior to the due date of the first
19 installment payable under the contract: PROVIDED, That if the catalog
20 or other printed solicitation does not set forth all of the other terms
21 of sales in addition to the cash sales prices, such memorandum shall be
22 delivered to the buyer prior to or at the time of delivery of the goods
23 or services.

24 **Sec. 169.** RCW 63.14.080 and 1967 c 234 s 5 are each amended to
25 read as follows:

26 For the purpose of this section, "periodic time balance" means the
27 unpaid portion of the time balance as of the last day of each month, or
28 other uniform time interval established by the regular consecutive
29 payment period scheduled in a retail installment contract.

30 Notwithstanding the provisions of any retail installment contract
31 to the contrary, and if the rights of the purchaser have not been
32 terminated or forfeited under the terms of the contract, any buyer may
33 prepay in full the unpaid portion of the time balance thereof at any
34 time before its final due date and, if he or she does so, he or she
35 shall receive a refund credit of the unearned portion of the service
36 charge for such prepayment. The amount of such refund credit shall be
37 computed according to the "rule of seventy-eighths", that is it shall

1 represent at least as great a portion of the original service charge,
2 as the sum of the periodic time balances not yet due bears to the sum
3 of all the periodic time balances under the schedule of payments in the
4 contract: PROVIDED, That where the earned service charge (total
5 service charge minus refund credit) thus computed is less than the
6 following minimum service charge: Fifteen dollars where the principal
7 balance is not in excess of two hundred and fifty dollars, twenty-five
8 dollars where the principal balance exceeds two hundred and fifty
9 dollars but is not in excess of five hundred dollars, thirty-seven
10 dollars and fifty cents where the principal balance exceeds five
11 hundred dollars but is not in excess of one thousand dollars, and fifty
12 dollars where the principal balance exceeds one thousand dollars; then
13 such minimum service charge shall be deemed to be the earned service
14 charge: AND PROVIDED FURTHER, That where the amount of such refund
15 credit is less than one dollar, no refund credit need be made.

16 **Sec. 170.** RCW 63.14.110 and 1999 c 113 s 3 are each amended to
17 read as follows:

18 (1) If, in a retail installment transaction, a retail buyer makes
19 any subsequent purchases of goods or services from a retail seller from
20 whom he or she has previously purchased goods or services under one or
21 more retail installment contracts, and the amounts under such previous
22 contract or contracts have not been fully paid, the subsequent
23 purchases may, at the seller's option, be included in and consolidated
24 with one or more of the previous contracts. All the provisions of this
25 chapter with respect to retail installment contracts shall be
26 applicable to such subsequent purchases except as hereinafter stated in
27 this subsection. In the event of such consolidation, in lieu of the
28 buyer's executing a retail installment contract respecting each
29 subsequent purchase, as provided in this section, it shall be
30 sufficient if the seller shall prepare a written memorandum of each
31 such subsequent purchase, in which case the provisions of RCW
32 63.14.020, 63.14.030, and 63.14.040 shall not be applicable. Unless
33 previously furnished in writing to the buyer by the seller, by sales
34 slip, memoranda, or otherwise, such memorandum shall set forth with
35 respect to each subsequent purchase items (a) to (h) inclusive of RCW
36 63.14.040(1), and in addition, if the service charge is stated as a
37 dollar amount, the amount of the time balance owed by the buyer to the

1 seller for the subsequent purchase, the outstanding balance of the
2 previous contract or contracts, the consolidated time balance, and the
3 revised installments applicable to the consolidated time balance, if
4 any, in accordance with RCW 63.14.040. If the service charge is not
5 stated in a dollar amount, in addition to the items (a) to (h)
6 inclusive of RCW 63.14.040(1), the memorandum shall set forth the
7 outstanding balance of the previous contract or contracts, the
8 consolidated outstanding balance, and the revised installments
9 applicable to the consolidated outstanding balance, in accordance with
10 RCW 63.14.040.

11 The seller shall deliver to the buyer a copy of such memorandum
12 prior to the due date of the first installment of such consolidated
13 contract.

14 (2) When such subsequent purchases are made, if the seller has
15 retained title or taken a lien or other security interest in any of the
16 goods purchased under any one of the contracts included in the
17 consolidation:

18 (a) The entire amount of all payments made prior to such subsequent
19 purchases shall be deemed to have been applied on the previous
20 purchases;

21 (b) The amount of any down payment on the subsequent purchase shall
22 be allocated in its entirety to such subsequent purchase;

23 (c) Each payment received after the subsequent purchase shall be
24 deemed to be allocated to all of the various time balances in the same
25 proportion or ratio as the original cash sale prices of the various
26 retail installment transactions bear to one another: PROVIDED, That
27 the seller may elect, where the amount of each installment payment is
28 increased in connection with the subsequent purchase, to allocate only
29 the increased amount to the time balance of the subsequent retail
30 installment transaction, and to allocate the amount of each installment
31 payment prior to the increase to the time balance(s) existing at the
32 time of the subsequent purchase.

33 The provisions of this subsection shall not apply to cases where
34 such previous and subsequent purchases involve equipment, parts, or
35 other goods attached or affixed to goods previously purchased and not
36 fully paid, or to services in connection therewith rendered by the
37 seller at the buyer's request.

1 **Sec. 171.** RCW 63.14.140 and 1984 c 280 s 6 are each amended to
2 read as follows:

3 If the cost of any insurance is included in the retail installment
4 contract, retail charge agreement, or lender credit card agreement:

5 (1) The contract or agreement shall state the nature, purpose,
6 term, and amount of such insurance, and in connection with the sale of
7 a motor vehicle, the contract shall state that the insurance coverage
8 ordered under the terms of this contract does not include "bodily
9 injury liability," "public liability," and "property damage liability"
10 coverage, where such coverage is in fact not included;

11 (2) The contract or agreement shall state whether the insurance is
12 to be procured by the buyer or the seller;

13 (3) The amount, included for such insurance, shall not exceed the
14 premiums chargeable in accordance with the rate fixed for such
15 insurance by the insurer, except where the amount is less than one
16 dollar;

17 (4) If the insurance is to be procured by the seller or holder, he
18 or she shall, within forty-five days after delivery of the goods or
19 furnishing of the services under the contract, deliver, mail, or cause
20 to be mailed to the buyer, at his or her address as specified in the
21 contract, a notice thereof or a copy of the policy or policies of
22 insurance or a certificate or certificates of the insurance so
23 procured.

24 **Sec. 172.** RCW 63.14.150 and 1984 c 280 s 7 are each amended to
25 read as follows:

26 No provision of a retail installment contract, retail charge
27 agreement, or lender credit card agreement is valid by which the buyer
28 agrees not to assert against the seller or against an assignee a claim
29 or defense arising out of the sale, or by which the buyer agrees to
30 submit to suit in a county other than the county where the buyer signed
31 the contract or where the buyer resides or has his or her principal
32 place of business.

33 **Sec. 173.** RCW 63.14.152 and 1967 c 234 s 11 are each amended to
34 read as follows:

35 The seller, holder, or buyer may bring an action for declaratory
36 judgment to establish whether service charges contracted for or

1 received in connection with a retail installment transaction are in
2 excess of those allowed by chapter 234, Laws of 1967. Such an action
3 shall be brought against the current holder or against the buyer or his
4 or her successor in interest or, if the entire principal balance has
5 been fully paid, by the buyer or his or her successor in interest
6 against the holder to whom the final payment was made. No such action
7 shall be commenced after six months following the date the final
8 payment becomes due, whether by acceleration or otherwise, nor after
9 six months following the date the principal balance is fully paid,
10 whichever first occurs. If the buyer commences such an action and
11 fails to establish that the service charge is in excess of that allowed
12 by RCW 63.14.130, and if the court finds the action was frivolously
13 commenced, the defendant or defendants may, in the court's discretion,
14 recover reasonable attorneys' fees and costs from the buyer.

15 **Sec. 174.** RCW 63.14.154 and 1989 c 20 s 18 and 1989 c 14 s 8 are
16 each reenacted and amended to read as follows:

17 (1) In addition to any other rights he or she may have, the buyer
18 shall have the right to cancel a retail installment transaction for
19 other than the seller's breach by sending notice of such cancellation
20 to the seller at his or her place of business as set forth in the
21 contract or charge agreement by certified mail, return receipt
22 requested, which shall be posted not later than midnight of the third
23 day (excluding Sundays and holidays) following the date the buyer signs
24 the contract or charge agreement:

25 (a) If the retail installment transaction was entered into by the
26 buyer and solicited in person or by a commercial telephone solicitation
27 as defined by chapter 20, Laws of 1989 by the seller or his or her
28 representative at a place other than the seller's address, which may be
29 his or her main or branch office, shown on the contract; and

30 (b) If the buyer returns goods received or makes them available to
31 the seller as provided in (~~clause (b) of~~) subsection (2)(b) of this
32 section.

33 (2) In the event of cancellation pursuant to this section:

34 (a) The seller shall, without request, refund to the buyer within
35 ten days after such cancellation all deposits, including any down
36 payment, made under the contract or charge agreement and shall return

1 all goods traded in to the seller on account or in contemplation of the
2 contract less any reasonable costs actually incurred in making ready
3 for sale the goods so traded in;

4 (b) The seller shall be entitled to reclaim and the buyer shall
5 return or make available to the seller at the place of delivery in its
6 original condition any goods received by the buyer under the contract
7 or charge agreement;

8 (c) The buyer shall incur no additional liability for such
9 cancellation.

10 **Sec. 175.** RCW 63.14.158 and 1967 c 234 s 14 are each amended to
11 read as follows:

12 The holder of a retail installment contract or contracts may, upon
13 agreement in writing with the buyer, refinance the payment of the
14 unpaid time balance or balances of the contract or contracts by
15 providing for a new schedule of installment payments.

16 The holder may charge and contract for the payment of a refinance
17 charge by the buyer and collect and receive the same but such refinance
18 charge (1) shall be based upon the amount refinanced, plus any
19 additional cost of insurance and of official fees incident to such
20 refinancing, after the deduction of a refund credit in an amount equal
21 to that to which the buyer would have been entitled under RCW 63.14.080
22 if he or she had prepaid in full his or her obligations under the
23 contract or contracts, but in computing such refund credit there shall
24 not be allowed the minimum earned service charge as authorized by
25 (~~clause (d) of~~) subsection (1)(d) of such section, and (2) may not
26 exceed the rate of service charge provided under RCW 63.14.130. Such
27 agreement for refinancing may also provide for the payment by the buyer
28 of the additional cost to the holder of the contract or contracts of
29 premiums for continuing in force, until the maturity of the contract or
30 contracts as refinanced, any insurance coverages provided for therein,
31 subject to the provisions of RCW 63.14.140.

32 The refinancing agreement shall set forth the amount of the unpaid
33 time balance or balances to be refinanced, the amount of any refund
34 credit, the amount to be refinanced after the deduction of the refund
35 credit, the amount or rate of the service charge under the refinancing
36 agreement, any additional cost of insurance and of official fees to the
37 buyer, the new unpaid time balance, if the service charge is stated as

1 a dollar amount, and the new schedule of installment payments. Where
2 there is a consolidation of two or more contracts, then the provisions
3 of RCW 63.14.110 shall apply.

4 **Sec. 176.** RCW 63.14.200 and 1963 c 236 s 20 are each amended to
5 read as follows:

6 In the enforcement of this chapter, the attorney general may accept
7 an assurance of discontinuance of any act or practice deemed in
8 violation of this chapter, from any person engaging in, or who has
9 engaged in, such act or practice. Any such assurance shall be in
10 writing and be filed with and subject to the approval of the superior
11 court of the county in which the alleged violator resides or has his or
12 her principal place of business, or in Thurston county. Failure to
13 perform the terms of any such assurance shall constitute prima facie
14 proof of a violation of this chapter for the purpose of securing any
15 injunction as provided in RCW 63.14.190 and for the purpose of RCW
16 63.14.180 hereof: PROVIDED, That after commencement of any action by
17 a prosecuting attorney, as provided herein, the attorney general may
18 not accept an assurance of discontinuance without the consent of the
19 prosecuting attorney.

20 **Sec. 177.** RCW 63.29.010 and 2005 c 285 s 1 are each amended to
21 read as follows:

22 As used in this chapter, unless the context otherwise requires:

23 (1) "Department" means the department of revenue established under
24 RCW 82.01.050.

25 (2) "Apparent owner" means the person whose name appears on the
26 records of the holder as the person entitled to property held, issued,
27 or owing by the holder.

28 (3) "Attorney general" means the chief legal officer of this state
29 referred to in chapter 43.10 RCW.

30 (4) "Banking organization" means a bank, trust company, savings
31 bank, land bank, safe deposit company, private banker, or any
32 organization defined by other law as a bank or banking organization.

33 (5) "Business association" means a nonpublic corporation, joint
34 stock company, investment company, business trust, partnership, or
35 association for business purposes of two or more individuals, whether

1 or not for profit, including a banking organization, financial
2 organization, insurance company, or utility.

3 (6) "Domicile" means the state of incorporation of a corporation
4 and the state of the principal place of business of an unincorporated
5 person.

6 (7) "Fare card" means any pass or instrument, and value contained
7 therein, purchased to utilize public transportation facilities or
8 services. "Fare card" does not include "gift card" or "gift
9 certificate" as those terms are defined in RCW 19.240.010.

10 (8) "Financial organization" means a savings and loan association,
11 cooperative bank, building and loan association, or credit union.

12 (9) "Gift certificate" has the same meaning as in RCW 19.240.010.

13 (10) "Holder" means a person, wherever organized or domiciled, who
14 is:

- 15 (a) In possession of property belonging to another,
- 16 (b) A trustee, or
- 17 (c) Indebted to another on an obligation.

18 (11) "Insurance company" means an association, corporation,
19 fraternal or mutual benefit organization, whether or not for profit,
20 which is engaged in providing insurance coverage, including accident,
21 burial, casualty, credit life, contract performance, dental, fidelity,
22 fire, health, hospitalization, illness, life (including endowments and
23 annuities), malpractice, marine, mortgage, surety, and wage protection
24 insurance.

25 (12) "Intangible property" does not include contract claims which
26 are unliquidated but does include:

- 27 (a) Moneys, checks, drafts, deposits, interest, dividends, and
28 income;
- 29 (b) Credit balances, customer overpayments, gift certificates,
30 security deposits, refunds, credit memos, unpaid wages, unused airline
31 tickets, and unidentified remittances, but does not include discounts
32 which represent credit balances for which no consideration was given;
- 33 (c) Stocks, and other intangible ownership interests in business
34 associations;

35 (d) Moneys deposited to redeem stocks, bonds, coupons, and other
36 securities, or to make distributions;

37 (e) Liquidated amounts due and payable under the terms of insurance
38 policies; and

1 (f) Amounts distributable from a trust or custodial fund
2 established under a plan to provide health, welfare, pension, vacation,
3 severance, retirement, death, stock purchase, profit sharing, employee
4 savings, supplemental unemployment insurance, or similar benefits.

5 (13) "Last known address" means a description of the location of
6 the apparent owner sufficient for the purpose of the delivery of mail.

7 (14) "Owner" means a depositor in the case of a deposit, a
8 beneficiary in case of a trust other than a deposit in trust, a
9 creditor, claimant, or payee in the case of other intangible property,
10 or a person having a legal or equitable interest in property subject to
11 this chapter or his or her legal representative.

12 (15) "Person" means an individual, business association, state or
13 other government, governmental subdivision or agency, public
14 corporation, public authority, estate, trust, two or more persons
15 having a joint or common interest, or any other legal or commercial
16 entity.

17 (16) "State" means any state, district, commonwealth, territory,
18 insular possession, or any other area subject to the legislative
19 authority of the United States.

20 (17) "Third party bank check" means any instrument drawn against a
21 customer's account with a banking organization or financial
22 organization on which the banking organization or financial
23 organization is only secondarily liable.

24 (18) "Utility" means a person who owns or operates for public use
25 any plant, equipment, property, franchise, or license for the
26 transmission of communications or the production, storage,
27 transmission, sale, delivery, or furnishing of electricity, water,
28 steam, or gas.

29 **Sec. 178.** RCW 63.29.070 and 2003 1st sp.s. c 13 s 4 are each
30 amended to read as follows:

31 (1) Funds held or owing under any life or endowment insurance
32 policy or annuity contract that has matured or terminated are presumed
33 abandoned if unclaimed for more than three years after the funds became
34 due and payable as established from the records of the insurance
35 company holding or owing the funds, but property described in
36 subsection (3)(b) of this section is presumed abandoned if unclaimed
37 for more than two years.

1 (2) If a person other than the insured or annuitant is entitled to
2 the funds and an address of the person is not known to the company or
3 it is not definite and certain from the records of the company who is
4 entitled to the funds, it is presumed that the last known address of
5 the person entitled to the funds is the same as the last known address
6 of the insured or annuitant according to the records of the company.

7 (3) For purposes of this chapter, a life or endowment insurance
8 policy or annuity contract not matured by actual proof of the death of
9 the insured or annuitant according to the records of the company is
10 matured and the proceeds due and payable if:

11 (a) The company knows that the insured or annuitant has died; or

12 (b)(i) The insured has attained, or would have attained if he or
13 she were living, the limiting age under the mortality table on which
14 the reserve is based;

15 (ii) The policy was in force at the time the insured attained, or
16 would have attained, the limiting age specified in ((subparagraph))
17 (b)(i) of this subsection; and

18 (iii) Neither the insured nor any other person appearing to have an
19 interest in the policy within the preceding two years, according to the
20 records of the company, has assigned, readjusted, or paid premiums on
21 the policy, subjected the policy to a loan, corresponded in writing
22 with the company concerning the policy, or otherwise indicated an
23 interest as evidenced by a memorandum or other record on file prepared
24 by an employee of the company.

25 (4) For purposes of this chapter, the application of an automatic
26 premium loan provision or other nonforfeiture provision contained in an
27 insurance policy does not prevent a policy from being matured or
28 terminated under subsection (1) of this section if the insured has died
29 or the insured or the beneficiaries of the policy otherwise have become
30 entitled to the proceeds thereof before the depletion of the cash
31 surrender value of a policy by the application of those provisions.

32 (5) If the laws of this state or the terms of the life insurance
33 policy require the company to give notice to the insured or owner that
34 an automatic premium loan provision or other nonforfeiture provision
35 has been exercised and the notice, given to an insured or owner whose
36 last known address according to the records of the company is in this
37 state, is undeliverable, the company shall make a reasonable search to

1 ascertain the policyholder's correct address to which the notice must
2 be mailed.

3 (6) Notwithstanding any other provision of law, if the company
4 learns of the death of the insured or annuitant and the beneficiary has
5 not communicated with the insurer within four months after the death,
6 the company shall take reasonable steps to pay the proceeds to the
7 beneficiary.

8 (7) Commencing two years after June 30, 1983, every change of
9 beneficiary form issued by an insurance company under any life or
10 endowment insurance policy or annuity contract to an insured or owner
11 who is a resident of this state must request the following information:

12 (a) The name of each beneficiary, or if a class of beneficiaries is
13 named, the name of each current beneficiary in the class;

14 (b) The address of each beneficiary; and

15 (c) The relationship of each beneficiary to the insured.

16 **Sec. 179.** RCW 63.29.120 and 2003 1st sp.s. c 13 s 6 are each
17 amended to read as follows:

18 (1) Intangible property and any income or increment derived
19 therefrom held in a fiduciary capacity for the benefit of another
20 person is presumed abandoned unless the owner, within three years after
21 it has become payable or distributable, has increased or decreased the
22 principal, accepted payment of principal or income, communicated
23 concerning the property, or otherwise indicated an interest as
24 evidenced by a memorandum or other record on file prepared by the
25 fiduciary.

26 (2) Funds in an individual retirement account or a retirement plan
27 for self-employed individuals or similar account or plan established
28 pursuant to the internal revenue laws of the United States are not
29 payable or distributable within the meaning of subsection (1) of this
30 section unless, under the terms of the account or plan, distribution of
31 all or part of the funds would then be mandatory.

32 (3) For the purpose of this section, a person who holds property as
33 an agent for a business association is deemed to hold the property in
34 a fiduciary capacity for that business association alone, unless the
35 agreement between him or her and the business association provides
36 otherwise.

1 (4) For the purposes of this chapter, a person who is deemed to
2 hold property in a fiduciary capacity for a business association alone
3 is the holder of the property only insofar as the interest of the
4 business association in the property is concerned, and the business
5 association is the holder of the property insofar as the interest of
6 any other person in the property is concerned.

7 **Sec. 180.** RCW 63.29.200 and 1983 c 179 s 20 are each amended to
8 read as follows:

9 (1) Upon the payment or delivery of property to the department, the
10 state assumes custody and responsibility for the safekeeping of the
11 property. A person who pays or delivers property to the department in
12 good faith is relieved of all liability to the extent of the value of
13 the property paid or delivered for any claim then existing or which
14 thereafter may arise or be made in respect to the property.

15 (2) A holder who has paid money to the department pursuant to this
16 chapter may make payment to any person appearing to the holder to be
17 entitled to payment and, upon filing proof of payment and proof that
18 the payee was entitled thereto, the department shall promptly reimburse
19 the holder for the payment without imposing any fee or other charge.
20 If reimbursement is sought for a payment made on an instrument,
21 including a travelers check or money order, the holder must be
22 reimbursed under this subsection upon filing proof that the instrument
23 was duly presented and that payment was made to a person who appeared
24 to the holder to be entitled to payment. The holder must be reimbursed
25 for payment made under this subsection even if the payment was made to
26 a person whose claim was barred under RCW 63.29.290(1).

27 (3) A holder who has delivered property (including a certificate of
28 any interest in a business association) other than money to the
29 department pursuant to this chapter may reclaim the property if still
30 in the possession of the department, without paying any fee or other
31 charge, upon filing proof that the owner has claimed the property from
32 the holder.

33 (4) The department may accept the holder's affidavit as sufficient
34 proof of the facts that entitle the holder to recover money and
35 property under this section.

36 (5) If the holder pays or delivers property to the department in
37 good faith and thereafter another person claims the property from the

1 holder or another state claims the money or property under its laws
2 relating to escheat or abandoned or unclaimed property, the department,
3 upon written notice of the claim, shall defend the holder against the
4 claim and indemnify the holder against any liability on the claim.

5 (6) For the purposes of this section, "good faith" means that:

6 (a) Payment or delivery was made in a reasonable attempt to comply
7 with this chapter;

8 (b) The person delivering the property was not a fiduciary then in
9 breach of trust in respect to the property and had a reasonable basis
10 for believing, based on the facts then known to him or her, that the
11 property was abandoned for the purposes of this chapter; and

12 (c) There is no showing that the records pursuant to which the
13 delivery was made did not meet reasonable commercial standards of
14 practice in the industry.

15 (7) Property removed from a safe deposit box or other safekeeping
16 repository is received by the department subject to the holder's right
17 under this subsection to be reimbursed for the actual cost of the
18 opening and to any valid lien or contract providing for the holder to
19 be reimbursed for unpaid rent or storage charges. The department shall
20 reimburse or pay the holder out of the proceeds remaining after
21 deducting the department's selling cost. The liability of the
22 department for this reimbursement to the holder shall be limited to the
23 proceeds of the sale of the property remaining after the deduction of
24 the department's costs.

25 **Sec. 181.** RCW 63.29.350 and 2010 c 29 s 2 are each amended to read
26 as follows:

27 (1) It is unlawful for any person to seek or receive from any
28 person or contract with any person for any fee or compensation for
29 locating or purporting to locate any property which he or she knows has
30 been reported or paid or delivered to the department of revenue
31 pursuant to this chapter, or funds held by a county that are proceeds
32 from a foreclosure for delinquent property taxes, assessments, or other
33 liens, or, funds that are otherwise held by a county because of a
34 person's failure to claim funds held as reimbursement for unowed taxes,
35 fees, or other government charges, in excess of five percent of the
36 value thereof returned to such owner. Any person violating this
37 section is guilty of a misdemeanor and shall be fined not less than the

1 amount of the fee or charge he or she has sought or received or
2 contracted for, and not more than ten times such amount, or imprisoned
3 for not more than thirty days, or both.

4 (2) The legislature finds that the practices covered by this
5 section are matters vitally affecting the public interest for the
6 purpose of applying the consumer protection act, chapter 19.86 RCW.
7 Any violation of this section is not reasonable in relation to the
8 development and preservation of business. It is an unfair or deceptive
9 act in trade or commerce and an unfair method of competition for the
10 purpose of applying the consumer protection act, chapter 19.86 RCW.
11 Remedies provided by chapter 19.86 RCW are cumulative and not
12 exclusive.

13 **Sec. 182.** RCW 63.32.040 and 1939 c 148 s 3 are each amended to
14 read as follows:

15 If the owner of said personal property so sold, or his or her legal
16 representative, shall, at any time within three years after such money
17 shall have been deposited in said police pension fund or the city
18 current expense fund, furnish satisfactory evidence to the police
19 pension fund board or the city treasurer of said city of the ownership
20 of said personal property, he or (~~they~~) she shall be entitled to
21 receive from said police pension fund or city current expense fund the
22 amount so deposited therein with interest.

23 **Sec. 183.** RCW 63.40.020 and 1988 c 132 s 4 are each amended to
24 read as follows:

25 Before said personal property shall be sold, a notice of such sale
26 fixing the time and place thereof which shall be at a suitable place,
27 which will be noted in the advertisement for sale, and containing a
28 description of the property to be sold shall be published at least once
29 in an official newspaper in said county at least ten days prior to the
30 date fixed for said sale. The notice shall be signed by the sheriff or
31 his or her deputy. If the owner fails to reclaim said property prior
32 to the time fixed for the sale in such notice, the sheriff or his or
33 her deputy shall conduct said sale and sell the property described in
34 the notice at public auction to the highest and best bidder for cash,
35 and upon payment of the amount of such bid shall deliver the said
36 property to such bidder.

1 **Sec. 184.** RCW 63.40.040 and 1961 c 104 s 4 are each amended to
2 read as follows:

3 If the owner of said personal property so sold, or his or her legal
4 representative, shall, at any time within three years after such money
5 shall have been deposited in the county current expense fund, furnish
6 satisfactory evidence to the county treasurer of said county of the
7 ownership of said personal property, ~~he or ((they))~~ she shall be
8 entitled to receive from said county current expense fund the amount so
9 deposited therein.

10 **Sec. 185.** RCW 63.48.020 and 1971 ex.s. c 68 s 2 are each amended
11 to read as follows:

12 The director of revenue shall request from the bureau of accounts
13 of the United States treasury department records providing the
14 following information: The names of depositors at the post offices of
15 this state whose accounts are unclaimed, their last addresses as shown
16 by the records of the post office department, and the balance in each
17 account. He or she shall agree to return to the bureau of accounts
18 promptly all account cards showing last addresses in another state.

19 **Sec. 186.** RCW 64.04.030 and 1929 c 33 s 9 are each amended to read
20 as follows:

21 Warranty deeds for the conveyance of land may be substantially in
22 the following form, without express covenants:

23 The grantor (here insert the name or names and place or residence)
24 for and in consideration of (here insert consideration) in hand paid,
25 conveys and warrants to (here insert the grantee's name or names) the
26 following described real estate (here insert description), situated in
27 the county of, state of Washington. Dated this day
28 of, 19. . . .

29 Every deed in substance in the above form, when otherwise duly
30 executed, shall be deemed and held a conveyance in fee simple to the
31 grantee, his or her heirs and assigns, with covenants on the part of
32 the grantor: (1) That at the time of the making and delivery of such
33 deed he or she was lawfully seized of an indefeasible estate in fee
34 simple, in and to the premises therein described, and had good right
35 and full power to convey the same; (2) that the same were then free
36 from all encumbrances; and (3) that he or she warrants to the grantee,

1 his or her heirs and assigns, the quiet and peaceable possession of
2 such premises, and will defend the title thereto against all persons
3 who may lawfully claim the same, and such covenants shall be obligatory
4 upon any grantor, his or her heirs and personal representatives, as
5 fully and with like effect as if written at full length in such deed.

6 **Sec. 187.** RCW 64.04.040 and 1929 c 33 s 10 are each amended to
7 read as follows:

8 Bargain and sale deeds for the conveyance of land may be
9 substantially in the following form, without express covenants:

10 The grantor (here insert name or names and place of residence), for
11 and in consideration of (here insert consideration) in hand paid,
12 bargains, sells, and conveys to (here insert the grantee's name or
13 names) the following described real estate (here insert description)
14 situated in the county of, state of Washington. Dated this
15 day of, 19. . .

16 Every deed in substance in the above form when otherwise duly executed,
17 shall convey to the grantee, his or her heirs or assigns an estate of
18 inheritance in fee simple, and shall be adjudged an express covenant to
19 the grantee, his or her heirs or assigns, to wit: That the grantor was
20 seized of an indefeasible estate in fee simple, free from encumbrances,
21 done or suffered from the grantor, except the rents and services that
22 may be reserved, and also for quiet enjoyment against the grantor, his
23 or her heirs and assigns, unless limited by express words contained in
24 such deed; and the grantee, his or her heirs, executors,
25 administrators, and assigns may recover in any action for breaches as
26 if such covenants were expressly inserted.

27 **Sec. 188.** RCW 64.04.050 and 1929 c 33 s 11 are each amended to
28 read as follows:

29 Quitclaim deeds may be in substance in the following form:

30 The grantor (here insert the name or names and place of residence),
31 for and in consideration of (here insert consideration) conveys and
32 quitclaims to (here insert grantee's name or names) all interest in the
33 following described real estate (here insert description), situated in
34 the county of, state of Washington. Dated this day
35 of, 19. . .

1 Every deed in substance in the above form, when otherwise duly
2 executed, shall be deemed and held a good and sufficient conveyance,
3 release and quitclaim to the grantee, his or her heirs and assigns in
4 fee of all the then existing legal and equitable rights of the grantor
5 in the premises therein described, but shall not extend to the after
6 acquired title unless words are added expressing such intention.

7 **Sec. 189.** RCW 64.04.070 and 1871 p 195 s 1 are each amended to
8 read as follows:

9 Whenever any person or persons having sold and conveyed by deed any
10 lands in this state, and who, at the time of such conveyance, had no
11 title to such land, and any person or persons who may hereafter sell
12 and convey by deed any lands in this state, and who shall not at the
13 time of such sale and conveyance have the title to such land, shall
14 acquire a title to such lands so sold and conveyed, such title shall
15 inure to the benefit of the purchasers or conveyee or conveyees of such
16 lands to whom such deed was executed and delivered, and to his or her
17 and their heirs and assigns forever. And the title to such land so
18 sold and conveyed shall pass to and vest in the conveyee or conveyees
19 of such lands and to his or her or their heirs and assigns, and shall
20 thereafter run with such land.

21 **Sec. 190.** RCW 64.08.020 and 1929 c 33 s 4 are each amended to read
22 as follows:

23 Acknowledgments of deeds conveying or encumbering real estate
24 situated in this state, or any interest therein, and other instruments
25 in writing, required to be acknowledged, may be taken in any other
26 state or territory of the United States, the District of Columbia, or
27 in any possession of the United States, before any person authorized to
28 take the acknowledgments of deeds by the laws of the state, territory,
29 district, or possession wherein the acknowledgment is taken, or before
30 any commissioner appointed by the governor of this state, for that
31 purpose, but unless such acknowledgment is taken before a commissioner
32 so appointed by the governor, or before the clerk of a court of record
33 of such state, territory, district, or possession, or before a notary
34 public or other officer having a seal of office, the instrument shall
35 have attached thereto a certificate of the clerk of a court of record
36 of the county, parish, or other political subdivision of such state,

1 territory, district, or possession wherein the acknowledgment was
2 taken, under the seal of said court, certifying that the person who
3 took the acknowledgment, and whose name is subscribed to the
4 certificate thereof, was at the date thereof such officer as he or she
5 represented himself or herself to be, authorized by law to take
6 acknowledgments of deeds, and that the clerk verily believes the
7 signature of the person subscribed to the certificate of acknowledgment
8 to be genuine.

9 **Sec. 191.** RCW 64.08.070 and 1988 c 69 s 3 are each amended to read
10 as follows:

11 A certificate of acknowledgment for a corporation, substantially in
12 the following form or, after December 31, 1985, substantially in the
13 form set forth in RCW 42.44.100(2), shall be sufficient for the
14 purposes of this chapter and for any acknowledgment required to be
15 taken in accordance with this chapter:

16
17 State of }
18 } ss.
19 County of

20 On this day of, 19. . ., before me personally
21 appeared, to me known to be the (president, vice president,
22 secretary, treasurer, or other authorized officer or agent, as the case
23 may be) of the corporation that executed the within and foregoing
24 instrument, and acknowledged said instrument to be the free and
25 voluntary act and deed of said corporation, for the uses and purposes
26 therein mentioned, and on oath stated that he or she was authorized to
27 execute said instrument and that the seal affixed is the corporate seal
28 of said corporation.

29 In Witness Whereof I have hereunto set my hand and affixed my
30 official seal the day and year first above written. (Signature and
31 title of officer with place of residence of notary public.)

32 **Sec. 192.** RCW 64.08.090 and 1972 ex.s. c 58 s 1 are each amended
33 to read as follows:

34 The superintendents, associate and assistant superintendents,

1 business managers, records officers, and camp superintendents of any
2 correctional institution or facility operated by the state of
3 Washington are hereby authorized and empowered to take acknowledgments
4 on any instruments of writing, and certify the same in the manner
5 required by law, and to administer all oaths required by law to be
6 administered, all of the foregoing acts to have the same effect as if
7 performed by a notary public: PROVIDED, That such authority shall only
8 extend to taking acknowledgments for and administering oaths to
9 officers, employees, and residents of such institutions and facilities.
10 None of the individuals herein empowered to take acknowledgments and
11 administer oaths shall demand or accept any fee or compensation
12 whatsoever for administering or taking any oath, affirmation, or
13 acknowledgment under the authority conferred by this section.

14 In certifying any oath or in signing any instrument officially, an
15 individual empowered to do so under this section shall, in addition to
16 his or her name, state in writing his or her place of residence, the
17 date of his or her action, and affix the seal of the institution where
18 he or she is employed: PROVIDED, That in certifying any oath to be
19 used in any of the courts of this state, it shall not be necessary to
20 append an impression of the official seal of the institution.

21 **Sec. 193.** RCW 64.12.040 and Code 1881 s 603 are each amended to
22 read as follows:

23 If upon trial of such action it shall appear that the trespass was
24 casual or involuntary, or that the defendant had probable cause to
25 believe that the land on which such trespass was committed was his or
26 her own, or that of the person in whose service or by whose direction
27 the act was done, or that such tree or timber was taken from uninclosed
28 woodlands, for the purpose of repairing any public highway or bridge
29 upon the land or adjoining it, judgment shall only be given for single
30 damages.

31 **Sec. 194.** RCW 64.12.050 and Code 1881 s 604 are each amended to
32 read as follows:

33 When any two or more persons are opposing claimants under the laws
34 of the United States to any land in this state, and one is threatening
35 to commit upon such land waste which tends materially to lessen the
36 value of the inheritance and which cannot be compensated by damages and

1 there is imminent danger that unless restrained such waste will be
2 committed, the party, on filing his or her complaint and satisfying the
3 court or judge of the existence of the facts, may have an injunction to
4 restrain the adverse party. In all cases he or she shall give notice
5 and bond as is provided in other cases where injunction is granted, and
6 the injunction when granted shall be set aside or modified as is
7 provided generally for injunction and restraining orders.

8 **Sec. 195.** RCW 64.16.005 and 1967 c 163 s 2 are each amended to
9 read as follows:

10 Any alien may acquire and hold lands, or any right thereto, or
11 interest therein, by purchase, devise, or descent; and he or she may
12 convey, mortgage, and devise the same, and if he or she shall die
13 intestate, the same shall descend to his or her heirs, and in all cases
14 such lands shall be held, conveyed, mortgaged, or devised, or shall
15 descend in like manner and with like effect as if such alien were a
16 native citizen of this state or of the United States.

17 **Sec. 196.** RCW 64.20.030 and 1899 c 96 s 1 are each amended to read
18 as follows:

19 Any Indian who owns within this state any land or real estate
20 allotted to him or her by the government of the United States may with
21 the consent of congress, either special or general, sell and convey by
22 deed made, executed, and acknowledged before any officer authorized to
23 take acknowledgments to deeds within this state, any stone, mineral,
24 petroleum, or timber contained on said land or the fee thereof and such
25 conveyance shall have the same effect as a deed of any other person or
26 persons within this state; it being the intention of this section to
27 remove from Indians residing in this state all existing disabilities
28 relating to alienation of their real estate.

29 **Sec. 197.** RCW 64.32.040 and 1963 c 156 s 4 are each amended to
30 read as follows:

31 Each apartment owner shall be entitled to the exclusive ownership
32 and possession of his or her apartment but any apartment may be jointly
33 or commonly owned by more than one person. Each apartment owner shall
34 have the common right to a share, with other apartment owners, in the
35 common areas and facilities.

1 **Sec. 198.** RCW 64.32.060 and 1963 c 156 s 6 are each amended to
2 read as follows:

3 Each apartment owner shall comply strictly with the bylaws and with
4 the administrative rules and regulations adopted pursuant thereto, as
5 either may be lawfully amended from time to time, and with the
6 covenants, conditions, and restrictions set forth in the declaration or
7 in the deed to his or her apartment. Failure to comply with any of the
8 foregoing shall be ground for an action to recover sums due, for
9 damages or injunctive relief, or both, maintainable by the manager or
10 board of directors on behalf of the association of apartment owners or
11 by a particularly aggrieved apartment owner.

12 **Sec. 199.** RCW 64.32.070 and 1963 c 156 s 7 are each amended to
13 read as follows:

14 (1) Subsequent to recording the declaration as provided in this
15 chapter, and while the property remains subject to this chapter, no
16 lien shall thereafter arise or be effective against the property.
17 During such period, liens or encumbrances shall arise or be created
18 only against each apartment and the percentage of undivided interest in
19 the common areas and facilities and appurtenant to such apartment in
20 the same manner and under the same conditions in every respect as liens
21 or encumbrances may arise or be created upon or against any other
22 separate parcel of real property subject to individual ownership:
23 PROVIDED, That no labor performed or materials furnished with the
24 consent of or at the request of the owner of any apartment, or such
25 owner's agent, contractor, or subcontractor, shall be the basis for the
26 filing of a lien against any other apartment or any other property of
27 any other apartment owner not expressly consenting to or requesting the
28 same, except that such express consent shall be deemed to be given by
29 any apartment owner in the case of emergency repairs. Labor performed
30 or materials furnished for the common areas and facilities, if
31 authorized by the association of apartment owners, the manager or board
32 of directors shall be deemed to be performed or furnished with the
33 express consent of each apartment owner and shall be the basis for the
34 filing of a lien against each of the apartments and shall be subject to
35 the provisions of subsection (2) of this section.

36 (2) In the event a lien against two or more apartments becomes
37 effective, the apartment owners of the separate apartments may remove

1 their apartment and the percentage of undivided interest in the common
2 areas and facilities appurtenant to such apartment from the lien by
3 payment of the fractional or proportional amounts attributable to each
4 of the apartments affected. Such individual payments shall be computed
5 by reference to the percentages appearing on the declaration.
6 Subsequent to any such payment, discharge, or satisfaction, the
7 apartment and the percentage of undivided interest in the common areas
8 and facilities appurtenant thereto shall thereafter be free and clear
9 of the liens so paid, satisfied, or discharged. Such partial payment,
10 satisfaction, or discharge shall not prevent the lienor from proceeding
11 to enforce his or her rights against any apartment and the percentage
12 of undivided interest in the common areas and facilities appurtenant
13 thereto not so paid, satisfied, or discharged.

14 **Sec. 200.** RCW 64.32.180 and 1963 c 156 s 18 are each amended to
15 read as follows:

16 No apartment owner may exempt himself or herself from liability for
17 his or her contribution towards the common expenses by waiver of the
18 use or enjoyment of any of the common areas and facilities or by
19 abandonment of his or her apartment.

20 **Sec. 201.** RCW 64.32.200 and 1988 c 192 s 2 are each amended to
21 read as follows:

22 (1) The declaration may provide for the collection of all sums
23 assessed by the association of apartment owners for the share of the
24 common expenses chargeable to any apartment and the collection may be
25 enforced in any manner provided in the declaration including, but not
26 limited to, (a) ten days notice shall be given the delinquent apartment
27 owner to the effect that unless such assessment is paid within ten days
28 any or all utility services will be forthwith severed and shall remain
29 severed until such assessment is paid, or (b) collection of such
30 assessment may be made by such lawful method of enforcement, judicial
31 or extra-judicial, as may be provided in the declaration and/or bylaws.

32 (2) All sums assessed by the association of apartment owners but
33 unpaid for the share of the common expenses chargeable to any apartment
34 shall constitute a lien on such apartment prior to all other liens
35 except only (a) tax liens on the apartment in favor of any assessing
36 unit and/or special district, and (b) all sums unpaid on all mortgages

1 of record. Such lien is not subject to the ban against execution or
2 forced sales of homesteads under RCW 6.13.080 and may be foreclosed by
3 suit by the manager or board of directors, acting on behalf of the
4 apartment owners, in like manner as a mortgage of real property. In
5 any such foreclosure the apartment owner shall be required to pay a
6 reasonable rental for the apartment, if so provided in the bylaws, and
7 the plaintiff in such foreclosures shall be entitled to the appointment
8 of a receiver to collect the same. The manager or board of directors,
9 acting on behalf of the apartment owners, shall have power, unless
10 prohibited by the declaration, to bid on the apartment at foreclosure
11 sale, and to acquire and hold, lease, mortgage, and convey the same.
12 Upon an express waiver in the complaint of any right to a deficiency
13 judgment, the period of redemption shall be eight months after the
14 sale. Suit to recover any judgment for any unpaid common expenses
15 shall be maintainable without foreclosing or waiving the liens securing
16 the same.

17 (3) Where the mortgagee of a mortgage of record or other purchaser
18 of an apartment obtains possession of the apartment as a result of
19 foreclosure of the mortgage, such possessor, his or her successors and
20 assigns shall not be liable for the share of the common expenses or
21 assessments by the association of apartment owners chargeable to such
22 apartment which became due prior to such possession. Such unpaid share
23 of common expenses of assessments shall be deemed to be common expenses
24 collectible from all of the apartment owners including such possessor,
25 his or her successors and assigns.

26 **Sec. 202.** RCW 64.32.210 and 1963 c 156 s 21 are each amended to
27 read as follows:

28 In a voluntary conveyance the grantee of an apartment shall be
29 jointly and severally liable with the grantor for all unpaid
30 assessments against the latter for his or her share of the common
31 expenses up to the time of the grantor's conveyance, without prejudice
32 to the grantee's right to recover from the grantor the amounts paid by
33 the grantee therefor. Any such grantee shall be entitled to a
34 statement from the manager or board of directors, as the case may be,
35 setting forth the amount of the unpaid assessments against the grantor
36 and such grantee shall not be liable for, nor shall the apartment

1 conveyed be subject to a lien for, any unpaid assessments against the
2 grantor in excess of the amount therein set forth.

3 **Sec. 203.** RCW 64.32.220 and 1963 c 156 s 22 are each amended to
4 read as follows:

5 The manager or board of directors, if required by the declaration,
6 bylaws, or by a majority of the apartment owners, or at the request of
7 a mortgagee having a mortgage of record covering an apartment, shall
8 obtain insurance for the property against loss or damage by fire and
9 such other hazards under such terms and for such amounts as shall be
10 required or requested. Such insurance coverage shall be written on the
11 property in the name of the manager or of the board of directors of the
12 association of apartment owners, as trustee for each of the apartment
13 owners in the percentages established in the declaration. Premiums
14 shall be common expenses. Provision for such insurance shall be
15 without prejudice to the right of each apartment owner to insure his or
16 her own apartment and/or the personal contents thereof for his or her
17 benefit.

18 **Sec. 204.** RCW 64.32.240 and 1963 c 156 s 24 are each amended to
19 read as follows:

20 Without limiting the rights of any apartment owner, actions may be
21 brought as provided by law and by the rules of court by the manager or
22 board of directors, in either case in the discretion of the board of
23 directors, on behalf of two or more of the apartment owners, as their
24 respective interests may appear, with respect to any cause of action
25 relating to the common areas and facilities or more than one apartment.
26 Service of process on two or more apartment owners in any action
27 relating to the common areas and facilities or more than one apartment
28 may be made on the person designated in the declaration to receive
29 service of process. Actions relating to the common areas and
30 facilities for damages arising out of tortious conduct shall be
31 maintained only against the association of apartment owners and any
32 judgment lien or other charge resulting therefrom shall be deemed a
33 common expense, which judgment lien or other charge shall be removed
34 from any apartment and its percentage of undivided interest in the
35 common areas and facilities upon payment by the respective owner of his

1 or her proportionate share thereof based on the percentage of undivided
2 interest owned by such apartment owner.

3 **Sec. 205.** RCW 65.04.070 and Code 1881 s 2730 are each amended to
4 read as follows:

5 The auditor must file and record with the record of deeds, grants,
6 and transfers certified copies of final judgments or decrees
7 partitioning or affecting the title or possession of real property, any
8 part of which is situated in the county of which he or she is recorder.
9 Every such certified copy or partition, from the time of filing the
10 same with the auditor for record, imparts notice to all persons of the
11 contents thereof, and subsequent purchasers, mortgagees, and lien
12 holders purchase and take with like notice and effect as if such copy
13 or decree was a duly recorded deed, grant, or transfer.

14 **Sec. 206.** RCW 65.04.130 and Code 1881 s 2735 are each amended to
15 read as follows:

16 Said county auditor is not bound to record any instrument, or file
17 any paper or notice, or furnish any copies, or to render any service
18 connected with his or her office, until his or her fees for the same,
19 as prescribed by law, are if demanded paid or tendered.

20 **Sec. 207.** RCW 65.04.140 and 1886 p 163 s 1 are each amended to
21 read as follows:

22 The county auditor in his or her capacity of recorder of deeds is
23 sole custodian of all books in which are recorded deeds, mortgages,
24 judgments, liens, incumbrances, and other instruments of writing,
25 indexes thereto, maps, charts, town plats, survey and other books and
26 papers constituting the records and files in said office of recorder of
27 deeds, and all such records and files are, and shall be, matters of
28 public information, free of charge to any and all persons demanding to
29 inspect or to examine the same, or to search the same for titles of
30 property. It is said recorder's duty to arrange in suitable places the
31 indexes of said books of record, and when practicable, the record books
32 themselves, to the end that the same may be accessible to the public
33 and convenient for said public inspection, examination, and search, and
34 not interfere with the said auditor's personal control and
35 responsibility for the same, or prevent him or her from promptly

1 furnishing the said records and files of his or her said office to
2 persons demanding any information from the same. The said auditor or
3 recorder must and shall, upon demand, and without charge, freely permit
4 any and all persons, during reasonable office hours, to inspect,
5 examine, and search any or all of the records and files of his or her
6 said office, and to gather any information therefrom, and to make any
7 desired notes or memoranda about or concerning the same, and to prepare
8 an abstract or abstracts of title to any and all property therein
9 contained.

10 **Sec. 208.** RCW 65.08.070 and 1927 c 278 s 2 are each amended to
11 read as follows:

12 A conveyance of real property, when acknowledged by the person
13 executing the same (the acknowledgment being certified as required by
14 law), may be recorded in the office of the recording officer of the
15 county where the property is situated. Every such conveyance not so
16 recorded is void as against any subsequent purchaser or mortgagee in
17 good faith and for a valuable consideration from the same vendor, his
18 or her heirs or devisees, of the same real property or any portion
19 thereof whose conveyance is first duly recorded. An instrument is
20 deemed recorded the minute it is filed for record.

21 **Sec. 209.** RCW 65.08.120 and 1927 c 278 s 7 are each amended to
22 read as follows:

23 The recording of an assignment of a mortgage is not in itself
24 notice to the mortgagor, his or her heirs, assigns or personal
25 representatives, to invalidate a payment made by any of them to a prior
26 holder of the mortgage.

27 **Sec. 210.** RCW 65.08.150 and 1943 c 23 s 1 are each amended to read
28 as follows:

29 A recording officer, upon payment or tender to him or her of the
30 lawful fees therefor, shall record in his or her office any instrument
31 authorized or permitted to be so recorded by the laws of this state or
32 by the laws of the United States.

33 **Sec. 211.** RCW 65.12.005 and 1907 c 250 s 1 are each amended to
34 read as follows:

1 The owner of any estate or interest in land, whether legal or
2 equitable, except unpatented land, may apply as hereinafter provided to
3 have the title of said land registered. The application may be made by
4 the applicant personally, or by an agent thereunto lawfully authorized
5 in writing, which authority shall be executed and acknowledged in the
6 same manner and form as is now required as to a deed, and shall be
7 recorded in the office of the county auditor in the county in which the
8 land, or the major portion thereof, is situated before the making of
9 the application by such agent. A corporation may apply by its
10 authorized agent, and an infant or any other person under disability by
11 his or her legal guardian. Joint tenants and tenants in common shall
12 join in the application. The person in whose behalf the application is
13 made shall be named as applicant.

14 **Sec. 212.** RCW 65.12.015 and 1907 c 250 s 3 are each amended to
15 read as follows:

16 No title derived through sale for any tax or assessment, or special
17 assessment, shall be entitled to be registered, unless it shall be made
18 to appear that the title of the applicant, or those through whom he or
19 she claims title has been adjudicated by a court of competent
20 jurisdiction, and a decree of such court duly made and recorded,
21 decreeing the title of the applicant, or that the applicant or those
22 through whom he or she claims title have been in the actual and
23 undisputed possession of the land under such title at least seven
24 years, immediately prior to the application, and shall have paid all
25 taxes and assessments legally levied thereon during said times; unless
26 the same is vacant and unoccupied lands or lots, in which case, where
27 title is derived through sale for any tax or assessment or special
28 assessment for any such vacant and unoccupied lands or lots, and the
29 applicant, or those through whom he or she claims title, shall have
30 paid all taxes and assessments legally levied thereon for eight
31 successive years immediately prior to the application, in which case
32 such lands and lots shall be entitled to be registered as other lands
33 provided for by this section.

34 **Sec. 213.** RCW 65.12.020 and 1907 c 250 s 4 are each amended to
35 read as follows:

1 The application shall be in writing and shall be signed and
2 verified by the oath of the applicant, or the person acting in his or
3 her behalf. It shall set forth substantially:

4 (1) The name and place of residence of the applicant, and if the
5 application is by one acting in behalf of another, the name and place
6 of residence and capacity of the person so acting.

7 (2) Whether the applicant (except in the case of a corporation) is
8 married or not, and, if married, the name and residence of the husband
9 or wife, and the age of the applicant.

10 (3) The description of the land and the assessed value thereof,
11 exclusive of improvements, according to the last official assessment,
12 the same to be taken as a basis for the payments required under RCW
13 65.12.670 and 65.12.790(1).

14 (4) The applicant's estate or interest in the same, and whether the
15 same is subject to homestead exemption.

16 (5) The names of all persons or parties who appear of record to
17 have any title, claim, estate, lien, or interest in the lands described
18 in the application for registration.

19 (6) Whether the land is occupied or unoccupied, and if occupied by
20 any other person than the applicant, the name and post office address
21 of each occupant, and what estate he or she has or claims in the land.

22 (7) Whether the land is subject to any lien or incumbrance, and if
23 any, give the nature and amount of the same, and if recorded, the book
24 and page of record; also give the name and post office address of each
25 holder thereof.

26 (8) Whether any other person has any estate or claims any interest
27 in the land, in law or equity, in possession, remainder, reversion, or
28 expectancy, and if any, set forth the name and post office address of
29 every such person and the nature of his or her estate or claim.

30 (9) In case it is desired to settle or establish boundary lines,
31 the names and post office addresses of all the owners of the adjoining
32 lands that may be affected thereby, as far as he or she is able, upon
33 diligent inquiry, to ascertain the same.

34 (10) If the application is on behalf of a minor, the age of such
35 minor shall be stated.

36 (11) When the place of residence of any person whose residence is
37 required to be given is unknown, it may be so stated if the applicant

1 will also state that upon diligent inquiry he or she had been unable to
2 ascertain the same.

3 **Sec. 214.** RCW 65.12.055 and 1907 c 250 s 10 are each amended to
4 read as follows:

5 Every county auditor shall, before entering upon his or her duties
6 as registrar of titles, give a bond with sufficient sureties, to be
7 approved by a judge of the superior court of the state of Washington in
8 and for his or her county, payable to the state of Washington, in such
9 sum as shall be fixed by the said judge of the superior court,
10 conditioned for the faithful discharge of his or her duties, and to
11 deliver up all papers, books, records, and other property belonging to
12 the county or appertaining to his or her office as registrar of titles,
13 whole, safe and undefaced, when lawfully required so to do; said bond
14 shall be filed in the office of the secretary of state, and a copy
15 thereof shall be filed and entered upon the records of the superior
16 court in the county wherein the county auditor shall hold office.

17 **Sec. 215.** RCW 65.12.060 and 1907 c 250 s 11 are each amended to
18 read as follows:

19 Deputy registrars shall perform any and all duties of the registrar
20 in the name of the registrar, and the acts of such deputies shall be
21 held to be the acts of the registrar, and in the case of the death of
22 the registrar or his or her removal from office, the vacancy shall be
23 filled in the same manner as is provided by law for filling such
24 vacancy in the office of the county auditor. The person so appointed
25 to fill such vacancy shall file a bond and be vested with the same
26 powers as the registrar whose office he or she is appointed to fill.

27 **Sec. 216.** RCW 65.12.065 and 1907 c 250 s 12 are each amended to
28 read as follows:

29 No registrar or deputy registrar shall practice as an attorney or
30 counselor at law, nor prepare any papers in any proceeding herein
31 provided for, nor while in the office be in partnership with any
32 attorney or counselor at law so practicing. The registrar shall be
33 liable for any neglect or omission of the duties of his or her office
34 when occasioned by a deputy registrar, in the same manner as for his or
35 her own personal neglect or omission.

1 **Sec. 217.** RCW 65.12.070 and 1907 c 250 s 14 are each amended to
2 read as follows:

3 If the applicant is not a resident of the state of Washington, he
4 or she shall file with his or her application a paper, duly
5 acknowledged, appointing an agent residing in this state, giving his or
6 her name in full and post office address, and shall therein agree that
7 the service of any legal process in proceedings under or growing out of
8 the application shall be of the same legal effect when made on said
9 agent as if made on the applicant within this state. If the agent so
10 appointed dies or removes from the state, the applicant shall at once
11 make another appointment in like manner, and if he or she fails so to
12 do, the court may dismiss the application.

13 **Sec. 218.** RCW 65.12.090 and 1907 c 250 s 13 are each amended to
14 read as follows:

15 The judges of the superior court in and for the state of Washington
16 for the counties for which they were elected or appointed shall appoint
17 a competent attorney in each county to be examiner of titles and legal
18 adviser of the registrar. The examiner of titles in each county shall
19 be paid in each case by the applicant such compensation as the judge of
20 the superior court of the state of Washington in and for that county
21 shall determine. Every examiner of titles shall, before entering upon
22 the duties of his or her office, take and subscribe an oath of office
23 to faithfully and impartially perform the duties of his or her office,
24 and shall also give a bond in such amount and with such sureties as
25 shall be approved by the judge of the said superior court, payable in
26 like manner and with like conditions as required of the registrar. A
27 copy of the bond shall be entered upon the records of said court and
28 the original shall be filed with the registrar.

29 **Sec. 219.** RCW 65.12.110 and 1907 c 250 s 17 are each amended to
30 read as follows:

31 Immediately after the filing of the abstract of title, the court
32 shall enter an order referring the application to an examiner of
33 titles, who shall proceed to examine into the title and into the truth
34 of the matters set forth in the application, and particularly whether
35 the land is occupied, the nature of the occupation, if occupied, and by
36 what right, and, also as to all judgments against the applicant or

1 those through whom he or she claims title, which may be a lien upon the
2 lands described in the application; he or she shall search the records
3 and investigate all the facts brought to his or her notice, and file in
4 the case a report thereon, including a certificate of his or her
5 opinion upon the title. The clerk of the court shall thereupon give
6 notice to the applicant of the filing of such report. If the opinion
7 of the examiner is adverse to the applicant, he or she shall be allowed
8 by the court a reasonable time in which to elect to proceed further, or
9 to withdraw his or her application. The election shall be made in
10 writing, and filed with the clerk of the court.

11 **Sec. 220.** RCW 65.12.140 and 1907 c 250 s 20a are each amended to
12 read as follows:

13 The clerk of the court shall also, on or before twenty days after
14 the first publication, send a copy thereof by mail to such defendants
15 who are not residents of the state whose place of address is known or
16 stated in the application, and whose appearance is not entered and who
17 are not in person served with the summons. The certificate of the
18 clerk that he or she has sent such notice, in pursuance of this
19 section, shall be conclusive evidence thereof. Other or further notice
20 of the application for registration may be given in such manner and to
21 such persons as the court or any judge thereof may direct. The summons
22 shall be served at the expense of the applicant, and proof of the
23 service thereof shall be made as proof of service is now made in other
24 civil actions.

25 **Sec. 221.** RCW 65.12.150 and 1907 c 250 s 22 are each amended to
26 read as follows:

27 Any person claiming an interest, whether named in the summons or
28 not, may appear and file an answer within the time named in the
29 summons, or within such further time as may be allowed by the court.
30 The answer shall state all objections to the application, and shall set
31 forth the interests claimed by the party filing the same, and shall be
32 signed and sworn to by him or her or by some person in his or her
33 behalf.

34 **Sec. 222.** RCW 65.12.160 and 1907 c 250 s 24 are each amended to
35 read as follows:

1 If, in any case an appearance is entered and answer filed, the
2 cause shall be set down for hearing on motion of either party, but a
3 default and order shall first be entered against all persons who do not
4 appear and answer in the manner provided in RCW 65.12.155. The court
5 may refer the cause or any part thereof to one of the examiners of
6 title, as referee, to hear the parties and their evidence, and make
7 report thereon to the court. His or her report shall have the same
8 force and effect as that of a referee appointed by the said superior
9 court under the laws of this state now in force, and relating to the
10 appointment, duties and powers of referees.

11 **Sec. 223.** RCW 65.12.170 and 1907 c 250 s 26 are each amended to
12 read as follows:

13 If, in any case, after hearing, the court finds that the applicant
14 has not title proper for registration, a decree shall be entered
15 dismissing the application, and such decree may be ordered to be
16 without prejudice. The applicant may dismiss his or her application at
17 any time, before the final decree, upon such terms as may be fixed by
18 the court, and upon motion to dismiss duly made by the court.

19 **Sec. 224.** RCW 65.12.175 and 1988 c 202 s 56 are each amended to
20 read as follows:

21 If the court, after hearing, finds that the applicant has title,
22 whether as stated in his or her application or otherwise, proper for
23 registration, a decree of confirmation of title and registration shall
24 be entered. Every decree of registration shall bind the land, and
25 quiet the title thereto, except as herein otherwise provided, and shall
26 be forever binding and conclusive upon all persons, whether mentioned
27 by name in the application, or included in "all other persons or
28 parties unknown claiming any right, title, estate, lien or interest in,
29 to, or upon the real estate described in the application herein", and
30 such decree shall not be opened by reason of the absence, infancy, or
31 other disability of any person affected thereby, nor by any proceeding
32 at law, or in equity, for reversing judgments or decrees, except as
33 herein especially provided. Appellate review of the court's decision
34 may be sought as in other civil actions.

1 **Sec. 225.** RCW 65.12.180 and 1907 c 250 s 28 are each amended to
2 read as follows:

3 Any person having an interest in or lien upon the land who has not
4 been actually served with process or notified of the filing of the
5 application or the pendency thereof, may at any time within ninety days
6 after the entry of such decree, and not afterwards, appear and file his
7 or her sworn answer to such application in like manner as hereinbefore
8 prescribed for making answer: PROVIDED, HOWEVER, That such person had
9 no actual notice or information of the filing of such application or
10 the pendency of the proceedings during the pendency thereof, or until
11 within three months of the time of the filing of such answer, which
12 facts shall be made to appear before answering by the affidavit of the
13 person answering or the affidavit of someone in his or her behalf
14 having knowledge of the facts, and PROVIDED, ALSO, that no innocent
15 purchaser for value has acquired an interest. If there is any such
16 purchaser, the decree of registration shall not be opened, but shall
17 remain in full force and effect forever, subject only to the right of
18 appeal hereinbefore provided; but any person aggrieved by such decree
19 in any case may pursue his or her remedy by suit in the nature of an
20 action of tort against the applicant or any other person for fraud in
21 procuring the decree; and may also bring his or her action for
22 indemnity as hereinafter provided. Upon the filing of such answer, and
23 not less than ten days' notice having been given to the applicant, and
24 to such other interested parties as the court may order in such manner
25 as shall be directed by the court, the court shall proceed to review
26 the case, and if the court is satisfied that the order or decree ought
27 to be opened, an order shall be entered to that effect, and the court
28 shall proceed to review the proceedings, and shall make such order in
29 the case as shall be equitable in the premises. An appeal may be
30 allowed in this case, as well as from all other decrees affecting any
31 registered title within a like time, and in a like manner, as in the
32 case of an original decree under this chapter, and not otherwise.

33 **Sec. 226.** RCW 65.12.200 and 1907 c 250 s 31 are each amended to
34 read as follows:

35 Every decree of registration shall bear the date of the year, day,
36 hour, and minute of its entry, and shall be signed by the judge of the
37 superior court of the state of Washington in and for the county in

1 which the land is situated; it shall state whether the owner is married
2 or unmarried, and if married, the name of the husband or wife; if the
3 owner is under disability it shall state the nature of the disability,
4 and if a minor, shall state his or her age. It shall contain a
5 description of the land as finally determined by the court, and shall
6 set forth the estate of the owner, and also in such manner as to show
7 their relative priority, all particular estates, mortgages, easements,
8 liens, attachments, homesteads, and other incumbrances, including
9 rights of husband and wife, if any, to which the land or the owner's
10 estate is subject, and shall contain any other matter or information
11 properly to be determined by the court in pursuance of this chapter.
12 The decree shall be stated in a convenient form for transcription upon
13 the certificate of title, to be made as hereinafter provided by the
14 registrar of titles. Immediately upon the filing of the decree of
15 registration, the clerk shall file a certified copy thereof in the
16 office of the registrar of titles.

17 **Sec. 227.** RCW 65.12.235 and 1973 c 121 s 1 are each amended to
18 read as follows:

19 Upon the filing of such application and the payment of a fee of
20 five dollars, the registrar of titles, if it shall appear that the
21 application is signed and acknowledged by all the registered owners of
22 said land, shall issue to the (~~(applicant)~~) applicant a certificate
23 in substantially the following form:

1
2

.....,
Registrar of Titles.

3 **Sec. 230.** RCW 65.12.260 and 1907 c 250 s 36 are each amended to
4 read as follows:

5 The registrar shall, at the time that he or she enters his or her
6 original certificate of title, make an exact duplicate thereof, but
7 putting on it the words "Owner's duplicate certificate of ownership",
8 and deliver the same to the owner or to his or her attorney duly
9 authorized. For the purpose of preserving evidence of the signature
10 and handwriting of the owner in his or her office, it shall be the duty
11 of the registrar to take from the owner, in every case where it is
12 practicable so to do, his or her receipt for the certificate of title
13 which shall be signed by the owner in person. Such receipt, when
14 signed and delivered in the registrar's office, shall be witnessed by
15 the registrar or deputy registrar. If such receipt is signed
16 elsewhere, it shall be witnessed and acknowledged in the same manner as
17 is now provided for the acknowledgment of deeds. When so signed, such
18 receipt shall be prima facie evidence of the genuineness of such
19 signature.

20 **Sec. 231.** RCW 65.12.265 and 1907 c 250 s 37 are each amended to
21 read as follows:

22 Where two or more persons are registered owners as tenants in
23 common or otherwise, one owner's duplicate certificate can be issued
24 for the entirety, or a separate duplicate owner's certificate may be
25 issued to each owner for his or her undivided share.

26 **Sec. 232.** RCW 65.12.290 and 1907 c 250 s 41 are each amended to
27 read as follows:

28 The original certificate in the registration book, any copy thereof
29 duly certified under the signature of the registrar of titles or his or
30 her deputy, and authenticated by his or her seal and also the owner's
31 duplicate certificate shall be received as evidence in all the courts
32 of this state, and shall be conclusive as to all matters contained
33 therein, except so far as is otherwise provided in this chapter. In
34 case of a variance between the owner's duplicate certificate and the
35 original certificate, the original shall prevail.

1 **Sec. 233.** RCW 65.12.300 and 1907 c 250 s 42 are each amended to
2 read as follows:

3 The registrar of titles, under the direction of the court, shall
4 make and keep indexes of all duplication and of all certified copies
5 and decrees of registration and certificates of titles, and shall also
6 index and file in classified order all papers and instruments filed in
7 his or her office relating to applications and to registered titles.
8 The registrar shall also, under the direction of the court, prepare and
9 keep forms of indexes and entry books. The court shall prepare and
10 adopt convenient forms of certificates of titles, and also general
11 forms of memorials or notations to be used by the registrars of titles
12 in registering the common forms of conveyance and other instruments to
13 express briefly their effect.

14 **Sec. 234.** RCW 65.12.310 and 1907 c 250 s 43 are each amended to
15 read as follows:

16 The registrar of titles shall keep tract indexes, in which shall be
17 entered the lands registered in the numerical order of the townships,
18 ranges, sections, and in cases of subdivisions, the blocks and lots
19 therein, and the names of the owners, with a reference to the volume
20 and page of the register of titles in which the lands are registered.
21 He or she shall also keep alphabetical indexes, in which shall be
22 entered, in alphabetical order, the names of all registered owners, and
23 all other persons interested in, or holding charges upon, or any
24 interest in, the registered land, with a reference to the volume and
25 page of the register of titles in which the land is registered.

26 **Sec. 235.** RCW 65.12.320 and 1907 c 250 s 44 are each amended to
27 read as follows:

28 The owner of registered land may convey, mortgage, lease, charge,
29 or otherwise incumber, dispose of, or deal with the same as fully as if
30 it had not been registered. He or she may use forms of deeds, trust
31 deeds, mortgages and leases or voluntary instruments, like those now in
32 use, and sufficient in law for the purpose intended. But no voluntary
33 instrument of conveyance, except a will and a lease, for a term not
34 exceeding three years, purporting to convey or affect registered land,
35 shall take effect as a conveyance, or bind the land; but shall operate

1 only as a contract between the parties, and as evidence of the
2 authority to the registrar of titles to make registration. The act of
3 registration shall be the operative act to convey or affect the land.

4 **Sec. 236.** RCW 65.12.360 and 1907 c 250 s 48 are each amended to
5 read as follows:

6 No new certificate shall be entered or issued upon any transfer of
7 registered land, which does not divest the title in fee simple of said
8 land or some part thereof, from the owner or some one of the registered
9 owners. All interest in the registered land, less than a freehold
10 estate, shall be registered by filing with the registrar of titles, the
11 instruments creating, transferring, or claiming such interest, and by
12 a brief memorandum or memorial thereof, made by a registrar of titles
13 upon the certificate of title, and signed by him or her. A similar
14 memorandum, or memorial, shall also be made on the owner's duplicate.

15 The cancellation or extinguishment of such interests shall be
16 registered in the same manner. When any party in interest does not
17 agree as to the proper memorial to be made upon the filing of any
18 instrument, (voluntary or involuntary), presented for registration, or
19 where the registrar of titles is in doubt as to the form of such
20 memorial, the question shall be referred to the court for decision,
21 either on the certificate of the registrar of titles, or upon the
22 demand in writing of any party in interest.

23 The registrar of titles shall bring before the court all the papers
24 and evidence which may be necessary for the determination of the
25 question by the court. The court, after notice to all parties in
26 interest and a hearing, shall enter an order prescribing the form of
27 the memorial, and the registrar of titles shall make registration in
28 accordance therewith.

29 **Sec. 237.** RCW 65.12.370 and 1907 c 250 s 49 are each amended to
30 read as follows:

31 No new certificates of titles shall be entered, and no memorial
32 shall be made upon any certificate of title, in pursuance of any deed,
33 or other voluntary instrument, unless the owner's duplicate certificate
34 is presented with such instrument, except in cases provided for in this
35 chapter, or upon the order of the court for cause shown; and whenever
36 such order is made a memorial therefor shall be entered, or a new

1 certificate issued, as directed by said order. The production of the
2 owner's duplicate certificate, whenever any voluntary instrument is
3 presented for registration, shall be conclusive authority from the
4 registered owner to the registrar of titles, to enter a new
5 certificate, or to make a memorial of registration in accordance with
6 such instrument; and a new certificate or memorial shall be binding
7 upon the registered owner and upon all persons claiming under him or
8 her in favor of every purchaser for value and in good faith.

9 **Sec. 238.** RCW 65.12.380 and 1907 c 250 s 51 are each amended to
10 read as follows:

11 An owner of registered land, conveying the same, or any portion
12 thereof, in fee, shall execute a deed of conveyance, which the grantor
13 shall file with the registrar of titles in the county where the land
14 lies. The owner's duplicate certificate shall be surrendered at the
15 same time and shall be by the registrar marked "Canceled". The
16 original certificate of title shall also be marked "Canceled". The
17 registrar of titles shall thereupon entered in the register of titles,
18 a new certificate of title to the grantee, and shall prepare and
19 deliver to such grantee an owner's duplicate certificate. All
20 incumbrances, claims, or interests adverse to the title of the
21 registered owner shall be stated upon the new certificate or
22 certificates, except insofar as they may be simultaneously released or
23 discharged.

24 When only a part of the land described in a certificate is
25 transferred, or some estate or interest in the land is to remain in the
26 transferor, a new certificate shall be issued to him or her, for the
27 part, estate, or interest remaining in him or her.

28 **Sec. 239.** RCW 65.12.430 and 1907 c 250 s 56 are each amended to
29 read as follows:

30 A trust deed shall be deemed to be a mortgage, and be subject to
31 the same rules as a mortgage, excepting as to the manner of the
32 foreclosure thereof. The registration of a mortgage shall be made in
33 the following manner, to wit: The owner's duplicate certificate shall
34 be presented to the registrar of titles with the mortgage deed or
35 instrument to be registered, and the registrar shall enter upon the
36 original certificate of title and also upon the owner's duplicate

1 certificate, a memorial of the purport of the instrument registered,
2 the time of filing, and the file number of the registered instrument.
3 He or she shall also note upon the instrument registered, the time of
4 filing, and a reference to the volume and page of the register of
5 titles, wherein the same is registered. The registrar of titles shall
6 also, at the request of the mortgagee, make out and deliver to him or
7 her a duplicate certificate of title, like the owner's duplicate,
8 except that the words, "Mortgagee's duplicate", shall be written or
9 printed upon such certificate in large letters, diagonally across the
10 face. A memorandum of the issuance of the mortgagee's duplicate shall
11 be made upon the certificate of title.

12 **Sec. 240.** RCW 65.12.445 and 1907 c 250 s 59 are each amended to
13 read as follows:

14 In any action affecting registered land a judgment or final decree
15 shall be entitled to registration on the presentation of a certified
16 copy of the entry thereof from the clerk of the court where the action
17 is pending to the registrar of titles. The registrar of titles shall
18 enter a memorial thereof upon the original certificates of title, and
19 upon the owner's duplicate, and also upon the mortgagee's and lessee's
20 duplicate, if any there be outstanding. When the registered owner of
21 such land is, by such judgment or decree, divested of his or her estate
22 in fee to the land or any part thereof, the plaintiff or defendant
23 shall be entitled to a new certificate of title for the land, or that
24 part thereof, designated in the judgment or decree, and the registrar
25 of titles shall enter such new certificate of title, and issue a new
26 owner's duplicate, in such manner as is provided in the case of
27 voluntary conveyance: PROVIDED, HOWEVER, That no such new certificate
28 of title shall be entered, except upon the order of the superior court
29 of the county in which the land is situated, and upon the filing in the
30 office of the registrar of titles, an order of the court directing the
31 entry of such new certificate.

32 **Sec. 241.** RCW 65.12.450 and 1907 c 250 s 60 are each amended to
33 read as follows:

34 Any person who has, by any action or proceeding to enforce or
35 foreclose any mortgage, lien or charge upon registered land, become the
36 owner in fee of the land, or any part thereof, shall be entitled to

1 have his or her title registered, and the registrar of titles shall,
2 upon application therefor, enter a new certificate of title for the
3 land, or that part thereof, of which the applicant is the owner, and
4 issue an owner's duplicate, in such manner as in the case of a
5 voluntary conveyance of registered land: PROVIDED, HOWEVER, No such
6 new certificate of title shall be entered, except after the time to
7 redeem from such foreclosure has expired, and upon the filing in the
8 office of the registrar of titles, an order of the superior court of
9 the county directing the entry of such new certificates.

10 **Sec. 242.** RCW 65.12.470 and 1907 c 250 s 62 are each amended to
11 read as follows:

12 Leases for registered land, for a term of three years or more,
13 shall be registered in like manner as a mortgage, and the provisions
14 herein relating to the registration of mortgages, shall also apply to
15 the registration of leases. The registrar shall, at the request of the
16 lessee, make out and deliver to him or her a duplicate of the
17 certificate of title like the owner's duplicate, except the words,
18 "Lessee's duplicate", shall be written or printed upon it in large
19 letters diagonally across its face.

20 **Sec. 243.** RCW 65.12.480 and 1907 c 250 s 63 are each amended to
21 read as follows:

22 Whenever a deed, or other instrument, is filed in the office of the
23 registrar of titles, for the purpose of effecting a transfer of or
24 charge upon the registered land, or any estate or interest in the same,
25 and it shall appear that the transfer or charge is to be in trust or
26 upon condition or limitation expressed in such deed or instrument, such
27 deed or instrument shall be registered in the usual manner, except that
28 the particulars of the trust, condition, limitation, or other equitable
29 interest shall not be entered upon the certificate of title by
30 memorial, but a memorandum or memorial shall be entered by the words,
31 "in trust", or "upon condition", or other apt words, and by reference
32 by number to the instrument authorizing or creating the same. A
33 similar memorial shall be made upon the owner's duplicate certificate.

34 No transfer of, or charge upon, or dealing with, the land, estate
35 or interest therein, shall thereafter be registered, except upon an
36 order of the court first filed in the office of the registrar of

1 titles, directing such transfer, charge, or dealing, in accordance with
2 the true intent and meaning of the trust, condition, or limitation.
3 Such registration shall be conclusive evidence in favor of the person
4 taking such transfer, charge, or right; and those claiming under him or
5 her, in good faith, and for a valuable consideration, that such
6 transfer, charge, or other dealing is in accordance with the true
7 intent and meaning of the trust, condition, or limitation.

8 **Sec. 244.** RCW 65.12.490 and 1907 c 250 s 64 are each amended to
9 read as follows:

10 When the title to registered land passes from a trustee to a new
11 trustee, a new certificate shall be entered to him or her, and shall be
12 registered in like manner as upon an original conveyance in trust.

13 **Sec. 245.** RCW 65.12.500 and 1907 c 250 s 65 are each amended to
14 read as follows:

15 Any trustee shall have authority to file an application for the
16 registration of any land held in trust by him or her, unless expressly
17 prohibited by the instrument creating the trust.

18 **Sec. 246.** RCW 65.12.530 and 1907 c 250 s 68 are each amended to
19 read as follows:

20 The name and address of the attorney for the plaintiff in every
21 action affecting the title to registered land, shall, in all cases, be
22 endorsed upon the writ or other writing filed in the office of the
23 registrar of titles, and he or she shall be deemed the attorney of the
24 plaintiff until written notice that he or she has ceased to be such
25 plaintiff's attorney shall be filed for registration by the plaintiff.

26 **Sec. 247.** RCW 65.12.550 and 1907 c 250 s 70 are each amended to
27 read as follows:

28 Any person who has acquired any right, interest, or estate in
29 registered land by virtue of any execution, judgment, order, or decree
30 of the court, shall register his or her title so acquired, by filing in
31 the office of the registrar of titles all writings or instruments
32 permitted or required to be recorded in the case of unregistered land.
33 If the interest or estate so acquired is the fee in the registered
34 land, or any part thereof, the person acquiring such interest shall be

1 entitled to have a new certificate of title, registered in him or her,
2 in the same manner as is provided in the case of persons acquiring
3 title by an action or proceeding in foreclosure of mortgages.

4 **Sec. 248.** RCW 65.12.560 and 1907 c 250 s 71 are each amended to
5 read as follows:

6 The certificate of the clerk of the court in which any action or
7 proceeding shall be pending, or any judgment or decree is of record,
8 that such action or proceeding has been dismissed or otherwise disposed
9 of, or that the judgment, decree, or order has been satisfied,
10 released, reversed, or overruled, or of any sheriff or any other
11 officer that the levy of any execution, attachment, or other process,
12 certified by him or her, has been released, discharged, or otherwise
13 disposed of, being filed in the office of the registrar of titles and
14 noted upon the register, shall be sufficient to authorize the registrar
15 to cancel or otherwise treat the memorial of such action, proceeding,
16 judgment, decree, order, or levy, according to the purport of such
17 certificate.

18 **Sec. 249.** RCW 65.12.570 and 1907 c 250 s 72 are each amended to
19 read as follows:

20 Whenever registered land is sold, and the same is by law subject to
21 redemption by the owner or any other person, the purchaser shall not be
22 entitled to have a new certificate of title entered, until the time
23 within which the land may be redeemed has expired. At any time after
24 the time to redeem shall have expired, the purchaser may petition the
25 court for an order directing the entry of a new certificate of title to
26 him or her, and the court shall, after such notice as it may order, and
27 hearing, grant and make an order directing the entry of such new
28 certificate of title.

29 **Sec. 250.** RCW 65.12.590 and 1907 c 250 s 74 are each amended to
30 read as follows:

31 Nothing contained in this chapter shall include, affect, or impair
32 the jurisdiction of the superior court to order an executor,
33 administrator, or guardian to sell or mortgage registered land for any
34 purpose for which such order may be granted in the case of unregistered
35 land. The purchaser or mortgagee, taking a deed or mortgage executed

1 in pursuance of such order of the superior court, shall be entitled to
2 register his or her title, and to the entry of a new certificate of
3 title or memorial of registration, upon application to the superior
4 court, and upon filing in the office of the registrar of titles, an
5 order of said court, directing the entry of such certificates.

6 **Sec. 251.** RCW 65.12.600 and 1907 c 250 s 75 are each amended to
7 read as follows:

8 An assignee for the benefit of creditors, receiver, trustee in
9 bankruptcy, master in chancery, special commissioner, or other person
10 appointed by the court, shall file in the office of the registrar of
11 titles, the instrument or instruments by which he or she is vested with
12 title, estate, or interest in any registered land, or a certified copy
13 of an order of the court showing that such assignee, receiver, trustee
14 in bankruptcy, master in chancery, special commissioner, or other
15 person, is authorized to deal with such land, estate, or interest, and,
16 if it is in the power of such person, he or she shall, at the same
17 time, present to the registrar of titles, the owner's duplicate
18 certificate of title; thereupon the registrar shall enter upon the
19 register of titles, and the duplicate certificate, if presented, a
20 memorial thereof, with a reference to such order or deed by its file
21 number. Such memorial having been entered, the assignee, receiver,
22 trustee in bankruptcy, master in chancery, special commissioner, or
23 other person may, subject to the direction of the court, deal with or
24 transfer such land as if he or she were a registered owner.

25 **Sec. 252.** RCW 65.12.610 and 1907 c 250 s 76 are each amended to
26 read as follows:

27 Whenever registered land, or any right or interest therein, is
28 taken by eminent domain, the state or body politic, or corporate or
29 other authority exercising such right shall pay all fees on account of
30 any memorial or registration or entry of new certificates, or duplicate
31 thereof, and fees for the filing of instruments required by this
32 chapter to be filed. When, for any reason, by operation of law, land
33 which has been taken for public use reverts to the owner from whom it
34 was taken, or his or her heirs or assigns, the court, upon petition of
35 the person entitled to the benefit of the reversion, after such notice

1 as it may order, and hearing, may order the entry of a new certificate
2 of title to him or her.

3 **Sec. 253.** RCW 65.12.620 and 1907 c 250 s 77 are each amended to
4 read as follows:

5 In every case where the registrar of titles enters a memorial upon
6 a certificate of title, or enters a new certificate of title, in
7 pursuance of any instrument executed by the registered owner, or by
8 reason of any instrument or proceeding which affects or devises the
9 title of the registered owner against his or her consent, if the
10 outstanding owner's duplicate certificate is not presented, the
11 registrar of titles shall not enter a new certificate or make a
12 memorial, but the person claiming to be entitled thereto may apply by
13 petition to the court. The court may order the registered owner, or
14 any person withholding the duplicate certificate, to present or
15 surrender the same, and direct the entry of a memorial or new
16 certificate upon such presentation or surrender. If, in any case, the
17 person withholding the duplicate certificate is not amenable to the
18 process of the court, or cannot be found, or if, for any reason, the
19 outstanding owner's duplicate certificate cannot be presented or
20 surrendered without delay, the court may, by decree, annul the same,
21 and order a new certificate of title to be entered. Such new
22 certificate, and all duplicates thereof, shall contain a memorial of
23 the annulment of the outstanding duplicate. If in any case of an
24 outstanding mortgagee's or lessee's duplicate certificate shall be
25 withheld or otherwise dealt with, like proceedings may be had to obtain
26 registration as in case of the owner's withholding or refusing to
27 deliver the duplicate receipt.

28 **Sec. 254.** RCW 65.12.635 and 1907 c 250 s 79 are each amended to
29 read as follows:

30 Examiners of titles shall, upon the request of the registrar of
31 titles, advise him or her upon any act or duty pertaining to the
32 conduct of his or her office, and shall, upon request, prepare the form
33 of any memorial to be made or entered by the registrar of titles. The
34 examiner of titles shall have full power to administer oaths and
35 examine witnesses involved in his or her investigation of titles.

1 **Sec. 255.** RCW 65.12.640 and 1907 c 250 s 80 are each amended to
2 read as follows:

3 Every writing and instrument required or permitted by this chapter
4 to be filed for registration, shall contain or have endorsed upon it,
5 the full name, place of residence, and post office address of the
6 grantee or other person requiring or claiming any right, title, or
7 interest under such instrument. Any change in residence or post office
8 address of such person shall be endorsed by the registrar of titles in
9 the original instrument, on receiving a sworn statement of such change.
10 All names and addresses shall also be entered on all certificates. All
11 notices required by, or given in pursuance of the provisions of this
12 chapter by the registrar of titles or by the court, after original
13 registration, shall be served upon the person to be notified; if a
14 resident of the state of Washington, as summons in civil actions are
15 served; and proof of such service shall be made as on the return of a
16 summons. All such notices shall be sent by mail, to the person to be
17 notified, if not a resident of the state of Washington, and his or her
18 residence and post office address, as stated in the certificate of
19 title, or in any registered instrument under which he or she claims an
20 interest. The certificate of the registrar of titles, or clerk of
21 court, that any notice has been served, by mailing the same, as
22 aforesaid, shall be conclusive proof of such notice: PROVIDED,
23 HOWEVER, That the court may, in any case, order different or further
24 service by publication or otherwise.

25 **Sec. 256.** RCW 65.12.650 and 1907 c 250 s 81 are each amended to
26 read as follows:

27 Any person claiming any right or interest in registered land,
28 adverse to the registered owner, arising subsequent to the date of the
29 original registration, may, if no other provision is made in this
30 chapter for registering the same, make a statement in writing, setting
31 forth fully his or her alleged right or interest and how or under whom
32 acquired, and a reference to the volume and page of the certificate of
33 title of the registered owner, and a description of the land to which
34 the right or interest is claimed. The statement shall be signed and
35 sworn to, and shall state the adverse claimant's residence, and
36 designate a place at which all notices may be served upon him or her.
37 This statement shall be entitled to registration, as an adverse claim;

1 and the court, upon the petition of any party in interest, shall grant
2 a speedy hearing upon the question of the validity of such adverse
3 claim, and shall enter such decree thereon as equity and justice may
4 require.

5 If the claim is adjudged to be invalid, its registration shall be
6 canceled. The court may, in any case, award such costs and damages,
7 including reasonable attorneys' fees, as it may deem just in the
8 premises.

9 **Sec. 257.** RCW 65.12.690 and 1907 c 250 s 85 are each amended to
10 read as follows:

11 If such action be for recovery for loss or damage arising only
12 through any omission, mistake, or misfeasance of the registrar of
13 titles or his or her deputies, or of any examiner of titles, or any
14 clerk of court or his or her deputy, in the performance of their
15 respective duties, under the provisions of this chapter, then the
16 county treasurer shall be the sole defendant to such action; but if
17 such action be brought for loss or damage arising only through the
18 fraud or wrongful act of some person or persons other than the
19 registrar or his or her deputies, the examiners of title, the clerk of
20 the court or his or her deputies, or arising jointly through the fraud
21 or wrongful act of such other person or persons, and the omission,
22 mistakes, or misfeasance of the registrar of titles or his or her
23 deputies, the examiners of titles, the clerk of the court or his or her
24 deputies, then such action shall be brought against both the county
25 treasurer and such persons or persons aforesaid. In all such actions,
26 where there are defendants other than the county treasurer, and damages
27 shall have been recovered, no final judgment shall be entered against
28 the county treasurer, until execution against the other defendants
29 shall be returned unsatisfied in whole or in part, and the officer
30 returning the execution shall certify that the amount still due upon
31 the execution cannot be collected except by application to the
32 indemnity (~~(~~assurance~~)~~) assurance fund. Thereupon the court, being
33 satisfied as to the truth of such return, shall order final judgment
34 against the treasurer, for the amount of the execution and costs, or so
35 much thereof as remains unpaid. The county treasurer shall, upon such
36 order of the court and final judgment, pay the amount of such judgment
37 out of the assurance fund. It shall be the duty of the county attorney

1 to appear and defend all such actions. If the funds in the assurance
2 funds at any time are insufficient to pay any judgment in full, the
3 balance unpaid shall draw interest at the legal rate of interest, and
4 be paid with such interest out of the first funds coming into said
5 fund.

6 **Sec. 258.** RCW 65.12.710 and 1971 ex.s. c 292 s 49 are each amended
7 to read as follows:

8 No action or proceeding for compensation for or by reason of any
9 deprivation, loss, or damage occasioned or sustained as provided in
10 this chapter, shall be made, brought, or taken, except within the
11 period of six years from the time when right to bring or take such
12 action or proceeding first accrued; except that if, at any time, when
13 such right of action first accrues, the person entitled to bring such
14 action, or take such proceeding, is under the age of eighteen years, or
15 insane, imprisoned, or absent from the United States in the service of
16 the United States, or of this state, then such person, or anyone
17 claiming from, by, or under him or her, may bring the action, or take
18 the proceeding, at any time within two years after such disability is
19 removed, notwithstanding the time before limited in that behalf has
20 expired.

21 **Sec. 259.** RCW 65.12.720 and 1907 c 250 s 88 are each amended to
22 read as follows:

23 No erasure, alteration, or amendment shall be made upon the
24 register of titles after the entry of the certificate of title, or a
25 memorial thereon, and the attestation of the same by the registrar of
26 titles, except by order of the court. Any registered owner, or other
27 person in interest, may at any time apply by petition to the court, on
28 the ground that registered interests of any description, whether
29 vested, contingent, expectant, or inchoate, have determined and ceased;
30 or that new interests have arisen or been created, which do not appear
31 upon the certificate; or that an error, omission, or mistake was made
32 in entering the certificate; or any memorial thereon, or any duplicate
33 certificate; or that the name of any person on the certificate has been
34 changed; or that the registered owner has been married, or if
35 registered, has married, that the marriage has been terminated, or that
36 a corporation which owned registered land has been dissolved, and has

1 not conveyed the same within three years after its dissolution; or upon
2 any other reasonable ground; and the court shall have jurisdiction to
3 hear and determine the petition after such notice as it may order, to
4 all parties in interest, and may order the entry of a new certificate,
5 the entry or cancellation of a memorial upon a certificate, or grant
6 any other relief upon such terms and conditions, requiring security if
7 necessary, as it may deem proper: PROVIDED, HOWEVER, That this section
8 shall not be construed to give the court authority to open the original
9 decree of registration, and that nothing shall be done or ordered by
10 the court which shall impair the title or other interest of the
11 purchaser, holding a certificate for value and in good faith, or his or
12 her heirs or assigns, without his or her or their written consent.

13 **Sec. 260.** RCW 65.12.770 and 1907 c 250 s 93 are each amended to
14 read as follows:

15 No proceeding or conviction for any act hereby declared to be a
16 felony, shall affect any remedy which any person aggrieved or injured
17 by such act may be entitled to at law, or in equity, against the person
18 who has committed such act, or against his or her estate.

19 **Sec. 261.** RCW 65.12.790 and 1973 1st ex.s. c 195 s 76 are each
20 amended to read as follows:

21 The fees to be paid to the registrar of titles shall be as follows:

22 (1) At or before the time of filing of the certified copy of the
23 application with the registrar, the applicant shall pay, to the
24 registrar, on all land having an assessed value, exclusive of
25 improvements, of one thousand dollars or less, thirty-one and one-
26 quarter cents on each one thousand dollars, or major fraction thereof,
27 of the assessed value of said land, additional.

28 (2) For granting certificates of title, upon each applicant, and
29 registering the same, two dollars.

30 (3) For registering each transfer, including the filing of all
31 instruments connected therewith, and the issuance and registration of
32 the instruments connected therewith, and the issuance and registration
33 of the new certificate of title, ten dollars.

34 (4) When the land transferred is held upon any trust, condition, or
35 limitation, an additional fee of three dollars.

1 (5) For entry of each memorial on the register, including the
2 filing of all instruments and papers connected therewith, and
3 endorsements upon duplicate certificates, three dollars.

4 (6) For issuing each additional owner's duplicate certificate,
5 mortgagee's duplicate certificate, or lessee's duplicate certificate,
6 three dollars.

7 (7) For filing copy of will, with letters testamentary, or filing
8 copy of letters of administration, and entering memorial thereof, two
9 dollars and fifty cents.

10 (8) For the cancellation of each memorial, or charge, one dollar.

11 (9) For each certificate showing the condition of the register, one
12 dollar.

13 (10) For any certified copy of any instrument or writing on file in
14 his or her office, the same fees now allowed by law to county clerks
15 and county auditors for like service.

16 (11) For any other service required, or necessary to carry out this
17 chapter, and not hereinbefore itemized, such fee or fees as the court
18 shall determine and establish.

19 (12) For registration of each mortgage and issuance of duplicate of
20 title a fee of five dollars; for each deed of trust and issuance of
21 duplicate of title a fee of eight dollars.

22 **Sec. 262.** RCW 65.12.800 and 1907 c 250 s 96 are each amended to
23 read as follows:

24 One-half of all fees provided for in RCW 65.12.790(1), shall be
25 collected by the registrar, and paid to the county treasurer of the
26 county in which the fees are paid, to be used for the current expenses
27 of the county; and all the remaining fees provided for in said section,
28 and all the subdivisions thereof, shall be collected by the registrar,
29 and applied the same as the other fees of his or her office; but his or
30 her salary as county clerk or county auditor, as now provided by law,
31 shall not be increased on account of the additional duties, or by
32 reason of the allowance of additional fees provided for herein; and the
33 said registrar, as such, shall receive no salary.

34 **Sec. 263.** RCW 65.16.070 and 1941 c 213 s 7 are each amended to
35 read as follows:

36 Publications commenced in a legal newspaper, when this act takes

1 effect, may be completed in that newspaper notwithstanding any failure
2 to obtain an order of approval under this act, and notwithstanding an
3 order of termination of approval prior to completion of publication.
4 The clerk of the superior court of each county shall post and keep
5 posted in a prominent place in his or her office a list of the
6 newspapers published in that county which are approved as legal
7 newspapers.

8 **Sec. 264.** RCW 66.04.010 and 2011 c 325 s 2 and 2011 c 195 s 3 are
9 each reenacted and amended to read as follows:

10 In this title, unless the context otherwise requires:

11 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated
12 oxide of ethyl, or spirit of wine, which is commonly produced by the
13 fermentation or distillation of grain, starch, molasses, or sugar, or
14 other substances including all dilutions and mixtures of this
15 substance. The term "alcohol" does not include alcohol in the
16 possession of a manufacturer or distiller of alcohol fuel, as described
17 in RCW 66.12.130, which is intended to be denatured and used as a fuel
18 for use in motor vehicles, farm implements, and machines or implements
19 of husbandry.

20 (2) "Authorized representative" means a person who:

21 (a) Is required to have a federal basic permit issued pursuant to
22 the federal alcohol administration act, 27 U.S.C. Sec. 204;

23 (b) Has its business located in the United States outside of the
24 state of Washington;

25 (c) Acquires ownership of beer or wine for transportation into and
26 resale in the state of Washington; and which beer or wine is produced
27 by a brewery or winery in the United States outside of the state of
28 Washington; and

29 (d) Is appointed by the brewery or winery referenced in (c) of this
30 subsection as its authorized representative for marketing and selling
31 its products within the United States in accordance with a written
32 agreement between the authorized representative and such brewery or
33 winery pursuant to this title.

34 (3) "Beer" means any malt beverage, flavored malt beverage, or malt
35 liquor as these terms are defined in this chapter.

36 (4) "Beer distributor" means a person who buys beer from a domestic
37 brewery, microbrewery, beer certificate of approval holder, or beer

1 importers, or who acquires foreign produced beer from a source outside
2 of the United States, for the purpose of selling the same pursuant to
3 this title, or who represents such brewer or brewery as agent.

4 (5) "Beer importer" means a person or business within Washington
5 who purchases beer from a beer certificate of approval holder or who
6 acquires foreign produced beer from a source outside of the United
7 States for the purpose of selling the same pursuant to this title.

8 (6) "Board" means the liquor control board, constituted under this
9 title.

10 (7) "Brewer" or "brewery" means any person engaged in the business
11 of manufacturing beer and malt liquor. Brewer includes a brand owner
12 of malt beverages who holds a brewer's notice with the federal bureau
13 of alcohol, tobacco, and firearms at a location outside the state and
14 whose malt beverage is contract-produced by a licensed in-state
15 brewery, and who may exercise within the state, under a domestic
16 brewery license, only the privileges of storing, selling to licensed
17 beer distributors, and exporting beer from the state.

18 (8) "Club" means an organization of persons, incorporated or
19 unincorporated, operated solely for fraternal, benevolent, educational,
20 athletic, or social purposes, and not for pecuniary gain.

21 (9) "Confection" means a preparation of sugar, honey, or other
22 natural or artificial sweeteners in combination with chocolate, fruits,
23 nuts, dairy products, or flavorings, in the form of bars, drops, or
24 pieces.

25 (10) "Consume" includes the putting of liquor to any use, whether
26 by drinking or otherwise.

27 (11) "Contract liquor store" means a business that sells liquor on
28 behalf of the board through a contract with a contract liquor store
29 manager.

30 (12) "Craft distillery" means a distillery that pays the reduced
31 licensing fee under RCW 66.24.140.

32 (13) "Dentist" means a practitioner of dentistry duly and regularly
33 licensed and engaged in the practice of his or her profession within
34 the state pursuant to chapter 18.32 RCW.

35 (14) "Distiller" means a person engaged in the business of
36 distilling spirits.

37 (15) "Domestic brewery" means a place where beer and malt liquor
38 are manufactured or produced by a brewer within the state.

1 (16) "Domestic winery" means a place where wines are manufactured
2 or produced within the state of Washington.

3 (17) "Druggist" means any person who holds a valid certificate and
4 is a registered pharmacist and is duly and regularly engaged in
5 carrying on the business of pharmaceutical chemistry pursuant to
6 chapter 18.64 RCW.

7 (18) "Drug store" means a place whose principal business is, the
8 sale of drugs, medicines, and pharmaceutical preparations and maintains
9 a regular prescription department and employs a registered pharmacist
10 during all hours the drug store is open.

11 (19) "Employee" means any person employed by the board.

12 (20) "Flavored malt beverage" means:

13 (a) A malt beverage containing six percent or less alcohol by
14 volume to which flavoring or other added nonbeverage ingredients are
15 added that contain distilled spirits of not more than forty-nine
16 percent of the beverage's overall alcohol content; or

17 (b) A malt beverage containing more than six percent alcohol by
18 volume to which flavoring or other added nonbeverage ingredients are
19 added that contain distilled spirits of not more than one and one-half
20 percent of the beverage's overall alcohol content.

21 (21) "Fund" means 'liquor revolving fund.'

22 (22) "Hotel" means buildings, structures, and grounds, having
23 facilities for preparing, cooking, and serving food, that are kept,
24 used, maintained, advertised, or held out to the public to be a place
25 where food is served and sleeping accommodations are offered for pay to
26 transient guests, in which twenty or more rooms are used for the
27 sleeping accommodation of such transient guests. The buildings,
28 structures, and grounds must be located on adjacent property either
29 owned or leased by the same person or persons.

30 (23) "Importer" means a person who buys distilled spirits from a
31 distillery outside the state of Washington and imports such spirituous
32 liquor into the state for sale to the board or for export.

33 (24) "Imprisonment" means confinement in the county jail.

34 (25) "Liquor" includes the four varieties of liquor herein defined
35 (alcohol, spirits, wine, and beer), and all fermented, spirituous,
36 vinous, or malt liquor, or combinations thereof, and mixed liquor, a
37 part of which is fermented, spirituous, vinous or malt liquor, or
38 otherwise intoxicating; and every liquid or solid or semisolid or other

1 substance, patented or not, containing alcohol, spirits, wine, or beer,
2 and all drinks or drinkable liquids and all preparations or mixtures
3 capable of human consumption, and any liquid, semisolid, solid, or
4 other substance, which contains more than one percent of alcohol by
5 weight shall be conclusively deemed to be intoxicating. Liquor does
6 not include confections or food products that contain one percent or
7 less of alcohol by weight.

8 (26) "Malt beverage" or "malt liquor" means any beverage such as
9 beer, ale, lager beer, stout, and porter obtained by the alcoholic
10 fermentation of an infusion or decoction of pure hops, or pure extract
11 of hops and pure barley malt or other wholesome grain or cereal in pure
12 water containing not more than eight percent of alcohol by weight, and
13 not less than one-half of one percent of alcohol by volume. For the
14 purposes of this title, any such beverage containing more than eight
15 percent of alcohol by weight shall be referred to as "strong beer."

16 (27) "Manufacturer" means a person engaged in the preparation of
17 liquor for sale, in any form whatsoever.

18 (28) "Nightclub" means an establishment that provides entertainment
19 and has as its primary source of revenue (a) the sale of alcohol for
20 consumption on the premises, (b) cover charges, or (c) both.

21 (29) "Package" means any container or receptacle used for holding
22 liquor.

23 (30) "Passenger vessel" means any boat, ship, vessel, barge, or
24 other floating craft of any kind carrying passengers for compensation.

25 (31) "Permit" means a permit for the purchase of liquor under this
26 title.

27 (32) "Person" means an individual, copartnership, association, or
28 corporation.

29 (33) "Physician" means a medical practitioner duly and regularly
30 licensed and engaged in the practice of his or her profession within
31 the state pursuant to chapter 18.71 RCW.

32 (34) "Prescription" means a memorandum signed by a physician and
33 given by him or her to a patient for the obtaining of liquor pursuant
34 to this title for medicinal purposes.

35 (35) "Public place" includes streets and alleys of incorporated
36 cities and towns; state or county or township highways or roads;
37 buildings and grounds used for school purposes; public dance halls and
38 grounds adjacent thereto; those parts of establishments where beer may

1 be sold under this title, soft drink establishments, public buildings,
2 public meeting halls, lobbies, halls and dining rooms of hotels,
3 restaurants, theatres, stores, garages and filling stations which are
4 open to and are generally used by the public and to which the public is
5 permitted to have unrestricted access; railroad trains, stages, and
6 other public conveyances of all kinds and character, and the depots and
7 waiting rooms used in conjunction therewith which are open to
8 unrestricted use and access by the public; publicly owned bathing
9 beaches, parks, and/or playgrounds; and all other places of like or
10 similar nature to which the general public has unrestricted right of
11 access, and which are generally used by the public.

12 (36) "Regulations" means regulations made by the board under the
13 powers conferred by this title.

14 (37) "Restaurant" means any establishment provided with special
15 space and accommodations where, in consideration of payment, food,
16 without lodgings, is habitually furnished to the public, not including
17 drug stores and soda fountains.

18 (38) "Sale" and "sell" include exchange, barter, and traffic; and
19 also include the selling or supplying or distributing, by any means
20 whatsoever, of liquor, or of any liquid known or described as beer or
21 by any name whatever commonly used to describe malt or brewed liquor or
22 of wine, by any person to any person; and also include a sale or
23 selling within the state to a foreign consignee or his or her agent in
24 the state. "Sale" and "sell" shall not include the giving, at no
25 charge, of a reasonable amount of liquor by a person not licensed by
26 the board to a person not licensed by the board, for personal use only.
27 "Sale" and "sell" also does not include a raffle authorized under RCW
28 9.46.0315: PROVIDED, That the nonprofit organization conducting the
29 raffle has obtained the appropriate permit from the board.

30 (39) "Service bar" means a fixed or portable table, counter, cart,
31 or similar work station primarily used to prepare, mix, serve, and sell
32 alcohol that is picked up by employees or customers. Customers may not
33 be seated or allowed to consume food or alcohol at a service bar.

34 (40) "Soda fountain" means a place especially equipped with
35 apparatus for the purpose of dispensing soft drinks, whether mixed or
36 otherwise.

37 (41) "Spirits" means any beverage which contains alcohol obtained

1 by distillation, except flavored malt beverages, but including wines
2 exceeding twenty-four percent of alcohol by volume.

3 (42) "Store" means a state liquor store established under this
4 title.

5 (43) "Tavern" means any establishment with special space and
6 accommodation for sale by the glass and for consumption on the
7 premises, of beer, as herein defined.

8 (44) "VIP airport lounge" means an establishment within an
9 international airport located beyond security checkpoints that provides
10 a special space to sit, relax, read, work, and enjoy beverages where
11 access is controlled by the VIP airport lounge operator and is
12 generally limited to the following classifications of persons:

13 (a) Airline passengers of any age whose admission is based on a
14 first-class, executive, or business class ticket;

15 (b) Airline passengers of any age who are qualified members or
16 allowed guests of certain frequent flyer or other loyalty incentive
17 programs maintained by airlines that have agreements describing the
18 conditions for access to the VIP airport lounge;

19 (c) Airline passengers of any age who are qualified members or
20 allowed guests of certain enhanced amenities programs maintained by
21 companies that have agreements describing the conditions for access to
22 the VIP airport lounge;

23 (d) Airport and airline employees, government officials, foreign
24 dignitaries, and other attendees of functions held by the airport
25 authority or airlines related to the promotion of business objectives
26 such as increasing international air traffic and enhancing foreign
27 trade where access to the VIP airport lounge will be controlled by the
28 VIP airport lounge operator; and

29 (e) Airline passengers of any age or airline employees whose
30 admission is based on a pass issued or permission given by the airline
31 for access to the VIP airport lounge.

32 (45) "VIP airport lounge operator" means an airline, port district,
33 or other entity operating a VIP airport lounge that: Is accountable
34 for compliance with the alcohol beverage control act under this title
35 (~~66-RCW~~); holds the license under chapter 66.24 RCW issued to the VIP
36 airport lounge; and provides a point of contact for addressing any
37 licensing and enforcement by the board.

1 (46)(a) "Wine" means any alcoholic beverage obtained by
2 fermentation of fruits (grapes, berries, apples, et cetera) or other
3 agricultural product containing sugar, to which any saccharine
4 substances may have been added before, during or after fermentation,
5 and containing not more than twenty-four percent of alcohol by volume,
6 including sweet wines fortified with wine spirits, such as port,
7 sherry, muscatel, and angelica, not exceeding twenty-four percent of
8 alcohol by volume and not less than one-half of one percent of alcohol
9 by volume. For purposes of this title, any beverage containing no more
10 than fourteen percent of alcohol by volume when bottled or packaged by
11 the manufacturer shall be referred to as "table wine," and any beverage
12 containing alcohol in an amount more than fourteen percent by volume
13 when bottled or packaged by the manufacturer shall be referred to as
14 "fortified wine." However, "fortified wine" shall not include: (i)
15 Wines that are both sealed or capped by cork closure and aged two years
16 or more; and (ii) wines that contain more than fourteen percent alcohol
17 by volume solely as a result of the natural fermentation process and
18 that have not been produced with the addition of wine spirits, brandy,
19 or alcohol.

20 (b) This subsection shall not be interpreted to require that any
21 wine be labeled with the designation "table wine" or "fortified wine."

22 (47) "Wine distributor" means a person who buys wine from a
23 domestic winery, wine certificate of approval holder, or wine importer,
24 or who acquires foreign produced wine from a source outside of the
25 United States, for the purpose of selling the same not in violation of
26 this title, or who represents such vintner or winery as agent.

27 (48) "Wine importer" means a person or business within Washington
28 who purchases wine from a wine certificate of approval holder or who
29 acquires foreign produced wine from a source outside of the United
30 States for the purpose of selling the same pursuant to this title.

31 (49) "Winery" means a business conducted by any person for the
32 manufacture of wine for sale, other than a domestic winery.

33 **Sec. 265.** RCW 66.08.012 and 1961 c 307 s 7 are each amended to
34 read as follows:

35 There shall be a board, known as the "Washington state liquor
36 control board," consisting of three members, to be appointed by the
37 governor, with the consent of the senate, who shall each be paid an

1 annual salary to be fixed by the governor in accordance with the
2 provisions of RCW 43.03.040. The governor may, in his or her
3 discretion, appoint one of the members as (~~chairman~~) chair of the
4 board, and a majority of the members shall constitute a quorum of the
5 board.

6 **Sec. 266.** RCW 66.08.014 and 1986 c 105 s 1 are each amended to
7 read as follows:

8 (1) The members of the board to be appointed after December 2,
9 1948, shall be appointed for terms beginning January 15, 1949, and
10 expiring as follows: One member of the board for a term of three years
11 from January 15, 1949; one member of the board for a term of six years
12 from January 15, 1949; and one member of the board for a term of nine
13 years from January 15, 1949. Each of the members of the board
14 appointed hereunder shall hold office until his or her successor is
15 appointed and qualified. After June 11, 1986, the term that began on
16 January 15, 1985, will end on January 15, 1989, the term beginning on
17 January 15, 1988, will end on January 15, 1993, and the term beginning
18 on January 15, 1991, will end on January 15, 1997. Thereafter, upon
19 the expiration of the term of any member appointed after June 11, 1986,
20 each succeeding member of the board shall be appointed and hold office
21 for the term of six years. In case of a vacancy, it shall be filled by
22 appointment by the governor for the unexpired portion of the term in
23 which said vacancy occurs. No vacancy in the membership of the board
24 shall impair the right of the remaining member or members to act,
25 except as herein otherwise provided.

26 (2) The principal office of the board shall be at the state
27 capitol, and it may establish such other offices as it may deem
28 necessary.

29 (3) Any member of the board may be removed for inefficiency,
30 malfeasance, or misfeasance in office, upon specific written charges
31 filed by the governor, who shall transmit such written charges to the
32 member accused and to the chief justice of the supreme court. The
33 chief justice shall thereupon designate a tribunal composed of three
34 judges of the superior court to hear and adjudicate the charges. Such
35 tribunal shall fix the time of the hearing, which shall be public, and
36 the procedure for the hearing, and the decision of such tribunal shall

1 be final and not subject to review by the supreme court. Removal of
2 any member of the board by the tribunal shall disqualify such member
3 for reappointment.

4 (4) Each member of the board shall devote his or her entire time to
5 the duties of his or her office and no member of the board shall hold
6 any other public office. Before entering upon the duties of his or her
7 office, each of said members of the board shall enter into a surety
8 bond executed by a surety company authorized to do business in this
9 state, payable to the state of Washington, to be approved by the
10 governor in the penal sum of fifty thousand dollars conditioned upon
11 the faithful performance of his or her duties, and shall take and
12 subscribe to the oath of office prescribed for elective state officers,
13 which oath and bond shall be filed with the secretary of state. The
14 premium for said bond shall be paid by the board.

15 **Sec. 267.** RCW 66.08.022 and 1961 ex.s. c 6 s 2 are each amended to
16 read as follows:

17 The attorney general shall be the general counsel of the liquor
18 control board and he or she shall institute and prosecute all actions
19 and proceedings which may be necessary in the enforcement and carrying
20 out of the provisions of this chapter and this title (~~66-RCW~~).

21 He or she shall assign such assistants as may be necessary to the
22 exclusive duty of assisting the liquor control board in the enforcement
23 of this title (~~66-RCW~~).

24 **Sec. 268.** RCW 66.08.080 and 1994 c 154 s 313 are each amended to
25 read as follows:

26 Except as provided by chapter 42.52 RCW, no member of the board and
27 no employee of the board shall have any interest, directly or
28 indirectly, in the manufacture of liquor or in any liquor sold under
29 this title, or derive any profit or remuneration from the sale of
30 liquor, other than the salary or wages payable to him or her in respect
31 of his or her office or position, and shall receive no gratuity from
32 any person in connection with such business.

33 **Sec. 269.** RCW 66.08.100 and 1935 c 174 s 9 are each amended to
34 read as follows:

35 No court of the state of Washington other than the superior court

1 of Thurston county shall have jurisdiction over any action or
2 proceeding against the board or any member thereof for anything done or
3 omitted to be done in or arising out of the performance of his or her
4 or their duties under this title. Neither the board nor any member or
5 members thereof shall be personally liable in any action at law for
6 damages sustained by any person because of any acts performed or done
7 or omitted to be done by the board or any employee of the board in the
8 performance of his or her duties and in the administration of this
9 title.

10 **Sec. 270.** RCW 66.12.030 and 1933 ex.s. c 62 s 49 are each amended
11 to read as follows:

12 (1) Nothing in this title shall prevent any person licensed to
13 manufacture liquor from keeping liquor in his or her warehouse or place
14 of business.

15 (2) Nothing in this title shall prevent the transshipment of liquor
16 in interstate and foreign commerce; but no person shall import liquor
17 into the state from any other state or country, except, as herein
18 otherwise provided, for use or sale in the state, except the board.

19 (3) Every provision of this title which may affect transactions in
20 liquor between a person in this state and a person in another state or
21 in a foreign country shall be construed to affect such transactions so
22 far only as the legislature has power to make laws in relation thereto.

23 **Sec. 271.** RCW 66.12.070 and 1999 c 88 s 1 are each amended to read
24 as follows:

25 (1) Where a medicinal preparation contains liquor as one of the
26 necessary ingredients thereof, and also contains sufficient medication
27 to prevent its use as an alcoholic beverage, nothing in this title
28 shall apply to or prevent its composition or sale by a druggist when
29 compounded from liquor purchased by the druggist under a special permit
30 held by him or her, nor apply to or prevent the purchase or consumption
31 of the preparation by any person for strictly medicinal purposes.

32 (2) Where a toilet or culinary preparation, that is to say, any
33 perfume, lotion, or flavoring extract or essence, or dietary supplement
34 as defined by the federal food and drug administration, contains liquor
35 and also contains sufficient ingredient or medication to prevent its
36 use as a beverage, nothing in this title shall apply to or prevent the

1 sale or purchase of that preparation by any druggist or other person
2 who manufactures or deals in the preparation, nor apply to or prevent
3 the purchase or consumption of the preparation by any person who
4 purchases or consumes it for any toilet or culinary purpose.

5 (3) In order to determine whether any particular medicinal, toilet,
6 dietary supplement, or culinary preparation referred to in this section
7 contains sufficient ingredient or medication to prevent its use as an
8 alcoholic beverage, the board may cause a sample of the preparation,
9 purchased or obtained from any person whomsoever, to be analyzed by an
10 analyst appointed or designated by the board; and if it appears from a
11 certificate signed by the analyst that he or she finds the sample so
12 analyzed by him or her did not contain sufficient ingredient or
13 medication to prevent its use as an alcoholic beverage, the certificate
14 shall be conclusive evidence that the preparation, the sample of which
15 was so analyzed, is not a preparation the sale or purchase of which is
16 permitted by this section.

17 (4) Dietary supplements that contain more than one-half of one
18 percent alcohol which are prepared and sold under this section shall be
19 clearly labeled and the ingredients listed on the label in accordance
20 with the provisions of the federal food, drug, and cosmetics act (21
21 U.S.C. Sec. 321) as now or hereafter amended.

22 **Sec. 272.** RCW 66.12.110 and 1999 c 281 s 3 are each amended to
23 read as follows:

24 A person twenty-one years of age or over may bring into the state
25 from without the United States, free of tax and markup, for his or her
26 personal or household use such alcoholic beverages as have been
27 declared and permitted to enter the United States duty free under
28 federal law.

29 Such entry of alcoholic beverages in excess of that herein provided
30 may be authorized by the board upon payment of an equivalent markup and
31 tax as would be applicable to the purchase of the same or similar
32 liquor at retail from a Washington state liquor store. The board shall
33 adopt appropriate regulations pursuant to chapter 34.05 RCW for the
34 purpose of carrying out the provisions of this section. The board may
35 issue a spirits, beer, and wine private club license to a charitable or
36 nonprofit corporation of the state of Washington, the majority of the
37 officers and directors of which are United States citizens and the

1 minority of the officers and directors of which are citizens of the
2 Dominion of Canada, and where the location of the premises for such
3 spirits, beer, and wine private club license is not more than ten miles
4 south of the border between the United States and the province of
5 British Columbia.

6 **Sec. 273.** RCW 66.20.020 and 1933 ex.s. c 62 s 13 are each amended
7 to read as follows:

8 (1) Every permit shall be issued in the name of the applicant
9 therefor, and no permit shall be transferable, nor shall the holder of
10 any permit allow any other person to use the permit.

11 (2) No person shall apply in any false or fictitious name for the
12 issuance to him or her of a permit, and no person shall furnish a false
13 or fictitious address in his or her application for a permit.

14 (3) Nothing in this title shall be construed as limiting the right
15 of any minister, priest or rabbi, or religious organization from
16 obtaining wine for sacramental purposes directly from any source
17 whatsoever, whether from within the limits of the state of Washington
18 or from outside the state; nor shall any fee be charged, directly or
19 indirectly, for the exercise of this right. The board shall have the
20 power and authority to make reasonable rules and regulations concerning
21 the importing of any such liquor or wine, for the purpose of preventing
22 any unlawful use of such right.

23 **Sec. 274.** RCW 66.20.040 and 1933 ex.s. c 62 s 14 are each amended
24 to read as follows:

25 No permit shall be valid or be accepted or used for the purchase of
26 liquor until the applicant for the permit has written his or her
27 signature thereon in the prescribed manner, for the purposes of
28 identification as the holder thereof, in the presence of the employee
29 to whom the application is made.

30 **Sec. 275.** RCW 66.20.080 and 1933 ex.s. c 62 s 18 are each amended
31 to read as follows:

32 Upon receipt of notice of the suspension or cancellation of his or
33 her permit, the holder of the permit shall forthwith deliver up the
34 permit to the board. Where the permit has been suspended only, the
35 board shall return the permit to the holder at the expiration or

1 termination of the period of suspension. Where the permit has been
2 suspended or canceled, no employee shall knowingly issue to the person
3 whose permit is suspended or canceled a permit under this title until
4 the end of the period of suspension or within the period of one year
5 from the date of cancellation.

6 **Sec. 276.** RCW 66.20.090 and 1933 ex.s. c 62 s 19 are each amended
7 to read as follows:

8 Where any permit is presented to an employee by a person who is not
9 the holder of the permit, or where any permit which is suspended or
10 canceled is presented to an employee, the employee shall retain the
11 permit in his or her custody and shall forthwith notify the board of
12 the fact of its retention.

13 **Sec. 277.** RCW 66.20.100 and 1933 ex.s. c 62 s 20 are each amended
14 to read as follows:

15 Any physician who deems liquor necessary for the health of a
16 patient, whether an interdicted person or not, whom he or she has seen
17 or visited professionally may give to the patient a prescription
18 therefor, signed by the physician, or the physician may administer the
19 liquor to the patient, for which purpose the physician may administer
20 the liquor purchased by him or her under special permit and may charge
21 for the liquor so administered; but no prescription shall be given or
22 liquor be administered by a physician except to bona fide patients in
23 cases of actual need, and when in the judgment of the physician the use
24 of liquor as medicine in the quantity prescribed or administered is
25 necessary; and any physician who administers liquor in evasion or
26 violation of this title shall be guilty of a violation of this title.

27 **Sec. 278.** RCW 66.20.110 and 1933 ex.s. c 62 s 21 are each amended
28 to read as follows:

29 Any dentist who deems it necessary that any patient then under
30 treatment by him or her should be supplied with liquor as a stimulant
31 or restorative may administer to the patient the liquor so needed, and
32 for that purpose the dentist shall administer liquor obtained by him or
33 her under special permit pursuant to this title, and may charge for the
34 liquor so administered; but no liquor shall be administered by a

1 dentist except to bona fide patients in cases of actual need; and every
2 dentist who administers liquor in evasion or violation of this title
3 shall be guilty of a violation of this title.

4 **Sec. 279.** RCW 66.20.150 and 1933 ex.s. c 62 s 41 are each amended
5 to read as follows:

6 No person shall purchase or attempt to purchase liquor under a
7 permit which is suspended, or which has been canceled, or of which he
8 or she is not the holder.

9 **Sec. 280.** RCW 66.20.190 and 1981 1st ex.s. c 5 s 9 are each
10 amended to read as follows:

11 In addition to the presentation by the holder and verification by
12 the licensee or store employee of such card of identification, the
13 licensee or store employee who is still in doubt about the true age of
14 the holder shall require the person whose age may be in question to
15 sign a certification card and record an accurate description and serial
16 number of his or her card of identification thereon. Such statement
17 shall be upon a five-inch by eight-inch file card, which card shall be
18 filed alphabetically by the licensee or store employee at or before the
19 close of business on the day on which the statement is executed, in the
20 file box containing a suitable alphabetical index and the card shall be
21 subject to examination by any peace officer or agent or employee of the
22 board at all times. The certification card shall also contain in bold-
23 face type a statement stating that the signer understands that
24 conviction for unlawful purchase of alcoholic beverages or misuse of
25 the certification card may result in criminal penalties including
26 imprisonment or fine or both.

27 **Sec. 281.** RCW 66.24.480 and 1951 c 120 s 2 are each amended to
28 read as follows:

29 "Bottle club" means a club or association operating for profit or
30 otherwise and conducting or maintaining premises in which the members
31 or other persons may resort for the primary or incidental purpose of
32 keeping or consuming liquor on the premises.

33 Except as permitted under a license issued by the Washington state
34 liquor control board, it is unlawful for any person to conduct or

1 maintain by himself or herself or by associating with others, or to in
2 any manner aid, assist, or abet in conducting or maintaining a bottle
3 club.

4 **Sec. 282.** RCW 66.28.130 and 1969 ex.s. c 112 s 2 are each amended
5 to read as follows:

6 It shall not be unlawful for a retail licensee whose premises are
7 open to the general public to sell, supply, or serve liquor to a person
8 for consumption on the licensed retail premises if said person is
9 standing or walking, nor shall it be unlawful for such licensee to
10 permit any said person so standing or walking to consume liquor on such
11 premises: PROVIDED HOWEVER, That the retail licensee of such a
12 premises may, at his or her discretion, promulgate a house rule that no
13 person shall be served nor allowed to consume liquor unless said person
14 is seated.

15 **Sec. 283.** RCW 66.32.060 and 1955 c 39 s 8 are each amended to read
16 as follows:

17 At the hearing, any person claiming any interest in any of the
18 articles seized may appear and be heard upon filing a written claim
19 setting forth particularly the character and extent of his or her
20 interest, and the burden shall rest upon the claimant to show, by
21 competent evidence, his or her property right or interest in the
22 articles claimed, and that they were not used in violation of any of
23 the provisions of this title, and were not in any manner kept or
24 possessed with the intention of violating any of its provisions.

25 **Sec. 284.** RCW 66.36.010 and 1939 c 172 s 9 are each amended to
26 read as follows:

27 Any room, house, building, boat, vehicle, structure, or place,
28 except premises licensed under this title, where liquor, as defined in
29 this title, is manufactured, kept, sold, bartered, exchanged, given
30 away, furnished, or otherwise disposed of in violation of the
31 provisions of this title or of the laws of this state relating to the
32 manufacture, importation, transportation, possession, distribution, and
33 sale of liquor, and all property kept in and used in maintaining such
34 a place, are hereby declared to be a common nuisance. The prosecuting
35 attorney of the county in which such nuisance is situated shall

1 institute and maintain an action in the superior court of such county
2 in the name of the state of Washington to abate and perpetually enjoin
3 such nuisance. The plaintiff shall not be required to give bond in
4 such action, and restraining orders, temporary injunctions, and
5 permanent injunctions may be granted in said cause as in other
6 injunction proceedings, and upon final judgment against the defendant,
7 such court may also order that said room, house, building, boat,
8 vehicle, structure, or place, shall be closed for a period of one year;
9 or until the owner, lessee, tenant, or occupant thereof shall give bond
10 with sufficient surety, to be approved by the court making the order,
11 in the penal sum of not less than one thousand dollars payable to the
12 state of Washington, and conditioned that liquor will not thereafter be
13 manufactured, kept, sold, bartered, exchanged, given away, furnished,
14 or otherwise disposed of thereon or therein in violation of the
15 provisions of this title or of the laws of this state relating to the
16 manufacture, importation, transportation, possession, distribution, and
17 sale of liquor, and that he or she will pay all fines, costs, and
18 damages assessed against him or her for any violation of this title or
19 of the laws of this state relating to the manufacture, importation,
20 transportation, possession, distribution, and sale of liquor. If any
21 condition of such bond be violated, the whole amount may be recovered
22 as a penalty for the use of the county wherein the premises are
23 situated.

24 In all cases where any person has been convicted of a violation of
25 this title or the laws of this state relating to the manufacture,
26 importation, transportation, possession, distribution, and sale of
27 liquor an action may be brought in the superior court of the county in
28 which the premises are situated, to abate as a nuisance any real estate
29 or other property involved in the commission of said offense, and in
30 any such action a certified copy of the record of such conviction shall
31 be admissible in evidence and prima facie evidence that the room,
32 house, building, boat, vehicle, structure, or place against which such
33 action is brought is a public nuisance.

34 **Sec. 285.** RCW 66.40.040 and 1933 ex.s. c 62 s 84 are each amended
35 to read as follows:

36 Any unit referred to in RCW 66.40.010 may hold such election upon
37 the question of whether the sale of liquor shall be permitted within

1 the boundaries of such unit, upon the filing with the county auditor of
2 the county within which such unit is located, of a petition subscribed
3 by qualified electors of the unit equal in number to at least thirty
4 percent of the electors voting at the last general election within such
5 unit. Such petition shall designate the unit in which the election is
6 desired to be had, the date upon which the election is desired to be
7 held, and the question that is desired to be submitted. The persons
8 signing such a petition shall state their post office address, the name
9 or number of the precinct in which they reside, and in case the
10 subscriber be a resident of a city, the street and house number, if
11 any, of his or her residence, and the date of signature. Said petition
12 shall be filed not less than sixty days nor more than ninety days prior
13 to the date upon which the election is to be held. No signature shall
14 be valid unless the above requirements are complied with, and unless
15 the date of signing the same is less than ninety days preceding the
16 date of filing. No signature shall be withdrawn after the filing of
17 such petition. Such petition may consist of one or more sheets and
18 shall be fastened together as one document, filed as a whole, and when
19 filed shall not be withdrawn or added to. Such petition shall be a
20 public document and shall be subject to the inspection of the public.
21 Upon the request of anyone filing such a petition and paying, or
22 tendering to the county auditor one dollar for each hundred names, or
23 fraction thereof, signed thereto, together with a copy thereof, said
24 county auditor shall immediately compare the original and copy and
25 attach to such copy and deliver to such person his or her official
26 certificate that such copy is a true copy of the original, stating the
27 date when such original was filed in his or her office; and said
28 officer shall furnish, upon the demand of any person, a copy of said
29 petition, upon payment of the same fee required for the filing of
30 original petitions.

31 **Sec. 286.** RCW 66.40.100 and 1933 ex.s. c 62 s 85 are each amended
32 to read as follows:

33 Upon the filing of a petition as hereinbefore provided, the county
34 auditor with whom it is filed shall cause the names on said petition to
35 be compared with the names on the voters' official registration records
36 provided for by law with respect to such unit. The officer or deputy
37 making the comparison shall place his or her initials in ink opposite

1 the signatures of those persons who are shown by such registration
2 records to be legal voters and shall certify that the signatures so
3 initialed are the signatures of legal voters of the state of Washington
4 and of said unit, and shall sign such certificate. In the event that
5 said petition, after such comparison, shall be found to have been
6 signed by the percentage of legal voters of said unit referred to in
7 RCW 66.40.040, the question shall be placed upon the ballot at the next
8 general election.

9 **Sec. 287.** RCW 66.40.110 and 1933 ex.s. c 62 s 86 are each amended
10 to read as follows:

11 Upon the ballot to be used at such general election the question
12 shall be submitted in the following form:

13 "Shall the sale of liquor be permitted within (here
14 specify the unit in which election is to be held)." Immediately below
15 said question shall be placed the alternative answers, as follows:

16 "For sale of liquor.....()

17 Against sale of liquor.....()."

18 Each person desiring to vote in favor of permitting the sale of
19 liquor within the unit in which the election is to be held shall
20 designate his or her choice beside the words "For sale of liquor", and
21 those desiring to vote against the permitting of the sale of liquor
22 within such unit shall designate their choice beside the words "Against
23 sale of liquor", and the ballot shall be counted accordingly.

24 **Sec. 288.** RCW 66.40.140 and 1933 ex.s. c 62 s 88 are each amended
25 to read as follows:

26 Whenever a majority of qualified voters voting upon said question
27 in any such unit shall have voted "Against sale of liquor", the county
28 auditor shall file with the liquor control board a certificate showing
29 the result of the canvass at such election; and thereafter, except as
30 hereinafter provided, it shall not be lawful for a liquor store to be
31 operated therein nor for licensees to maintain and operate licensed
32 premises therein except as hereinafter provided:

33 (1) As to any stores maintained by the board within any such unit

1 at the time of such licensing, the board shall have a period of thirty
2 days from and after the date of the canvass of the vote upon such
3 election to continue operation of its store or stores therein.

4 (2) As to any premises licensed hereunder within any such unit at
5 the time of such election, such licensee shall have a period of sixty
6 days from and after the date of the canvass of the vote upon such
7 election in which to discontinue operation of its store or stores
8 therein.

9 (3) Nothing herein contained shall prevent any distillery, brewery,
10 rectifying plant or winery or the licensed operators thereof from
11 selling its manufactured product, manufactured within such unit,
12 outside the boundaries thereof.

13 (4) Nothing herein contained shall prevent any person residing in
14 any unit in which the sale of liquor shall have been forbidden by
15 popular vote as herein provided, who is otherwise qualified to receive
16 and hold a permit under this title, from lawfully purchasing without
17 the unit and transporting into or receiving within the unit, liquor
18 lawfully purchased by him or her outside the boundaries of such unit.

19 **Sec. 289.** RCW 66.44.090 and 1955 c 289 s 2 are each amended to
20 read as follows:

21 Any person doing any act required to be licensed under this title
22 without having in force a license issued to him or her shall be guilty
23 of a gross misdemeanor.

24 **Sec. 290.** RCW 66.44.140 and 1980 c 140 s 4 are each amended to
25 read as follows:

26 Every person who shall sell or offer for sale, or transport in any
27 manner, any spirituous liquor, without government stamp or seal
28 attached thereto, or who shall operate without a license, any still or
29 other device for the production of spirituous liquor, or shall have in
30 his or her possession or under his or her control any mash capable of
31 being distilled into spirituous liquor except as provided in RCW
32 66.12.130, shall be guilty of a gross misdemeanor and upon conviction
33 thereof shall upon his or her first conviction be fined not less than
34 five hundred dollars and confined in the county jail not less than six
35 months, and upon second and subsequent conviction shall be fined not

1 less than one thousand dollars and confined in the county jail not less
2 than one year.

3 **Sec. 291.** RCW 66.44.170 and 1955 c 289 s 7 are each amended to
4 read as follows:

5 Any person who keeps or possesses liquor upon his or her person or
6 in any place, or on premises conducted or maintained by him or her as
7 principal or agent with the intent to sell it contrary to provisions of
8 this title, shall be guilty of a violation of this title. The
9 possession of liquor by the principal or agent on premises conducted or
10 maintained, under federal authority, as a retail dealer in liquors,
11 shall be prima facie evidence of the intent to sell liquor.

12 **Sec. 292.** RCW 66.44.292 and 1981 1st ex.s. c 5 s 23 are each
13 amended to read as follows:

14 The Washington state liquor control board shall furnish
15 notification of any hearing or hearings held, wherein any licensee or
16 his or her employee is found to have sold liquor to a minor, to the
17 prosecuting attorney of the county in which the sale took place, upon
18 which the prosecuting attorney may formulate charges against said minor
19 or minors for such violation of RCW 66.44.290 as may appear.

20 **Sec. 293.** RCW 66.98.020 and 1933 ex.s. c 62 s 94 are each amended
21 to read as follows:

22 If any clause, part, or section of this act shall be adjudged
23 invalid, such judgment shall not affect nor invalidate the remainder of
24 the act, but shall be confined in its operation to the clause, part, or
25 section directly involved in the controversy in which such judgment was
26 rendered. If the operation of any clause, part, or section of this act
27 shall be held to impair the obligation of contract, or to deny to any
28 person any right or protection secured to him or her by the
29 Constitution of the United States of America, or by the Constitution of
30 the state of Washington, it is hereby declared that, had the invalidity
31 of such clause, part or section been considered at the time of the
32 enactment of this act, the remainder of the act would nevertheless have
33 been adopted without such and any and all such invalid clauses, parts,
34 or sections.

1 **Sec. 294.** RCW 67.04.010 and 1921 c 181 s 1 are each amended to
2 read as follows:

3 Any person who shall bribe or offer to bribe, any baseball player
4 with intent to influence his or her play, action, or conduct in any
5 baseball game, or any person who shall bribe or offer to bribe any
6 umpire of a baseball game, with intent to influence him or her to make
7 a wrong decision or to bias his or her opinion or judgment in relation
8 to any baseball game or any play occurring therein, or any person who
9 shall bribe or offer to bribe any manager, or other official of a
10 baseball club, league, or association, by whatsoever name called,
11 conducting said game of baseball to throw or lose a game of baseball,
12 shall be guilty of a gross misdemeanor.

13 **Sec. 295.** RCW 67.04.020 and 1921 c 181 s 2 are each amended to
14 read as follows:

15 Any baseball player who shall accept or agree to accept, a bribe
16 offered for the purpose of wrongfully influencing his or her play,
17 action, or conduct in any baseball game, or any umpire of a baseball
18 game who shall accept or agree to accept a bribe offered for the
19 purpose of influencing him or her to make a wrong decision, or biasing
20 his or her opinions, rulings or judgment with regard to any play, or
21 any manager of a baseball club, or club or league official, who shall
22 accept, or agree to accept, any bribe offered for the purpose of
23 inducing him or her to lose or cause to be lost any baseball game, as
24 set forth in RCW 67.04.010, shall be guilty of a gross misdemeanor.

25 **Sec. 296.** RCW 67.04.030 and 1921 c 181 s 3 are each amended to
26 read as follows:

27 To complete the offenses mentioned in RCW 67.04.010 and 67.04.020,
28 it shall not be necessary that the baseball player, manager, umpire, or
29 official, shall, at the time, have been actually employed, selected, or
30 appointed to perform (~~their~~) his or her respective duties; it shall
31 be sufficient if the bribe be offered, accepted, or agreed to with the
32 view of probable employment, selection, or appointment of the person to
33 whom the bribe is offered, or by whom it is accepted. Neither shall it
34 be necessary that such baseball player, umpire, or manager actually
35 play or participate in a game or games concerning which said bribe is

1 offered or accepted; it shall be sufficient if the bribe be given,
2 offered, or accepted in view of his or (~~their~~) her possibly
3 participating therein.

4 **Sec. 297.** RCW 67.04.040 and 1921 c 181 s 4 are each amended to
5 read as follows:

6 By a "bribe" as used in RCW 67.04.010 through 67.04.080, is meant
7 any gift, emolument, money or thing of value, testimonial, privilege,
8 appointment, or personal advantage, or the promise of either, bestowed
9 or promised for the purpose of influencing, directly or indirectly, any
10 baseball player, manager, umpire, club or league official, to see which
11 game an admission fee may be charged, or in which game of baseball any
12 player, manager, or umpire is paid any compensation for his or her
13 services. Said bribe as defined in RCW 67.04.010 through 67.04.080
14 need not be direct; it may be such as is hidden under the semblance of
15 a sale, bet, wager, payment of a debt, or in any other manner designed
16 to cover the true intention of the parties.

17 **Sec. 298.** RCW 67.04.050 and 1921 c 181 s 5 are each amended to
18 read as follows:

19 Any baseball player, manager, or club or league official who shall
20 commit any willful act of omission or commission in playing, or
21 directing the playing, of a baseball game, with intent to cause the
22 ball club, with which he or she is affiliated, to lose a baseball game;
23 or any umpire officiating in a baseball game, or any club or league
24 official who shall commit any willful act connected with his or her
25 official duties for the purpose and with the intent to cause a baseball
26 club to win or lose a baseball game, which it would not otherwise have
27 won or lost under the rules governing the playing of said game, shall
28 be guilty of a gross misdemeanor.

29 **Sec. 299.** RCW 67.04.070 and 1921 c 181 s 7 are each amended to
30 read as follows:

31 Nothing in RCW 67.04.010 through 67.04.080 shall be construed to
32 prohibit the giving or offering of any bonus or extra compensation to
33 any manager or baseball player by any person to encourage such manager
34 or player to a higher degree of skill, ability, or diligence in the
35 performance of his or her duties.

1 **Sec. 300.** RCW 67.04.090 and 1951 c 78 s 2 are each amended to read
2 as follows:

3 As used in RCW 67.04.090 through 67.04.150 the following terms
4 shall have the following meanings:

5 (1) "Minor" shall mean any person under the age of eighteen years,
6 and who has not graduated from high school: PROVIDED, That should he
7 or she become eighteen during his or her senior year he or she shall be
8 a minor until the end of the school year;

9 (2) "Contract" shall mean any contract, agreement, bonus, or
10 gratuity arrangement, whether oral or written;

11 (3) "Organized professional baseball" shall mean and include all
12 persons, firms, corporations, associations, or teams or clubs, or
13 agents thereof, engaged in professional baseball, or in promoting the
14 interest of professional baseball, or sponsoring or managing other
15 persons, firms, corporations, associations, teams, or clubs who play
16 baseball in any of the major or minor professional baseball leagues, or
17 any such league hereafter organized;

18 (4) "Agent" shall, in addition to its generally accepted legal
19 meaning, mean and include those persons commonly known as "baseball
20 scouts";

21 (5) "Prosecuting attorney" shall mean the prosecuting attorney, or
22 his or her regular deputy, of the county in which the minor's parent is
23 domiciled;

24 (6) "Parent" shall mean parent, parents, or guardian.

25 **Sec. 301.** RCW 67.04.120 and 1951 c 78 s 5 are each amended to read
26 as follows:

27 The prosecuting attorney shall have the authority to examine all
28 the parties to the proposed contract and any other interested person
29 and shall approve such contract if the following facts and
30 circumstances are found to exist:

31 (1) That the minor has not been signed, approached, or contacted,
32 directly or indirectly, pertaining to a professional baseball contract
33 except as herein permitted by approval of the prosecuting attorney;

34 (2) That the minor has been apprised of the fact that approval of
35 the contract may deprive him or her of his or her amateur status;

36 (3) That the parent of the minor and the minor have consented to
37 the contract;

1 (4) That the prosecuting attorney has concluded that the contract
2 conforms to the provisions of RCW 67.04.090 through 67.04.150, and is
3 a valid and binding contract;

4 (5) That the contract permits the minor to have at least five
5 months available each year to continue his or her high school
6 education.

7 **Sec. 302.** RCW 67.14.040 and 1973 1st ex.s. c 154 s 100 are each
8 amended to read as follows:

9 The legislative authorities of each county, in their respective
10 counties, shall have the power to grant license to persons to keep
11 drinking houses or saloons therein, at which spirituous, malt, or
12 fermented liquors and wines may be sold in less quantities than one
13 gallon; and such license shall be called a retail license upon the
14 payment, by the person applying for such license, of the sum of three
15 hundred dollars a year into the county treasury, and the execution of
16 a good and sufficient bond, executed to such county in the sum of one
17 thousand dollars, to be approved by such legislative authority or the
18 county auditor of the county in which such license is granted,
19 conditioned that he or she will keep such drinking saloon or house in
20 a quiet, peaceable, and orderly manner: PROVIDED, The foregoing shall
21 not be so construed as to prevent the legislative authority of any
22 county from granting licenses to drinking saloons or houses therein,
23 when there is but little business doing, for less than three hundred
24 dollars, but in no case for less than one hundred dollars per annum:
25 AND PROVIDED FURTHER, That such license shall be used only in the
26 precinct to which it shall be granted; PROVIDED FURTHER, that no
27 license shall be used in more than one place at the same time. AND
28 FURTHER PROVIDED, That no license shall be granted to any person to
29 retail spirituous liquors until he or she shall furnish to the
30 legislative authority satisfactory proof that he or she is a person of
31 good moral character.

32 **Sec. 303.** RCW 67.14.070 and 1873 p 439 s 7 are each amended to
33 read as follows:

34 Any person desiring a license to do any business provided by this
35 chapter that a license shall be taken out for doing, shall have the
36 same granted by paying to the county treasurer of the county where he

1 or she wishes to carry on such business the maximum sum that the county
2 commissioners are by this chapter authorized to fix therefor, and
3 executing such bond, to be approved by the county auditor, as is
4 provided in this chapter, shall be given before license shall issue for
5 carrying on such business.

6 **Sec. 304.** RCW 67.16.015 and 1977 c 75 s 80 are each amended to
7 read as follows:

8 The commission shall organize by electing one of its members
9 (~~(chairman)~~) chair, and shall appoint and employ a secretary, and such
10 other clerical, office, and other help as is necessary in the
11 performance of the duties imposed upon it by this chapter. The
12 commission shall keep detailed records of all meetings and of the
13 business transacted therein, and of all the collections and
14 disbursements. The commission shall prepare and submit an annual
15 report to the governor. All records of the commission shall be public
16 records and as such, subject to public inspection.

17 **Sec. 305.** RCW 67.16.017 and 1984 c 287 s 100 are each amended to
18 read as follows:

19 Each member of the Washington horse racing commission shall be
20 compensated in accordance with RCW 43.03.250 and shall be reimbursed
21 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 in
22 going to, attending, and returning from meetings of the commission, and
23 travel expenses incurred in the discharge of such duties as may be
24 requested of him or her by a majority vote of the commission, but in no
25 event shall a commissioner be paid in any one fiscal year in excess of
26 one hundred twenty days, except the (~~(chairman)~~) chair of the
27 commission who may be paid for not more than one hundred fifty days.

28 **Sec. 306.** RCW 67.70.030 and 1982 2nd ex.s. c 7 s 3 are each
29 amended to read as follows:

30 There is created the state lottery commission to consist of five
31 members appointed by the governor with the consent of the senate. Of
32 the initial members, one shall serve a term of two years, one shall
33 serve a term of three years, one shall serve a term of four years, one
34 shall serve a term of five years, and one shall serve a term of six
35 years. Their successors, all of whom shall be citizen members

1 appointed by the governor with the consent of the senate, upon being
2 appointed and qualified, shall serve six-year terms. No member of the
3 commission who has served a full six-year term is eligible for
4 reappointment. In case of a vacancy, it shall be filled by appointment
5 by the governor for the unexpired portion of the term in which the
6 vacancy occurs.

7 The governor shall designate one member of the commission to serve
8 as (~~chairman~~) chair at the governor's pleasure.

9 A majority of the members shall constitute a quorum for the
10 transaction of business.

11 **Sec. 307.** RCW 67.70.050 and 1998 c 245 s 106 are each amended to
12 read as follows:

13 There is created the office of director of the state lottery. The
14 director shall be appointed by the governor with the consent of the
15 senate. The director shall serve at the pleasure of the governor and
16 shall receive such salary as is determined by the governor, but in no
17 case may the director's salary be more than ninety percent of the
18 salary of the governor. The director shall:

19 (1) Supervise and administer the operation of the lottery in
20 accordance with the provisions of this chapter and with the rules of
21 the commission.

22 (2) Appoint such deputy and assistant directors as may be required
23 to carry out the functions and duties of his or her office: PROVIDED,
24 That the provisions of the state civil service law, chapter 41.06 RCW,
25 shall not apply to such deputy and assistant directors.

26 (3) Appoint such professional, technical, and clerical assistants
27 and employees as may be necessary to perform the duties imposed by this
28 chapter: PROVIDED, That the provisions of the state civil service law,
29 chapter 41.06 RCW, shall not apply to such employees as are engaged in
30 undercover audit or investigative work or security operations but shall
31 apply to other employees appointed by the director, except as provided
32 for in subsection (2) of this section.

33 (4) In accordance with the provisions of this chapter and the rules
34 of the commission, license as agents to sell or distribute lottery
35 tickets such persons as in his or her opinion will best serve the
36 public convenience and promote the sale of tickets or shares. The
37 director may require a bond from any licensed agent, in such amount as

1 provided in the rules of the commission. Every licensed agent shall
2 prominently display his or her license, or a copy thereof, as provided
3 in the rules of the commission. License fees may be established by the
4 commission, and, if established, shall be deposited in the state
5 lottery account created by RCW 67.70.230.

6 (5) Confer regularly as necessary or desirable with the commission
7 on the operation and administration of the lottery; make available for
8 inspection by the commission, upon request, all books, records, files,
9 and other information and documents of the lottery; and advise the
10 commission and recommend such matters as the director deems necessary
11 and advisable to improve the operation and administration of the
12 lottery.

13 (6) Subject to the applicable laws relating to public contracts,
14 enter into contracts for the operation of the lottery, or any part
15 thereof, and into contracts for the promotion of the lottery. No
16 contract awarded or entered into by the director may be assigned by the
17 holder thereof except by specific approval of the commission:
18 PROVIDED, That nothing in this chapter authorizes the director to enter
19 into public contracts for the regular and permanent administration of
20 the lottery after the initial development and implementation.

21 (7) Certify quarterly to the state treasurer and the commission a
22 full and complete statement of lottery revenues, prize disbursements,
23 and other expenses for the preceding quarter.

24 (8) Carry on a continuous study and investigation of the lottery
25 throughout the state: (a) For the purpose of ascertaining any defects
26 in this chapter or in the rules issued thereunder by reason whereof any
27 abuses in the administration and operation of the lottery or any
28 evasion of this chapter or the rules may arise or be practiced, (b) for
29 the purpose of formulating recommendations for changes in this chapter
30 and the rules promulgated thereunder to prevent such abuses and
31 evasions, (c) to guard against the use of this chapter and the rules
32 issued thereunder as a cloak for the carrying on of professional
33 gambling and crime, and (d) to ensure that this chapter and rules shall
34 be in such form and be so administered as to serve the true purposes of
35 this chapter.

36 (9) Make a continuous study and investigation of: (a) The
37 operation and the administration of similar laws which may be in effect
38 in other states or countries, (b) the operation of an additional game

1 or games for the benefit of a particular program or purpose, (c) any
2 literature on the subject which from time to time may be published or
3 available, (d) any federal laws which may affect the operation of the
4 lottery, and (e) the reaction of the citizens of this state to existing
5 and potential features of the lottery with a view to recommending or
6 effecting changes that will tend to serve the purposes of this chapter.

7 (10) Have all enforcement powers granted in chapter 9.46 RCW.

8 (11) Perform all other matters and things necessary to carry out
9 the purposes and provisions of this chapter.

10 **Sec. 308.** RCW 67.70.070 and 1982 2nd ex.s. c 7 s 7 are each
11 amended to read as follows:

12 No license as an agent to sell lottery tickets or shares may be
13 issued to any person to engage in business exclusively as a lottery
14 sales agent. Before issuing a license, the director shall consider
15 such factors as: (1) The financial responsibility and security of the
16 person and his or her business or activity, (2) the accessibility of
17 his or her place of business or activity to the public, (3) the
18 sufficiency of existing licenses to serve the public convenience, and
19 (4) the volume of expected sales.

20 For purposes of this section, the term "person" means an
21 individual, association, corporation, club, trust, estate, society,
22 company, joint stock company, receiver, trustee, assignee, referee, or
23 any other person acting in a fiduciary or representative capacity,
24 whether appointed by a court or otherwise, and any combination of
25 individuals. "Person" does not mean any department, commission,
26 agency, or instrumentality of the state, or any county or municipality
27 or any agency or instrumentality thereof, except for retail outlets of
28 the state liquor control board.

29 **Sec. 309.** RCW 67.70.200 and 1987 c 511 s 9 are each amended to
30 read as follows:

31 The director, in his or her discretion, may require any or all
32 lottery sales agents to deposit to the credit of the state lottery
33 account in banks designated by the state treasurer, all moneys
34 received by such agents from the sale of lottery tickets or shares,
35 less the amount, if any, retained as compensation for the sale of the
36 tickets or shares, and to file with the director or his or her

1 designated agents, reports of their receipts and transactions in the
2 sale of lottery tickets in such form and containing such information as
3 he or she may require. The director may make such arrangements for any
4 person, including a bank, to perform such functions, activities, or
5 services in connection with the operation of the lottery as he or she
6 may deem advisable pursuant to this chapter and the rules of the
7 commission, and such functions, activities, or services shall
8 constitute lawful functions, activities, and services of such person.

9 **Sec. 310.** RCW 67.70.290 and 1982 2nd ex.s. c 7 s 29 are each
10 amended to read as follows:

11 The state auditor shall conduct an annual postaudit of all accounts
12 and transactions of the lottery and such other special postaudits as he
13 or she may be directed to conduct pursuant to chapter 43.09 RCW.

14 **Sec. 311.** RCW 68.40.085 and 1953 c 290 s 24 are each amended to
15 read as follows:

16 It is a misdemeanor for any cemetery authority, its officers,
17 employees, or agents, or a cemetery broker or (~~salesman~~) salesperson
18 to represent that an endowment care fund, or any other fund set up for
19 maintaining care, is perpetual.

20 **Sec. 312.** RCW 68.40.090 and 1987 c 331 s 39 are each amended to
21 read as follows:

22 Any person, partnership, corporation, association, or his or her or
23 its agents or representatives who shall violate any of the provisions
24 of this chapter or make any false statement appearing on any sign,
25 contract, agreement, receipt, statement, literature, or other
26 publication shall be guilty of a misdemeanor.

27 **Sec. 313.** RCW 68.44.030 and 1985 c 30 s 138 are each amended to
28 read as follows:

29 Endowment care funds shall be kept invested in accordance with the
30 provisions of RCW 11.100.020 subject to the following restrictions:

31 (1) No officer or director of the cemetery authority, trustee of
32 the endowment care or special care funds, or spouse, sibling, parent,
33 grandparent, or issue of such officer, director, or trustee, shall

1 borrow any of such funds for himself or herself, directly or
2 indirectly.

3 (2) No funds shall be loaned to the cemetery authority, its agents,
4 or employees, or to any corporation, partnership, or other business
5 entity in which the cemetery authority has any ownership interest.

6 (3) No funds shall be invested with persons or business entities
7 operating in a business field directly related to cemeteries,
8 including, but not limited to, mortuaries, monument production and
9 sales, florists, and rental of funeral facilities.

10 (4) Notwithstanding any other provisions contained in this section,
11 funds may be invested in any commercial bank, mutual savings bank, or
12 savings and loan association duly chartered and operating under the
13 laws of the United States or statutes of the state of Washington.

14 **Sec. 314.** RCW 68.50.040 and 1917 c 90 s 6 are each amended to read
15 as follows:

16 Duplicate lists of all jewelry, moneys, papers, and other personal
17 property of the deceased shall be made immediately upon finding the
18 same by the coroner or his or her assistants. The original of such
19 lists shall be kept as a public record at the morgue and the duplicate
20 thereof shall be forthwith duly certified to by the coroner and filed
21 with the county auditor.

22 **Sec. 315.** RCW 68.50.060 and 1891 c 123 s 1 are each amended to
23 read as follows:

24 Any physician or surgeon of this state, or any medical student
25 under the authority of any such physician or surgeon, may obtain, as
26 hereinafter provided, and have in his or her possession human dead
27 bodies, or the parts thereof, for the purposes of anatomical inquiry or
28 instruction.

29 **Sec. 316.** RCW 68.50.080 and 1891 c 123 s 3 are each amended to
30 read as follows:

31 Every physician or surgeon before receiving the dead body must give
32 to the board or officer surrendering the same to him or her a
33 certificate from the medical society of the county in which he or she
34 resides, or if there is none, from the board of supervisors of the
35 same, that he or she is a fit person to receive such dead body. He or

1 she must also give a bond with two sureties, that each body so by him
2 or her received will be used only for the promotion of anatomical
3 science, and that it will be used for such purpose in this state only,
4 and so as in no event to outrage the public feeling.

5 **Sec. 317.** RCW 68.50.102 and 1953 c 188 s 12 are each amended to
6 read as follows:

7 Any party by showing just cause may petition the court to have
8 autopsy made and results thereof made known to said party at his or her
9 own expense.

10 **Sec. 318.** RCW 68.50.300 and 1981 c 176 s 2 are each amended to
11 read as follows:

12 (1) The county coroner, medical examiner, or prosecuting attorney
13 having jurisdiction may in such official's discretion release
14 information concerning a person's death to the media and general
15 public, in order to aid in identifying the deceased, when the identity
16 of the deceased is unknown to the official and when he or she does not
17 know the information to be readily available through other sources.

18 (2) The county coroner, medical examiner, or prosecuting attorney
19 may withhold any information which directly or indirectly identifies a
20 decedent until either:

21 (a) A notification period of forty-eight hours has elapsed after
22 identification of the decedent by such official; or

23 (b) The next of kin of the decedent has been notified.

24 During the forty-eight hour notification period, such official
25 shall make a good faith attempt to locate and notify the next of kin of
26 the decedent.

27 **Sec. 319.** RCW 68.52.120 and 1947 c 6 s 4 are each amended to read
28 as follows:

29 A copy of the petition with the names of petitioners omitted,
30 together with a notice signed by the clerk of the board of county
31 commissioners stating the day, hour, and place of the hearing, shall be
32 published in three consecutive weekly issues of the official newspaper
33 of the county prior to the date of hearing. Said clerk shall also
34 cause a copy of the petition with the names of petitioners omitted,
35 together with a copy of the notice attached, to be posted for not less

1 than fifteen days before the date of hearing in each of three public
2 places within the boundaries of the proposed district, to be previously
3 designated by him or her and made a matter of record in the
4 proceedings.

5 **Sec. 320.** RCW 68.52.260 and 1986 c 167 s 24 are each amended to
6 read as follows:

7 Each cemetery commissioner, before assuming the duties of his or
8 her office, shall take and subscribe an official oath to faithfully
9 discharge the duties of his or her office, which oath shall be filed in
10 the office of the county auditor.

11 **Sec. 321.** RCW 68.52.270 and 1947 c 6 s 19 are each amended to read
12 as follows:

13 The board of cemetery district commissioners shall organize and
14 elect a (~~chairman~~) chair from (~~their~~) its number and shall appoint
15 a secretary for such term as (~~they~~) the board may determine. The
16 secretary shall keep a record of proceedings of the board and perform
17 such other duties as may be prescribed by law or by the board, and
18 shall also take and subscribe an oath for the faithful discharge of his
19 or her duties, which shall be filed with the county clerk. The office
20 of the board of cemetery commissioners and principal place of business
21 of the district shall be at some place in the district designated by
22 the board. The board shall hold regular monthly meetings at its office
23 on such day as it may by resolution determine and may adjourn such
24 meetings as may be required for the transaction of business. Special
25 meetings of the board may be called at any time by a majority of the
26 commissioners or by the secretary and the (~~chairman~~) chair of the
27 board. Any commissioner not joining in the call of a special meeting
28 shall be entitled to three days written notice by mail of such meeting,
29 specifying generally the business to be transacted. All meetings of
30 the board of cemetery commissioners shall be public and a majority
31 shall constitute a quorum. All records of the board shall be open to
32 the inspection of any elector of the district at any meeting of the
33 board. The board shall adopt a seal for the district; manage and
34 conduct the affairs of the district; make and execute all necessary
35 contracts; employ any necessary service, and promulgate reasonable
36 rules and regulations for the government of the district and the

1 performance of its functions and generally perform all acts which may
2 be necessary to carry out the purposes for which the district was
3 formed.

4 **Sec. 322.** RCW 68.54.040 and 1969 ex.s. c 78 s 4 are each amended
5 to read as follows:

6 The board of the merger district may, by resolution, reject the
7 petition, or it may concur therein as presented, or it may modify the
8 terms and conditions of the proposed merger, and shall transmit the
9 petition, together with a copy of its resolution thereon to the merging
10 district. If the petition is concurred in as presented or as modified,
11 the board of the merging district shall forthwith present the petition
12 to the auditor of the county in which the merging district is situated,
13 who shall within thirty days examine the signatures thereon and certify
14 to the sufficiency or insufficiency thereof, and for that purpose he or
15 she shall have access to all registration books and records in the
16 possession of the registration officers of the election precincts
17 included, in whole or in part, within the merging district. Such books
18 and records shall be prima facie evidence of truth of the certificate.
19 No signatures may be withdrawn from the petition after the filing.

20 **Sec. 323.** RCW 68.54.050 and 1969 ex.s. c 78 s 5 are each amended
21 to read as follows:

22 If the auditor finds that the petition contains the signatures of
23 a sufficient number of qualified electors, he or she shall return it,
24 together with his or her certificate of sufficiency attached thereto,
25 to the board of the merging district. Thereupon such board shall adopt
26 a resolution, calling a special election in the merging district, at
27 which shall be submitted to the electors thereof, the question of the
28 merger.

29 **Sec. 324.** RCW 68.54.070 and 1969 ex.s. c 78 s 7 are each amended
30 to read as follows:

31 If three-fifths of all the qualified electors in the merging
32 district sign the petition to merge, no election on the question of the
33 merger is necessary. In such case, the auditor shall return the
34 petition, together with his or her certificate of sufficiency attached
35 thereto, to the board of the merging district. Thereupon the boards of

1 the respective districts shall adopt their concurrent resolutions of
2 merger in the same manner and to the same effect as if the merger had
3 been authorized by an election.

4 **Sec. 325.** RCW 68.54.110 and 1969 ex.s. c 78 s 11 are each amended
5 to read as follows:

6 If three-fifths of all the qualified electors in the area to be
7 merged sign a petition to merge the districts, no election on the
8 question of the merger is necessary, in which case the auditor shall
9 return the petition, together with his or her certificate of
10 sufficiency attached thereto, to the boards of the merging districts.
11 Thereupon the boards of the respective districts shall adopt their
12 concurrent resolutions of transfer in the same manner and to the same
13 effect as if the same had been authorized by an election.

14 **Sec. 326.** RCW 68.56.020 and 1943 c 247 s 37 are each amended to
15 read as follows:

16 Any person violating any provision of RCW (~~68.48.010~~) 68.56.010
17 is liable, in a civil action by and in the name of the cemetery
18 authority, to pay all damages occasioned by his or her unlawful acts.
19 The sum recovered shall be applied in payment for the repair and
20 restoration of the property injured or destroyed.

21 **Sec. 327.** RCW 68.56.060 and 1943 c 247 s 55 are each amended to
22 read as follows:

23 The sexton, superintendent, or other person in charge of a
24 cemetery, and such other persons as the cemetery authority designates
25 have the authority of a police officer for the purpose of maintaining
26 order, enforcing the rules and regulations of the cemetery association,
27 the laws of the state, and the ordinances of the city or county, within
28 the cemetery over which he or she has charge, and within such radius as
29 may be necessary to protect the cemetery property.

30 **Sec. 328.** RCW 69.04.006 and 1945 c 257 s 7 are each amended to
31 read as follows:

32 The term "director" means the director of the department of
33 agriculture of the state of Washington and his or her duly authorized
34 representatives.

1 **Sec. 329.** RCW 69.04.080 and 1945 c 257 s 26 are each amended to
2 read as follows:

3 No person shall be subject to the penalties of RCW 69.04.060:

4 (1) For having violated RCW 69.04.040(3), if he or she establishes
5 that he or she received and sold such article in good faith, unless he
6 or she refuses on request of the director to furnish the name and
7 address of the person in the state of Washington from whom he or she
8 received such article and copies of all available documents pertaining
9 to his or her receipt thereof; or

10 (2) For having violated RCW 69.04.040 (1), (3), or (4), if he or
11 she establishes a guaranty or undertaking signed by, and containing the
12 name and address of, the person in the state of Washington from whom he
13 or she received such article in good faith, to the effect that such
14 article complies with this chapter; or

15 (3) For having violated RCW 69.04.040(5), if he or she establishes
16 a guaranty or undertaking signed by, and containing the name and
17 address of, the person in the state of Washington from whom he or she
18 received such advertisement in good faith, to the effect that such
19 advertisement complies with this chapter; or

20 (4) For having violated RCW 69.04.040(9), if he or she establishes
21 that he or she gave such guaranty or undertaking in good faith and in
22 reliance on a guaranty or undertaking to him or her, which guaranty or
23 undertaking was to the same effect and was signed by, and contained the
24 name and address of, a person in the state of Washington.

25 **Sec. 330.** RCW 69.04.090 and 1945 c 257 s 27 are each amended to
26 read as follows:

27 No publisher, radio broadcast licensee, advertising agency, or
28 agency or medium for the dissemination of an advertisement, except the
29 manufacturer, packer, distributor, or seller of the article to which
30 the advertisement relates, shall be subject to the penalties of RCW
31 69.04.060 by reason of his or her dissemination of any false
32 advertisement, unless he or she has refused on the request of the
33 director to furnish the name and address of the manufacturer, packer,
34 distributor, seller, or advertising agency in the state of Washington,
35 who caused him or her to disseminate such false advertisement.

1 **Sec. 331.** RCW 69.04.160 and 1945 c 257 s 34 are each amended to
2 read as follows:

3 (1) It shall be the duty of each state attorney, county attorney,
4 or city attorney to whom the director reports any violation of this
5 chapter, or regulations promulgated under it, to cause appropriate
6 proceedings to be instituted in the proper courts, without delay, and
7 to be duly prosecuted as prescribed by law.

8 (2) Before any violation of this chapter is reported by the
9 director to any such attorney for the institution of a criminal
10 proceeding, the person against whom such proceeding is contemplated
11 shall be given appropriate notice and an opportunity to present his or
12 her views to the director, either orally or in writing, with regard to
13 such contemplated proceeding.

14 **Sec. 332.** RCW 69.04.170 and 1945 c 257 s 35 are each amended to
15 read as follows:

16 Nothing in this chapter shall be construed as requiring the
17 director to report for the institution of proceedings under this
18 chapter, minor violations of this chapter, whenever he or she believes
19 that the public interest will be adequately served in the circumstances
20 by a suitable written notice or warning.

21 **Sec. 333.** RCW 69.04.190 and 1945 c 257 s 37 are each amended to
22 read as follows:

23 Whenever in the judgment of the director such action will promote
24 honesty and fair dealing in the interest of consumers, he or she shall
25 promulgate regulations fixing and establishing for any food, under its
26 common or usual name so far as practicable, a reasonable definition and
27 standard of identity, a reasonable standard of quality, and/or
28 reasonable standards of fill of container. In prescribing any standard
29 of fill of container, consideration shall be given to and due allowance
30 shall be made for product or volume shrinkage or expansion unavoidable
31 in good commercial practice, and need for packing and protective
32 material. In prescribing any standard of quality for any canned fruit
33 or canned vegetable, consideration shall be given to and due allowance
34 shall be made for the differing characteristics of the several
35 varieties thereof. In prescribing a definition and standard of
36 identity for any food or class of food in which optional ingredients

1 are permitted, the director shall, for the purpose of promoting honesty
2 and fair dealing in the interest of consumers, designate the optional
3 ingredients which shall be named on the label.

4 **Sec. 334.** RCW 69.04.206 and 1971 c 49 s 2 are each amended to read
5 as follows:

6 The director of the department of agriculture is hereby authorized
7 to promulgate rules, regulations, and standards for the implementation
8 of RCW 69.04.205 through 69.04.207. If the director has reason to
9 believe that any packaging method, package, or container in use or
10 proposed for use with respect to the marketing of bacon is false or
11 misleading in any particular, or does not meet the requirements of RCW
12 69.04.205, he or she may direct that such use be withheld unless the
13 packaging method, package, or container is modified in such manner as
14 he of she may prescribe so that it will not be false or misleading. If
15 the person, firm, or corporation using or proposing to use the
16 packaging method, package, or container does not accept the
17 determination of the director such person, firm, or corporation may
18 request a hearing, but the use of the packaging method, package, or
19 container shall, if the director so directs, be withheld pending
20 hearing and final determination by the director. Any such
21 determination by the director shall be conclusive unless, within thirty
22 days after receipt of notice of such final determination, the person,
23 firm, or corporation adversely affected thereby appeals to a court of
24 proper jurisdiction.

25 **Sec. 335.** RCW 69.04.350 and 1945 c 257 s 53 are each amended to
26 read as follows:

27 Whenever the director finds after investigation that the
28 distribution in intrastate commerce of any class of food may, by reason
29 of contamination with micro-organisms during the manufacture,
30 processing, or packing thereof in any locality, be injurious to health,
31 and that such injurious nature cannot be adequately determined after
32 such articles have entered intrastate commerce, he or she then, and in
33 such case only, shall promulgate regulations providing for the
34 issuance, to manufacturers, processors, or packers of such class of
35 food in such locality, of permits to which shall be attached such
36 conditions governing the manufacture, processing, or packing of such

1 class of food, for such temporary period of time, as may be necessary
2 to protect the public health; and after the effective date of such
3 regulations, and during such temporary period, no person shall
4 introduce or deliver for introduction into intrastate commerce, any
5 such food manufactured, processed, or packed by any such manufacturer,
6 processor, or packer unless such manufacturer, processor, or packer
7 holds a permit issued by the director as provided by such regulations.
8 Insofar as practicable, such regulations shall conform with, shall
9 specify the conditions prescribed by, and shall remain in effect only
10 so long as those promulgated under section 404(a) of the federal act.

11 **Sec. 336.** RCW 69.04.390 and 1963 c 198 s 2 are each amended to
12 read as follows:

13 Any poisonous or deleterious substance added to any food, except
14 where such substance is required in the production thereof or cannot be
15 avoided by good manufacturing practice, shall be deemed unsafe for
16 purposes of the application of (~~clause (2)(a) of~~) RCW
17 69.04.210(2)(a); but when such substance is so required or cannot be so
18 avoided, the director shall promulgate regulations limiting the
19 quantity therein or thereon to such extent as he or she finds necessary
20 for the protection of public health, and any quantity exceeding the
21 limits so fixed shall also be deemed unsafe for purposes of the
22 application of (~~clause (2)(a) of~~) RCW 69.04.210(2)(a). While such a
23 regulation is in effect limiting the quantity of any such substance in
24 the case of any food, such food shall not, by reason of bearing or
25 containing any added amount of such substance, be considered to be
26 adulterated within the meaning of (~~clause (1) of~~) RCW 69.04.210(1).
27 In determining the quantity of such added substance to be tolerated in
28 or on different articles of food, the director shall take into account
29 the extent to which the use of such substance is required or cannot be
30 avoided in the production of each such article, and the other ways in
31 which the consumer may be affected by the same or other poisonous or
32 deleterious substances.

33 **Sec. 337.** RCW 69.04.392 and 1975 1st ex.s. c 7 s 26 are each
34 amended to read as follows:

35 (1) Any poisonous or deleterious pesticide chemical, or any
36 pesticide chemical which generally is recognized among experts

1 qualified by scientific training and experience to evaluate the safety
2 of pesticide chemicals as unsafe for use, added to a raw agricultural
3 commodity, shall be deemed unsafe for the purpose of the application of
4 (~~clause (2) of~~) RCW 69.04.210(2)(a) unless:

5 (a) A tolerance for such pesticide chemical in or on the raw
6 agricultural commodity has been prescribed pursuant to subsection (2)
7 (~~hereof~~) of this section and the quantity of such pesticide chemical
8 in or on the raw agricultural commodity is within the limits of the
9 tolerance so prescribed; or

10 (b) With respect to use in or on such raw agricultural commodity,
11 the pesticide chemical has been exempted from the requirement of a
12 tolerance pursuant to subsection (2) (~~hereof~~) of this section.

13 While a tolerance or exemption from tolerance is in effect for a
14 pesticide chemical with respect to any raw agricultural commodity, such
15 raw agricultural commodity shall not, by reason of bearing or
16 containing any added amount of such pesticide chemical, be considered
17 to be adulterated within the meaning of (~~clause (1) of~~) RCW
18 69.04.210(1).

19 (2) The regulations promulgated under section 408 of the federal
20 food, drug and cosmetic act, as of July 1, 1975, setting forth the
21 tolerances for pesticide chemicals in or on any raw agricultural
22 commodity, are hereby adopted as the regulations for tolerances
23 applicable to this chapter: PROVIDED, That the director is hereby
24 authorized to adopt by regulation any new or future amendments to such
25 federal regulations for tolerances, including exemption from tolerance
26 and zero tolerances, to the extent necessary to protect the public
27 health. The director is also authorized to issue regulations in the
28 absence of federal regulations and to prescribe therein tolerances for
29 pesticides, exemptions, and zero tolerances, upon his or her own motion
30 or upon the petition of any interested party requesting that such a
31 regulation be established. It shall be incumbent upon such petitioner
32 to establish, by data submitted to the director, that a necessity
33 exists for such regulation and that the effect of such regulation will
34 not be detrimental to the public health. If the data furnished by the
35 petitioner is not sufficient to allow the director to determine whether
36 such a regulation should be promulgated, the director may require
37 additional data to be submitted and failure to comply with this request

1 shall be sufficient grounds to deny the request of the petitioner for
2 the issuance of such regulation.

3 (3) In adopting any new or amended tolerances by regulation issued
4 pursuant to this section, the director shall give appropriate
5 consideration, among other relevant factors, to the following: (a) The
6 purpose of this chapter being to promote uniformity of state
7 legislation with the federal act; (b) the necessity for the production
8 of an adequate, wholesome, and economical food supply; (c) the other
9 ways in which the consumer may be affected by the same pesticide
10 chemical or by other related substances that are poisonous or
11 deleterious; and (d) the opinion of experts qualified by scientific
12 training and experience to determine the proper tolerance to be allowed
13 for any pesticide chemical.

14 **Sec. 338.** RCW 69.04.570 and 1945 c 257 s 75 are each amended to
15 read as follows:

16 No person shall introduce or deliver for introduction into
17 intrastate commerce any new drug which is subject to section 505 of the
18 federal act unless an application with respect to such drug has become
19 effective thereunder. No person shall introduce or deliver for
20 introduction into intrastate commerce any new drug which is not subject
21 to section 505 of the federal act, unless (1) it has been found, by
22 appropriate tests, that such drug is not unsafe for use under the
23 conditions prescribed, recommended, or suggested in the labeling
24 thereof; and (2) an application has been filed under this section of
25 this chapter with respect to such drug: PROVIDED, That the requirement
26 of (~~clause~~) subsection (2) of this section shall not apply to any
27 drug introduced into intrastate commerce at any time prior to the
28 enactment of this chapter or introduced into interstate commerce at any
29 time prior to the enactment of the federal act: PROVIDED FURTHER, That
30 if the director finds that the requirement of (~~clause~~) subsection (2)
31 of this section as applied to any drug or class of drugs, is not
32 necessary for the protection of the public health, he or she shall
33 promulgate regulations of exemption accordingly.

34 **Sec. 339.** RCW 69.04.600 and 1945 c 257 s 78 are each amended to
35 read as follows:

36 If the director finds, upon the basis of the information before him

1 or her and after due notice and opportunity for hearing to the
2 applicant, that the drug, subject to the application, is not safe for
3 use under the conditions prescribed, recommended, or suggested in the
4 labeling thereof, he or she shall, prior to such effective date, issue
5 an order refusing to permit such application to become effective and
6 stating the findings upon which it is based.

7 **Sec. 340.** RCW 69.04.620 and 1945 c 257 s 80 are each amended to
8 read as follows:

9 Orders of the director issued under RCW 69.04.600 shall be served
10 (1) in person by a duly authorized representative of the director or
11 (2) by mailing the order by registered mail addressed to the applicant
12 or respondent at his or her address last known to the director.

13 **Sec. 341.** RCW 69.04.750 and 1945 c 257 s 93 are each amended to
14 read as follows:

15 Hearings authorized or required by this chapter shall be conducted
16 by the director or his or her duly authorized representative designated
17 for the purpose.

18 **Sec. 342.** RCW 69.04.790 and 1945 c 257 s 97 are each amended to
19 read as follows:

20 Where a sample or specimen of any such article is taken for
21 examination under this chapter, the director shall, upon request,
22 provide a part thereof for examination by any person named on the label
23 of such article, or the owner thereof, or his or her attorney or agent;
24 except that the director is authorized, by regulation, to make such
25 reasonable exceptions from, and to impose such reasonable terms and
26 conditions relating to, the operation of this section as he or she
27 finds necessary for the proper administration of the provisions of this
28 chapter.

29 **Sec. 343.** RCW 69.04.840 and 1945 c 257 s 102 are each amended to
30 read as follows:

31 The director may cause to be disseminated information regarding
32 food, drugs, devices, or cosmetics in situations involving, in the
33 opinion of the director, imminent danger to health or gross deception
34 of, or fraud upon, the consumer. Nothing in this section shall be

1 construed to prohibit the director from collecting, reporting, and
2 illustrating the results of his or her examinations and investigations
3 under this chapter.

4 **Sec. 344.** RCW 69.04.915 and 1989 1st ex.s. c 9 s 225 are each
5 amended to read as follows:

6 The director of the department of agriculture shall by rule and
7 regulation establish uniform standards for pull date labeling, and
8 optimum storage conditions of perishable packaged food goods. In
9 addition to his or her other duties, the director, in consultation with
10 the secretary of the department of health where appropriate, may
11 promulgate such other rules and regulations as may be necessary to
12 carry out the purposes of RCW 69.04.900 through 69.04.920.

13 **Sec. 345.** RCW 69.07.060 and 1991 c 137 s 5 are each amended to
14 read as follows:

15 The director may, subsequent to a hearing thereon, deny, suspend,
16 or revoke any license provided for in this chapter if he or she
17 determines that an applicant has committed any of the following acts:

18 (1) Refused, neglected, or failed to comply with the provisions of
19 this chapter, the rules and regulations adopted hereunder, or any
20 lawful order of the director.

21 (2) Refused, neglected, or failed to keep and maintain records
22 required by this chapter, or to make such records available when
23 requested pursuant to the provisions of this chapter.

24 (3) Refused the department access to any portion or area of the
25 food processing plant for the purpose of carrying out the provisions of
26 this chapter.

27 (4) Refused the department access to any records required to be
28 kept under the provisions of this chapter.

29 (5) Refused, neglected, or failed to comply with any provisions of
30 chapter 69.04 RCW, Washington food, drug, and cosmetic act, or any
31 regulations adopted thereunder.

32 The provisions of this section requiring that a hearing be
33 conducted before an action may be taken against a license do not apply
34 to an action taken under RCW 69.07.065.

1 **Sec. 346.** RCW 69.25.080 and 1975 1st ex.s. c 201 s 9 are each
2 amended to read as follows:

3 (1) For the purpose of preventing the entry into or movement in
4 intrastate commerce of any egg product which is capable of use as human
5 food and is misbranded or adulterated, the director shall, whenever
6 processing operations are being conducted, unless under inspection by
7 the United States department of agriculture, cause continuous
8 inspection to be made, in accordance with the regulations promulgated
9 under this chapter, of the processing of egg products, in each plant
10 processing egg products for commerce, unless exempted under RCW
11 69.25.170. Without restricting the application of the preceding
12 sentence to other kinds of establishments within its provisions, any
13 food manufacturing establishment, institution, or restaurant which uses
14 any eggs that do not meet the requirements of RCW 69.25.170(1)(a) in
15 the preparation of any articles for human food, shall be deemed to be
16 a plant processing egg products, with respect to such operations.

17 (2) The director, at any time, shall cause such retention,
18 segregation, and reinspection as he or she deems necessary of eggs and
19 egg products capable of use as human food in each official plant.

20 (3) Eggs and egg products found to be adulterated at official
21 plants shall be condemned, and if no appeal be taken from such
22 determination or condemnation, such articles shall be destroyed for
23 human food purposes under the supervision of an inspector: PROVIDED,
24 That articles which may by reprocessing be made not adulterated need
25 not be condemned and destroyed if so reprocessed under the supervision
26 of an inspector and thereafter found to be not adulterated. If an
27 appeal be taken from such determination, the eggs or egg products shall
28 be appropriately marked and segregated pending completion of an appeal
29 inspection, which appeal shall be at the cost of the appellant if the
30 director determines that the appeal is frivolous. If the determination
31 of condemnation is sustained, the eggs or egg products shall be
32 destroyed for human food purposes under the supervision of an
33 inspector.

34 (4) The director shall cause such other inspections to be made of
35 the business premises, facilities, inventory, operations, and records
36 of egg handlers, and the records and inventory of other persons
37 required to keep records under RCW 69.25.140, as he or she deems
38 appropriate (and in the case of shell egg packers, packing eggs for the

1 ultimate consumer, at least once each calendar quarter) to assure that
2 only eggs fit for human food are used for such purpose, and otherwise
3 to assure compliance by egg handlers and other persons with the
4 requirements of RCW 69.25.140, except that the director shall cause
5 such inspections to be made as he or she deems appropriate to assure
6 compliance with such requirements at food manufacturing establishments,
7 institutions, and restaurants, other than plants processing egg
8 products. Representatives of the director shall be afforded access to
9 all such places of business for purposes of making the inspections
10 provided for in this chapter.

11 **Sec. 347.** RCW 69.25.100 and 1975 1st ex.s. c 201 s 11 are each
12 amended to read as follows:

13 (1) Egg products inspected at any official plant under the
14 authority of this chapter and found to be not adulterated shall be
15 pasteurized before they leave the official plant, except as otherwise
16 permitted by regulations of the director, and shall at the time they
17 leave the official plant, bear in distinctly legible form on their
18 shipping containers or immediate containers, or both, when required by
19 regulations of the director, the official inspection legend and
20 official plant number, of the plant where the products were processed,
21 and such other information as the director may require by regulations
22 to describe the products adequately and to assure that they will not
23 have false or misleading labeling.

24 (2) No labeling or container shall be used for egg products at
25 official plants if it is false or misleading or has not been approved
26 as required by the regulations of the director. If the director has
27 reason to believe that any labeling or the size or form of any
28 container in use or proposed for use with respect to egg products at
29 any official plant is false or misleading in any particular, he or she
30 may direct that such use be withheld unless the labeling or container
31 is modified in such manner as he or she may prescribe so that it will
32 not be false or misleading. If the person using or proposing to use
33 the labeling or container does not accept the determination of the
34 director, such person may request a hearing, but the use of the
35 labeling or container shall, if the director so directs, be withheld
36 pending hearing and final determination by the director. Any such
37 determination by the director shall be conclusive unless, within thirty

1 days after receipt of notice of such final determination, the person
2 adversely affected thereby appeals to the superior court in the county
3 in which such person has its principal place of business.

4 **Sec. 348.** RCW 69.25.110 and 1975 1st ex.s. c 201 s 12 are each
5 amended to read as follows:

6 (1) No person shall buy, sell, or transport, or offer to buy or
7 sell, or offer or receive for transportation, in any business in
8 intrastate commerce any restricted eggs, capable of use as human food,
9 except as authorized by regulations of the director under such
10 conditions as he or she may prescribe to assure that only eggs fit for
11 human food are used for such purpose.

12 (2) No egg handler shall possess with intent to use, or use, any
13 restricted eggs in the preparation of human food for intrastate
14 commerce except that such eggs may be so possessed and used when
15 authorized by regulations of the director under such conditions as he
16 or she may prescribe to assure that only eggs fit for human food are
17 used for such purpose.

18 (3) No person shall process any egg products for intrastate
19 commerce at any plant except in compliance with the requirements of
20 this chapter.

21 (4) No person shall buy, sell, or transport, or offer to buy or
22 sell, or offer or receive for transportation, in intrastate commerce
23 any egg products required to be inspected under this chapter unless
24 they have been so inspected and are labeled and packaged in accordance
25 with the requirements of RCW 69.25.100.

26 (5) No operator of any official plant shall allow any egg products
27 to be moved from such plant if they are adulterated or misbranded and
28 capable of use as human food.

29 (6) No person shall:

30 (a) Manufacture, cast, print, lithograph, or otherwise make any
31 device containing any official mark or simulation thereof, or any label
32 bearing any such mark or simulation, or any form of official
33 certificate or simulation thereof, except as authorized by the
34 director;

35 (b) Forge or alter any official device, mark, or certificate;

36 (c) Without authorization from the director, use any official
37 device, mark, or certificate, or simulation thereof, or detach, deface,

1 or destroy any official device or mark; or use any labeling or
2 container ordered to be withheld from use under RCW 69.25.100 after
3 final judicial affirmance of such order or expiration of the time for
4 appeal if no appeal is taken under said section;

5 (d) Contrary to the regulations prescribed by the director, fail to
6 use, or to detach, deface, or destroy any official device, mark, or
7 certificate;

8 (e) Knowingly possess, without promptly notifying the director or
9 his or her representative, any official device or any counterfeit,
10 simulated, forged, or improperly altered official certificate or any
11 device or label, or any eggs or egg products bearing any counterfeit,
12 simulated, forged, or improperly altered official mark;

13 (f) Knowingly make any false statement in any shipper's certificate
14 or other nonofficial or official certificate provided for in the
15 regulations prescribed by the director;

16 (g) Knowingly represent that any article has been inspected or
17 exempted, under this chapter when in fact it has not been so inspected
18 or exempted; and

19 (h) Refuse access, at any reasonable time, to any representative of
20 the director, to any plant or other place of business subject to
21 inspection under any provisions of this chapter.

22 (7) No person, while an official or employee of the state or local
23 governmental agency, or thereafter, shall use to his or her own
24 advantage, or reveal other than to the authorized representatives of
25 the United States government or the state in their official capacity,
26 or as ordered by a court in a judicial proceeding, any information
27 acquired under the authority of this chapter concerning any matter
28 which the originator or relator of such information claims to be
29 entitled to protection as a trade secret.

30 **Sec. 349.** RCW 69.25.120 and 1975 1st ex.s. c 201 s 13 are each
31 amended to read as follows:

32 The director shall, whenever he or she determines that it would
33 effectuate the purposes of this chapter, cooperate with any state,
34 federal, or other governmental agencies in carrying out any provisions
35 of this chapter. In carrying out the provisions of this chapter, the
36 director may conduct such examinations, investigations, and inspections

1 as he or she determines practicable through any officer or employee of
2 any such agency commissioned by him or her for such purpose.

3 **Sec. 350.** RCW 69.25.140 and 1975 1st ex.s. c 201 s 15 are each
4 amended to read as follows:

5 For the purpose of enforcing the provisions of this chapter and the
6 regulations promulgated thereunder, all persons engaged in the business
7 of transporting, shipping, or receiving any eggs or egg products in
8 intrastate commerce or in interstate commerce, or holding such articles
9 so received, and all egg handlers, shall maintain such records showing,
10 for such time and in such form and manner, as the director may
11 prescribe, to the extent that they are concerned therewith, the
12 receipt, delivery, sale, movement, and disposition of all eggs and egg
13 products handled by them, and shall, upon the request of the director,
14 permit him or her at reasonable times to have access to and to copy all
15 such records.

16 **Sec. 351.** RCW 69.25.170 and 1995 c 374 s 28 are each amended to
17 read as follows:

18 (1) The director may, by regulation and under such conditions and
19 procedures as he or she may prescribe, exempt from specific provisions
20 of this chapter:

21 (a) The sale, transportation, possession, or use of eggs which
22 contain no more restricted eggs than are allowed by the tolerance in
23 the official state standards for consumer grades for shell eggs;

24 (b) The processing of egg products at any plant where the
25 facilities and operating procedures meet such sanitary standards as may
26 be prescribed by the director, and where the eggs received or used in
27 the manufacture of egg products contain no more restricted eggs than
28 are allowed by the official standards of the state consumer grades for
29 shell eggs, and the egg products processed at such plant;

30 (c) The sale of eggs by any poultry producer from his or her own
31 flocks directly to a household consumer exclusively for use by such
32 consumer and members of his or her household and his or her nonpaying
33 guests and employees, and the transportation, possession, and use of
34 such eggs in accordance with this subsection;

35 (d) The sale of eggs by shell egg packers on his or her own
36 premises directly to household consumers for use by such consumer and

1 members of his or her household and his or her nonpaying guests and
2 employees, and the transportation, possession, and use of such eggs in
3 accordance with this subsection;

4 (e) The sale of eggs by any egg producer with an annual egg
5 production from a flock of three thousand hens or less.

6 (2) The director may modify or revoke any regulation granting
7 exemption under this chapter whenever he or she deems such action
8 appropriate to effectuate the purposes of this chapter.

9 **Sec. 352.** RCW 69.25.180 and 1975 1st ex.s. c 201 s 19 are each
10 amended to read as follows:

11 The director may limit the entry of eggs and egg products and other
12 materials into official plants under such conditions as he or she may
13 prescribe to assure that allowing the entry of such articles into such
14 plants will be consistent with the purposes of this chapter.

15 **Sec. 353.** RCW 69.25.200 and 1975 1st ex.s. c 201 s 21 are each
16 amended to read as follows:

17 When the director has embargoed any eggs or egg products, he or she
18 shall petition the superior court of the county in which the eggs or
19 egg products are located for an order affirming such embargo. Such
20 court shall have jurisdiction for cause shown and after a prompt
21 hearing to any claimant of eggs or egg products, shall issue an order
22 which directs the removal of such embargo or the destruction or
23 correction and release of such eggs and egg products. An order for
24 destruction or the correction and release of such eggs and egg products
25 shall contain such provision for the payment of pertinent court costs
26 and fees and administrative expenses as is equitable and which the
27 court deems appropriate in the circumstances. An order for correction
28 and release may contain such provisions for a bond as the court finds
29 indicated in the circumstance.

30 **Sec. 354.** RCW 69.25.260 and 1979 ex.s. c 238 s 10 are each amended
31 to read as follows:

32 Any egg handler or dealer may prepay the assessment provided for in
33 RCW 69.25.250 by purchasing Washington state egg seals from the
34 director to be placed on egg containers showing that the proper
35 assessment has been paid. Any carton manufacturer or printer may apply

1 to the director for a permit to place reasonable facsimiles of the
2 Washington state egg seals to be imprinted on egg containers or on the
3 identification labels which show egg grade and size and the name of the
4 egg handler or dealer. The director shall, from time to time,
5 prescribe rules and regulations governing the affixing of seals and he
6 or she is authorized to cancel any such permit issued pursuant to this
7 chapter, whenever he or she finds that a violation of the terms under
8 which the permit has been granted has been violated.

9 **Sec. 355.** RCW 69.25.320 and 1995 c 374 s 31 are each amended to
10 read as follows:

11 (1) In addition to any other records required to be kept and
12 furnished the director under the provisions of this chapter, the
13 director may require any person who sells to any retailer, or to any
14 restaurant, hotel, boarding house, bakery, or any institution or
15 concern which purchases eggs for serving to guests or patrons thereof
16 or for its use in preparation of any food product for human
17 consumption, candled or graded eggs other than those of his or her own
18 production sold and delivered on the premises where produced, to
19 furnish that retailer or other purchaser with an invoice covering each
20 such sale, showing the exact grade or quality, and the size or weight
21 of the eggs sold, according to the standards prescribed by the
22 director, together with the name and address of the person by whom the
23 eggs were sold. The person selling and the retailer or other purchaser
24 shall keep a copy of said invoice on file at his or her place of
25 business for a period of thirty days, during which time the copy shall
26 be available for inspection at all reasonable times by the director:
27 PROVIDED, That no retailer or other purchaser shall be guilty of a
28 violation of this chapter if he or she can establish a guarantee from
29 the person from whom the eggs were purchased to the effect that they,
30 at the time of purchase, conformed to the information required by the
31 director on such invoice: PROVIDED FURTHER, That if the retailer or
32 other purchaser having labeled any such eggs in accordance with the
33 invoice keeps them for such a time after they are purchased as to cause
34 them to deteriorate to a lower grade or standard, and sells them under
35 the label of the invoice grade or standard, he or she shall be guilty
36 of a violation of this chapter.

1 (2) Each retailer and each distributor shall store shell eggs
2 awaiting sale or display eggs under clean and sanitary conditions in
3 areas free from rodents and insects. Shell eggs must be stored up off
4 the floor away from strong odors, pesticides, and cleaners.

5 (3) After being received at the point of first purchase, all graded
6 shell eggs packed in containers for the purpose of sale to consumers
7 shall be held and transported under refrigeration at ambient
8 temperatures no greater than forty-five degrees Fahrenheit (seven and
9 two-tenths degrees Celsius). This provision shall apply without
10 limitation to retailers, institutional users, dealer/wholesalers, food
11 handlers, transportation firms, or any person who handles eggs after
12 the point of first purchase.

13 (4) No invoice shall be required on eggs when packed for sale to
14 the United States department of defense, or a component thereof, if
15 labeled with grades promulgated by the United States secretary of
16 agriculture.

17 **Sec. 356.** RCW 69.28.020 and 1939 c 199 s 29 are each amended to
18 read as follows:

19 The director is hereby empowered, through his or her duly
20 authorized agents, to enforce all provisions of this chapter. The
21 director shall have the power to define, promulgate, and enforce such
22 reasonable regulations as he or she may deem necessary in carrying out
23 the provisions of this chapter.

24 **Sec. 357.** RCW 69.28.030 and 1939 c 199 s 24 are each amended to
25 read as follows:

26 The director is hereby authorized, and it shall be his or her duty,
27 upon the taking effect of this chapter and from time to time
28 thereafter, to adopt, establish, and promulgate reasonable rules and
29 regulations specifying grades or standards of quality governing the
30 sale of honey: PROVIDED, That, in the interest of uniformity, such
31 grades and standards of quality shall conform as nearly to those
32 established by the United States department of agriculture as local
33 conditions will permit.

34 **Sec. 358.** RCW 69.28.040 and 1939 c 199 s 28 are each amended to
35 read as follows:

1 The director or any of his or her duly authorized agents shall have
2 the power to enter and inspect at reasonable times every place,
3 vehicle, plant, or other place where honey is being produced, stored,
4 packed, transported, exposed, or offered for sale, and to inspect all
5 such honey and the containers thereof and to take for inspection such
6 samples of said honey as may be necessary.

7 **Sec. 359.** RCW 69.28.190 and 1939 c 199 s 2 are each amended to
8 read as follows:

9 The term "director" means the director of agriculture of the state
10 of Washington or his or her duly authorized representative.

11 **Sec. 360.** RCW 69.28.410 and 1975 1st ex.s. c 283 s 3 are each
12 amended to read as follows:

13 Whenever the director shall find, or shall have probable cause to
14 believe, that any honey or product subject to the provisions of this
15 chapter, as now or hereafter amended, is in intrastate commerce, which
16 was introduced into such intrastate commerce in violation of the
17 provisions of this chapter, as now or hereafter amended, he or she is
18 hereby authorized to affix to such honey or product a notice placing an
19 embargo on such honey or product, and prohibiting its sale in
20 intrastate commerce, and no person shall move or sell such honey or
21 product without first receiving permission from the director to move or
22 sell such honey or product. But if, after such honey or product has
23 been embargoed, the director shall find that such honey or product does
24 not involve a violation of this chapter, as now or hereafter amended,
25 such embargo shall be forthwith removed.

26 **Sec. 361.** RCW 69.28.420 and 1975 1st ex.s. c 283 s 4 are each
27 amended to read as follows:

28 When the director has embargoed any honey or product, he or she
29 shall, no later than twenty days after the affixing of notice of its
30 embargo, petition the superior court for an order affirming such
31 embargo. Such court shall then have jurisdiction, for cause shown and
32 after prompt hearing to any claimant of such honey or product, to issue
33 an order which directs the removal of such embargo or the destruction
34 or the correction and release of such honey or product. An order for
35 destruction or correction and release shall contain such provision for

1 the payment of pertinent court costs and fees and administrative
2 expenses, as is equitable and which the court deems appropriate in the
3 circumstances. An order for correction and release may contain such
4 provision for bond, as the court finds indicated in the circumstances.

5 **Sec. 362.** RCW 69.36.010 and 1929 c 82 s 1 are each amended to read
6 as follows:

7 In this chapter, unless the context or subject matter otherwise
8 requires((~~τ~~));

9 (1) The term "dangerous caustic or corrosive substance" means each
10 and all of the acids, alkalis, and substances named below: (a)
11 Hydrochloric acid and any preparation containing free or chemically
12 unneutralized hydrochloric acid (HCl) in a concentration of ten percent
13 or more; (b) sulphuric acid and any preparation containing free or
14 chemically unneutralized sulphuric acid (H₂SO₄) in concentration of ten
15 percent or more; (c) nitric acid or any preparation containing free or
16 chemically unneutralized nitric acid (HNO₃) in a concentration of five
17 percent or more; (d) carbolic acid (C₆H₅OH), otherwise known as phenol,
18 and any preparation containing carbolic acid in a concentration of five
19 percent or more; (e) oxalic acid and any preparation containing free or
20 chemically unneutralized oxalic acid (H₂C₂O₄) in a concentration of ten
21 percent or more; (f) any salt of oxalic acid and any preparation
22 containing any such salt in a concentration of ten percent or more; (g)
23 acetic acid or any preparation containing free or chemically
24 unneutralized acetic acid (HC₂H₃O₂) in a concentration of twenty percent
25 or more; (h) hypochlorous acid, either free or combined, and any
26 preparation containing the same in a concentration so as to yield ten
27 percent or more by weight of available chlorine, excluding calx
28 chlorinata, bleaching powder, and chloride of lime; (i) potassium
29 hydroxide and any preparation containing free or chemically
30 unneutralized potassium hydroxide (KOH), including caustic potash and
31 Vienna paste, in a concentration of ten percent or more; (j) sodium
32 hydroxide and any preparation containing free or chemically
33 unneutralized sodium hydroxide (NaOH), including caustic soda and lye,
34 in a concentration of ten percent or more; (k) silver nitrate,
35 sometimes known as lunar caustic, and any preparation containing silver
36 nitrate (AgNO₃) in a concentration of five percent or more((~~τ~~)); and (l)

1 ammonia water and any preparation yielding free or chemically
2 uncombined ammonia (NH₃), including ammonium hydroxide and "hartshorn",
3 in a concentration of five percent or more.

4 (2) The term "misbranded parcel, package, or container" means a
5 retail parcel, package, or container of any dangerous caustic or
6 corrosive substance for household use, not bearing a conspicuous,
7 easily legible label or sticker, containing (a) the name of the
8 article; (b) the name and place of business of the manufacturer,
9 packer, seller, or distributor; (c) the word "POISON", running parallel
10 with the main body of reading matter on said label or sticker, on a
11 clear, plain background of a distinctly contrasting color, in
12 uncondensed gothic capital letters, the letters to be not less than
13 twenty-four point size, unless there is on said label or sticker no
14 other type so large, in which event the type shall be not smaller than
15 the largest type on the label or sticker((τ)); and (d) directions for
16 treatment in case of accidental personal injury by the dangerous
17 caustic or corrosive substance; PROVIDED, That such directions need not
18 appear on labels or stickers on parcels, packages, or containers at the
19 time of shipment or of delivery for shipment by manufacturers or
20 wholesalers for other than household use. PROVIDED FURTHER, That this
21 chapter is not to be construed as applying to any substance subject to
22 the chapter, sold at wholesale or retail for use by a retail druggist
23 in filling prescriptions or in dispensing, in pursuance of a
24 prescription by a physician, dentist, or veterinarian; or for use by or
25 under the direction of a physician, dentist, or veterinarian; or for
26 use by a chemist in the practice or teaching of his or her profession;
27 or for any industrial or professional use, or for use in any of the
28 arts and sciences.

29 **Sec. 363.** RCW 69.36.020 and 1929 c 82 s 2 are each amended to read
30 as follows:

31 No person shall sell, barter, or exchange, or receive, hold, pack,
32 display, or offer for sale, barter, or exchange, in this state any
33 dangerous caustic or corrosive substance in a misbranded parcel,
34 package, or container, said parcel, package, or container being
35 designed for household use; PROVIDED, That household products for
36 cleaning and washing purposes, subject to this chapter and labeled in
37 accordance therewith, may be sold, offered for sale, held for sale, and

1 distributed in this state by any dealer, wholesale or retail; PROVIDED
2 FURTHER, That no person shall be liable to prosecution and conviction
3 under this chapter when he or she establishes a guaranty bearing the
4 signature and address of a vendor residing in the United States from
5 whom he or she purchased the dangerous caustic or corrosive substance,
6 to the effect that such substance is not misbranded within the meaning
7 of this chapter. No person in this state shall give any such guaranty
8 when such dangerous caustic or corrosive substance is in fact
9 misbranded within the meaning of this chapter.

10 **Sec. 364.** RCW 69.36.040 and 1929 c 82 s 5 are each amended to read
11 as follows:

12 The director of agriculture shall enforce the provisions of this
13 chapter, and he or she is hereby authorized and empowered to approve
14 and register such brands and labels intended for use under the
15 provisions of this chapter as may be submitted to him or her for that
16 purpose and as may in his or her judgment conform to the requirements
17 of this statute: PROVIDED, HOWEVER, That in any prosecution under this
18 chapter the fact that any brand or label involved in said prosecution
19 has not been submitted to said director for approval, or if submitted,
20 has not been approved by him or her, shall be immaterial.

21 **Sec. 365.** RCW 69.41.130 and 1986 c 52 s 2 are each amended to read
22 as follows:

23 Unless the brand name drug is requested by the patient or the
24 patient's representative, the pharmacist shall substitute an equivalent
25 drug product which he or she has in stock if its wholesale price to the
26 pharmacist is less than the wholesale price of the prescribed drug
27 product, and at least sixty percent of the savings shall be passed on
28 to the purchaser.

29 **Sec. 366.** RCW 69.50.102 and 1981 c 48 s 1 are each amended to read
30 as follows:

31 (a) As used in this chapter, "drug paraphernalia" means all
32 equipment, products, and materials of any kind which are used, intended
33 for use, or designed for use in planting, propagating, cultivating,
34 growing, harvesting, manufacturing, compounding, converting, producing,
35 processing, preparing, testing, analyzing, packaging, repackaging,

1 storing, containing, concealing, injecting, ingesting, inhaling, or
2 otherwise introducing into the human body a controlled substance. It
3 includes, but is not limited to:

4 (1) Kits used, intended for use, or designed for use in planting,
5 propagating, cultivating, growing, or harvesting of any species of
6 plant which is a controlled substance or from which a controlled
7 substance can be derived;

8 (2) Kits used, intended for use, or designed for use in
9 manufacturing, compounding, converting, producing, processing, or
10 preparing controlled substances;

11 (3) Isomerization devices used, intended for use, or designed for
12 use in increasing the potency of any species of plant which is a
13 controlled substance;

14 (4) Testing equipment used, intended for use, or designed for use
15 in identifying or in analyzing the strength, effectiveness, or purity
16 of controlled substances;

17 (5) Scales and balances used, intended for use, or designed for use
18 in weighing or measuring controlled substances;

19 (6) Diluents and adulterants, such as quinine hydrochloride,
20 mannitol, mannite, dextrose, and lactose, used, intended for use, or
21 designed for use in cutting controlled substances;

22 (7) Separation gins and sifters used, intended for use, or designed
23 for use in removing twigs and seeds from, or in otherwise cleaning or
24 refining, marihuana;

25 (8) Blenders, bowls, containers, spoons, and mixing devices used,
26 intended for use, or designed for use in compounding controlled
27 substances;

28 (9) Capsules, balloons, envelopes, and other containers used,
29 intended for use, or designed for use in packaging small quantities of
30 controlled substances;

31 (10) Containers and other objects used, intended for use, or
32 designed for use in storing or concealing controlled substances;

33 (11) Hypodermic syringes, needles, and other objects used, intended
34 for use, or designed for use in parenterally injecting controlled
35 substances into the human body;

36 (12) Objects used, intended for use, or designed for use in
37 ingesting, inhaling, or otherwise introducing marihuana, cocaine,
38 hashish, or hashish oil into the human body, such as:

1 (i) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes
2 with or without screens, permanent screens, hashish heads, or punctured
3 metal bowls;

4 (ii) Water pipes;

5 (iii) Carburetion tubes and devices;

6 (iv) Smoking and carburetion masks;

7 (v) Roach clips: Meaning objects used to hold burning material,
8 such as a marihuana cigarette, that has become too small or too short
9 to be held in the hand;

10 (vi) Miniature cocaine spoons, and cocaine vials;

11 (vii) Chamber pipes;

12 (viii) Carburetor pipes;

13 (ix) Electric pipes;

14 (x) Air-driven pipes;

15 (xi) Chillums;

16 (xii) Bongs; and

17 (xiii) Ice pipes or chillers.

18 (b) In determining whether an object is drug paraphernalia under
19 this section, a court or other authority should consider, in addition
20 to all other logically relevant factors, the following:

21 (1) Statements by an owner or by anyone in control of the object
22 concerning its use;

23 (2) Prior convictions, if any, of an owner, or of anyone in control
24 of the object, under any state or federal law relating to any
25 controlled substance;

26 (3) The proximity of the object, in time and space, to a direct
27 violation of this chapter;

28 (4) The proximity of the object to controlled substances;

29 (5) The existence of any residue of controlled substances on the
30 object;

31 (6) Direct or circumstantial evidence of the intent of an owner, or
32 of anyone in control of the object, to deliver it to persons whom he or
33 she knows, or should reasonably know, intend to use the object to
34 facilitate a violation of this chapter; the innocence of an owner, or
35 of anyone in control of the object, as to a direct violation of this
36 chapter shall not prevent a finding that the object is intended or
37 designed for use as drug paraphernalia;

- 1 (7) Instructions, oral or written, provided with the object
2 concerning its use;
- 3 (8) Descriptive materials accompanying the object which explain or
4 depict its use;
- 5 (9) National and local advertising concerning its use;
- 6 (10) The manner in which the object is displayed for sale;
- 7 (11) Whether the owner, or anyone in control of the object, is a
8 legitimate supplier of like or related items to the community, such as
9 a licensed distributor or dealer of tobacco products;
- 10 (12) Direct or circumstantial evidence of the ratio of sales of the
11 object(s) to the total sales of the business enterprise;
- 12 (13) The existence and scope of legitimate uses for the object in
13 the community; and
- 14 (14) Expert testimony concerning its use.

15 **Sec. 367.** RCW 69.50.309 and 1971 ex.s. c 308 s 69.50.309 are each
16 amended to read as follows:

17 A person to whom or for whose use any controlled substance has been
18 prescribed, sold, or dispensed by a practitioner, and the owner of any
19 animal for which such controlled substance has been prescribed, sold,
20 or dispensed may lawfully possess it only in the container in which it
21 was delivered to him or her by the person selling or dispensing the
22 same.

23 **Sec. 368.** RCW 69.50.412 and 2002 c 213 s 1 are each amended to
24 read as follows:

25 (1) It is unlawful for any person to use drug paraphernalia to
26 plant, propagate, cultivate, grow, harvest, manufacture, compound,
27 convert, produce, process, prepare, test, analyze, pack, repack, store,
28 contain, conceal, inject, ingest, inhale, or otherwise introduce into
29 the human body a controlled substance. Any person who violates this
30 subsection is guilty of a misdemeanor.

31 (2) It is unlawful for any person to deliver, possess with intent
32 to deliver, or manufacture with intent to deliver drug paraphernalia,
33 knowing, or under circumstances where one reasonably should know, that
34 it will be used to plant, propagate, cultivate, grow, harvest,
35 manufacture, compound, convert, produce, process, prepare, test,

1 analyze, pack, repack, store, contain, conceal, inject, ingest, inhale,
2 or otherwise introduce into the human body a controlled substance. Any
3 person who violates this subsection is guilty of a misdemeanor.

4 (3) Any person eighteen years of age or over who violates
5 subsection (2) of this section by delivering drug paraphernalia to a
6 person under eighteen years of age who is at least three years his or
7 her junior is guilty of a gross misdemeanor.

8 (4) It is unlawful for any person to place in any newspaper,
9 magazine, handbill, or other publication any advertisement, knowing, or
10 under circumstances where one reasonably should know, that the purpose
11 of the advertisement, in whole or in part, is to promote the sale of
12 objects designed or intended for use as drug paraphernalia. Any person
13 who violates this subsection is guilty of a misdemeanor.

14 (5) It is lawful for any person over the age of eighteen to possess
15 sterile hypodermic syringes and needles for the purpose of reducing
16 bloodborne diseases.

17 **Sec. 369.** RCW 69.50.502 and 1971 ex.s. c 308 s 69.50.502 are each
18 amended to read as follows:

19 Issuance and execution of administrative inspection warrants shall
20 be as follows:

21 (1) A judge of a superior court, or a judge of a district court
22 within his or her jurisdiction, and upon proper oath or affirmation
23 showing probable cause, may issue warrants for the purpose of
24 conducting administrative inspections authorized by this chapter or
25 rules hereunder, and seizures of property appropriate to the
26 inspections. For purposes of the issuance of administrative inspection
27 warrants, probable cause exists upon showing a valid public interest in
28 the effective enforcement of this chapter or rules hereunder,
29 sufficient to justify administrative inspection of the area, premises,
30 building, or conveyance in the circumstances specified in the
31 application for the warrant;

32 (2) A warrant shall issue only upon an affidavit of a designated
33 officer or employee having knowledge of the facts alleged, sworn to
34 before the judge and establishing the grounds for issuing the warrant.
35 If the judge is satisfied that grounds for the application exist or
36 that there is probable cause to believe they exist, he or she shall

1 issue a warrant identifying the area, premises, building, or conveyance
2 to be inspected, the purpose of the inspection, and, if appropriate,
3 the type of property to be inspected, if any. The warrant shall:

4 (a) State the grounds for its issuance and the name of each person
5 whose affidavit has been taken in support thereof;

6 (b) Be directed to a person authorized by RCW 69.50.500 to execute
7 it;

8 (c) Command the person to whom it is directed to inspect the area,
9 premises, building, or conveyance identified for the purpose specified
10 and, if appropriate, direct the seizure of the property specified;

11 (d) Identify the item or types of property to be seized, if any;

12 (e) Direct that it be served during normal business hours and
13 designate the judge to whom it shall be returned;

14 (3) A warrant issued pursuant to this section must be executed and
15 returned within ten days of its date unless, upon a showing of a need
16 for additional time, the court orders otherwise. If property is seized
17 pursuant to a warrant, a copy shall be given to the person from whom or
18 from whose premises the property is taken, together with a receipt for
19 the property taken. The return of the warrant shall be made promptly,
20 accompanied by a written inventory of any property taken. The
21 inventory shall be made in the presence of the person executing the
22 warrant and of the person from whose possession or premises the
23 property was taken, if present, or in the presence of at least one
24 credible person other than the person executing the warrant. A copy of
25 the inventory shall be delivered to the person from whom or from whose
26 premises the property was taken and to the applicant for the warrant;

27 (4) The judge who has issued a warrant shall attach thereto a copy
28 of the return and all papers returnable in connection therewith and
29 file them with the clerk of the court in which the inspection was made.

30 **Sec. 370.** RCW 69.50.506 and 1971 ex.s. c 308 s 69.50.506 are each
31 amended to read as follows:

32 (a) It is not necessary for the state to negate any exemption or
33 exception in this chapter in any complaint, information, indictment, or
34 other pleading or in any trial, hearing, or other proceeding under this
35 chapter. The burden of proof of any exemption or exception is upon the
36 person claiming it.

1 (b) In the absence of proof that a person is the duly authorized
2 holder of an appropriate registration or order form issued under this
3 chapter, he or she is presumed not to be the holder of the registration
4 or form. The burden of proof is upon him or her to rebut the
5 presumption.

6 (c) No liability is imposed by this chapter upon any authorized
7 state, county, or municipal officer, engaged in the lawful performance
8 of his or her duties.

9 **Sec. 371.** RCW 69.50.507 and 1971 ex.s. c 308 s 69.50.507 are each
10 amended to read as follows:

11 All final determinations, findings, and conclusions of the state
12 board of pharmacy under this chapter are final and conclusive decisions
13 of the matters involved. Any person aggrieved by the decision may
14 obtain review of the decision in the superior court wherein he or she
15 resides or in the superior court of Thurston county, such review to be
16 in conformity with the administrative procedure act, chapter 34.05 RCW.

17 **Sec. 372.** RCW 70.08.060 and 1961 ex.s. c 5 s 4 are each amended to
18 read as follows:

19 The director of public health under this chapter shall be registrar
20 of vital statistics for all cities and counties under his or her
21 jurisdiction and shall conduct such vital statistics work in accordance
22 with the same laws and/or rules and regulations pertaining to vital
23 statistics for a city of the first class.

24 **Sec. 373.** RCW 70.37.030 and 2002 c 91 s 1 are each amended to read
25 as follows:

26 There is hereby established a public body corporate and politic,
27 with perpetual corporate succession, to be known as the Washington
28 health care facilities authority. The authority shall constitute a
29 political subdivision of the state established as an instrumentality
30 exercising essential governmental functions. The authority is a
31 "public body" within the meaning of RCW 39.53.010. The authority shall
32 consist of the governor who shall serve as (~~chairman~~) chair, the
33 lieutenant governor, the insurance commissioner, the secretary of
34 health, and one member of the public who shall be appointed by the
35 governor, subject to confirmation by the senate, on the basis of the

1 member's interest or expertise in health care delivery, for a term
2 expiring on the fourth anniversary of the date of appointment. In the
3 event that any of the offices referred to shall be abolished, the
4 resulting vacancy on the authority shall be filled by the officer who
5 shall succeed substantially to the powers and duties thereof. The
6 members of the authority shall be compensated in accordance with RCW
7 43.03.240 and shall be entitled to reimbursement, solely from the funds
8 of the authority, for travel expenses incurred in the discharge of
9 their duties under this chapter, subject to the provisions of RCW
10 43.03.050 and 43.03.060. A majority shall constitute a quorum.

11 The governor and the insurance commissioner each may designate an
12 employee of his or her office to act on his or her behalf during the
13 absence of the governor or the insurance commissioner at one or more of
14 the meetings of the authority. The vote of the designee shall have the
15 same effect as if cast by the governor or the insurance commissioner if
16 the designation is in writing and is presented to the person presiding
17 at the meetings included within the designation.

18 The governor may designate a member to preside during the
19 governor's absence.

20 **Sec. 374.** RCW 70.37.050 and 1983 c 210 s 2 and 1983 c 167 s 171
21 are each reenacted and amended to read as follows:

22 The authority shall establish rules concerning its exercise of the
23 powers authorized by this chapter. The authority shall receive from
24 applicants requests for the providing of bonds for financing of health
25 care facilities and shall investigate and determine the need and the
26 feasibility of providing such bonds. Whenever the authority deems it
27 necessary or advisable for the benefit of the public health to provide
28 financing for a health care facility, it shall adopt a financing plan
29 therefor and shall declare the estimated cost thereof, as near as may
30 be, including as part of such cost funds necessary for the expenses
31 incurred in the financing as well as in the construction or purchase or
32 other acquisition or in connection with the rental or other payment for
33 the use thereof, interest during construction, reserve funds and any
34 funds necessary for initial start-up costs, and shall issue and sell
35 its bonds for the purposes of carrying out the proposed financing plan:
36 PROVIDED, That if a certificate of need is required for the proposed
37 project, no such financing plan shall be adopted until such certificate

1 has been issued pursuant to chapter 70.38 RCW by the secretary of the
2 department of social and health services. The authority shall have
3 power as a part of such plan to create a special fund or funds for the
4 purpose of defraying the cost of such project and for other projects of
5 the same participant subsequently or at the same time approved by it
6 and for their maintenance, improvement, reconstruction, remodeling, and
7 rehabilitation, into which special fund or funds it shall obligate and
8 bind the participant to set aside and pay from the gross revenues of
9 the project or from other sources an amount sufficient to pay the
10 principal and interest of the bonds being issued, reserves and other
11 requirements of the special fund and to issue and sell bonds payable as
12 to both principal and interest out of such fund or funds relating to
13 the project or projects of such participant.

14 Such bonds shall bear such date or dates, mature at such time or
15 times, be in such denominations, be in such form, either coupon or
16 registered, or both, as provided in RCW 39.46.030, carry such
17 registration privileges, be made transferable, exchangeable, and
18 interchangeable, be payable in such medium of payment, at such place or
19 places, be subject to such terms of redemption, bear such fixed or
20 variable rate or rates of interest, and be sold in such manner, at such
21 price, as the authority shall determine. Such bonds shall be executed
22 by the (~~chairman~~) chair, by either its duly elected secretary or its
23 executive director, and by the trustee if the authority determines to
24 utilize a trustee for the bonds. Execution of the bonds may be by
25 manual or facsimile signature: PROVIDED, That at least one signature
26 placed thereon shall be manually subscribed. Any interest coupons
27 appurtenant to the bonds shall be executed by facsimile or manual
28 signature or signatures, as the authority shall determine.

29 **Sec. 375.** RCW 70.40.040 and 1979 c 141 s 98 are each amended to
30 read as follows:

31 In carrying out the purposes of the chapter the secretary is
32 authorized and directed:

33 (1) To require such reports, make such inspections and
34 investigations, and prescribe such regulations as he or she deems
35 necessary;

36 (2) To provide such methods of administration, appoint a head and

1 other personnel of the section, and take such other action as may be
2 necessary to comply with the requirements of the federal act and the
3 regulations thereunder;

4 (3) To procure in his or her discretion the temporary or
5 intermittent services of experts or consultants or organizations
6 thereof, by contract, when such services are to be performed on a part
7 time or fee for service basis and do not involve the performance of
8 administrative duties;

9 (4) To the extent that he or she considers desirable to effectuate
10 the purposes of this chapter, to enter into agreements for the
11 utilization of the facilities and services of other departments,
12 agencies, and institutions public or private;

13 (5) To accept on behalf of the state and to deposit with the state
14 treasurer, any grant, gift, or contribution made to assist in meeting
15 the cost of carrying out the purposes of this chapter, and to expend
16 the same for such purpose; and

17 (6) To make an annual report to the governor on activities pursuant
18 to this chapter, including recommendations for such additional
19 legislation as the secretary considers appropriate to furnish adequate
20 hospital and medical facilities to the people of this state.

21 **Sec. 376.** RCW 70.40.090 and 1979 c 141 s 101 are each amended to
22 read as follows:

23 The secretary shall prepare and submit to the surgeon general a
24 state plan which shall include the hospital and medical facility
25 construction program developed under this chapter and which shall
26 provide for the establishment, administration, and operation of
27 hospital and medical facility construction activities in accordance
28 with the requirements of the federal act and the regulations
29 thereunder. The secretary shall, prior to the submission of such plan
30 to the surgeon general, give adequate publicity to a general
31 description of all the provisions proposed to be included therein, and
32 hold a public hearing at which all persons or organizations with a
33 legitimate interest in such plan may be given an opportunity to express
34 their views. After approval of the plan by the surgeon general, the
35 secretary shall publish a general description of the provisions thereof
36 in at least one newspaper having general circulation in the state, and
37 shall make the plan, or a copy thereof, available upon request to all

1 interested persons or organizations. The secretary shall from time to
2 time review the hospital and medical facility construction program and
3 submit to the surgeon general any modifications thereof which he or she
4 may find necessary and may submit to the surgeon general such
5 modifications of the state plan, not inconsistent with the requirements
6 of the federal act, as he or she may deem advisable.

7 **Sec. 377.** RCW 70.40.130 and 1979 c 141 s 104 are each amended to
8 read as follows:

9 The secretary shall afford to every applicant for a construction
10 project an opportunity for a fair hearing. If the secretary, after
11 affording reasonable opportunity for development and presentation of
12 applications in the order of relative need, finds that a project
13 application complies with the requirements of RCW 70.40.120 and is
14 otherwise in conformity with the state plan, he or she shall approve
15 such application and shall recommend and forward it to the surgeon
16 general.

17 **Sec. 378.** RCW 70.44.020 and 1990 c 259 s 38 are each amended to
18 read as follows:

19 At any general election or at any special election which may be
20 called for that purpose, the county legislative authority of a county
21 may, or on petition of ten percent of the registered voters of the
22 county based on the total vote cast in the last general county
23 election, shall, by resolution, submit to the voters of the county the
24 proposition of creating a public hospital district coextensive with the
25 limits of the county. The petition shall be filed with the county
26 auditor, who shall within fifteen days examine the signatures thereon
27 and certify to the sufficiency thereof, and for that purpose the
28 auditor shall have access to all registration books in the possession
29 of election officers in the county. If the petition is found to be
30 insufficient, it shall be returned to the persons filing it, who may
31 amend or add names thereto for ten days, when it shall be returned to
32 the auditor, who shall have an additional fifteen days to examine it
33 and attach the certificate thereto. No person signing the petition may
34 withdraw his or her name therefrom after filing. When the petition is
35 certified as sufficient, the auditor shall forthwith transmit it,
36 together with the certificate of sufficiency attached thereto, to the

1 county legislative authority, who shall immediately transmit the
2 proposition to the supervisor of elections or other election officer of
3 the county, and he or she shall submit the proposition to the voters at
4 the next general election or if such petition so requests, shall call
5 a special election on such proposition in accordance with RCW
6 ((~~29.13.010~~)) 29A.04.321 and ((~~29.13.020~~)) 29A.04.330. The notice of
7 the election shall state the boundaries of the proposed district and
8 the object of the election, and shall in other respects conform to the
9 requirements of law governing the time and manner of holding elections.
10 In submitting the question to the voters, the proposition shall be
11 expressed on the ballot substantially in the following terms:

12 For public hospital district No.

13 Against public hospital district No.

14 **Sec. 379.** RCW 70.44.171 and 1967 c 227 s 1 are each amended to
15 read as follows:

16 The treasurer of the county in which a public hospital district is
17 located shall be treasurer of the district, except that the commission
18 by resolution may designate some other person having experience in
19 financial or fiscal matters as treasurer of the district. If the
20 treasurer is not the county treasurer, the commission shall require a
21 bond, with a surety company authorized to do business in the state of
22 Washington, in an amount and under the terms and conditions which the
23 commission by resolution from time to time finds will protect the
24 district against loss. The premium on any such bond shall be paid by
25 the district.

26 All district funds shall be paid to the treasurer and shall be
27 disbursed by him or her only on warrants issued by an auditor appointed
28 by the commission, upon orders or vouchers approved by it. The
29 treasurer shall establish a public hospital district fund, into which
30 shall be paid all district funds, and he or she shall maintain such
31 special funds as may be created by the commission, into which he or she
32 shall place all money as the commission may, by resolution, direct.

33 If the treasurer of the district is the treasurer of the county all
34 district funds shall be deposited with the county depositaries under
35 the same restrictions, contracts, and security as provided for county
36 depositaries. If the treasurer of the district is some other person,
37 all funds shall be deposited in such bank or banks authorized to do

1 business in this state as the commission by resolution shall designate,
2 and with surety bond to the district or securities in lieu thereof of
3 the kind, no less in amount, as provided in RCW 36.48.020 for deposit
4 of county funds. Such surety bond or securities in lieu thereof shall
5 be filed or deposited with the treasurer of the district, and approved
6 by resolution of the commission.

7 All interest collected on district funds shall belong to the
8 district and be deposited to its credit in the proper district funds.

9 A district may provide and require a reasonable bond of any other
10 person handling moneys or securities of the district. The district may
11 pay the premium on such bond.

12 **Sec. 380.** RCW 70.44.185 and 1971 ex.s. c 218 s 4 are each amended
13 to read as follows:

14 Notwithstanding any other provision of law, including RCW
15 70.44.040, whenever the boundary line between contiguous hospital
16 districts bisects an irrigation block unit placing part of the unit in
17 one hospital district and the balance thereof in another such district,
18 the county auditor, upon his or her approval of a request therefor
19 after public hearing thereon, shall change the hospital district
20 boundary lines so that the entire farm unit of the person so requesting
21 shall be wholly in one of such hospital districts and give notice
22 thereof to those hospital district and county officials as he or she
23 shall deem appropriate therefor.

24 **Sec. 381.** RCW 70.50.020 and 1945 c 23 s 2 are each amended to read
25 as follows:

26 The otologist shall cooperate with the state department of public
27 instruction, and with the state, county, and city health officers,
28 seeking for the children in the schools who are hard of hearing, or
29 have an impaired sense of hearing, and making otological inspections
30 and examinations of children referred to him or her by such departments
31 and officers. Where necessary or proper, he or she shall make
32 recommendations to parents or guardians of such children, and urge them
33 to submit such recommendations to physicians to be selected by such
34 parents or guardians.

1 **Sec. 382.** RCW 70.54.050 and 1909 c 249 s 287 are each amended to
2 read as follows:

3 Every person who shall willfully expose himself or herself to
4 another, or any animal affected with any contagious or infectious
5 disease, in any public place or thoroughfare, except upon his or her or
6 its necessary removal in a manner not dangerous to the public health;
7 and every person so affected who shall expose any other person thereto
8 without his or her knowledge, shall be guilty of a misdemeanor.

9 **Sec. 383.** RCW 70.58.010 and 1979 ex.s. c 52 s 2 are each amended
10 to read as follows:

11 Each city of the first class shall constitute a primary
12 registration district and each county and the territory of counties
13 jointly comprising a health district, exclusive of the portion included
14 within cities of the first class, shall constitute a primary
15 registration area. All other counties and municipal areas not included
16 in the foregoing shall be divided into registration areas by the state
17 registrar as he or she may deem essential to obtain the most efficient
18 registration of vital events as provided by law.

19 **Sec. 384.** RCW 70.58.020 and 1979 ex.s. c 52 s 3 are each amended
20 to read as follows:

21 Under the direction and control of the state registrar, the health
22 officer of each city of the first class shall be the local registrar in
23 and for the primary registration district under his or her supervision
24 as health officer and the health officer of each county and district
25 health department shall be the local registrar in and for the
26 registration area which he or she supervises as health officer and
27 shall serve as such as long as he or she performs the registration
28 duties as prescribed by law. He or she may be removed as local
29 registrar of the registration area which he or she serves by the state
30 board of health upon its finding of evidence of neglect in the
31 performance of his or her duties as such registrar. The state
32 registrar shall appoint local registrars for those registration areas
33 not included in the foregoing and also in areas where the state board
34 of health has removed the health officer from this position as
35 registrar.

1 Each local registrar, subject to the approval of the state
2 registrar, shall appoint in writing a sufficient number of deputy
3 registrars to administer the laws relating to vital statistics, and
4 shall certify the appointment of such deputies to the state registrar.
5 Deputy registrars shall act in the case of absence, death, illness, or
6 disability of the local registrar, or such other conditions as may be
7 deemed sufficient cause to require their services.

8 **Sec. 385.** RCW 70.58.040 and 1961 ex.s. c 5 s 7 are each amended to
9 read as follows:

10 A local registrar shall be paid the sum of one dollar for each
11 birth, death, or fetal death certificate registered for his or her
12 district which sum shall cover making out the burial-transit permit and
13 record of the certificate to be filed and preserved in his or her
14 office. If no births or deaths were registered during any month, the
15 local registrar shall be paid the sum of one dollar for each report to
16 that effect: PROVIDED, That all local health officers who are by
17 statute required to serve as local registrars shall not be entitled to
18 the fee of one dollar. Neither shall any members of their staffs be
19 entitled to the above fee of one dollar when such persons serve as
20 deputy registrars. All fees payable to local registrars shall be paid
21 by the treasurer of the county or city, properly chargeable therewith,
22 out of the funds of the county or city, upon warrants drawn by the
23 auditor, or other proper officer of the county or city. No warrant
24 shall be issued to a local registrar except upon a statement, signed by
25 the state registrar, stating the names and addresses respectively of
26 the local registrars entitled to fees from the county or city, and the
27 number of certificates and reports of births, deaths, and fetal deaths,
28 properly returned to the state registrar, by each local registrar,
29 during three preceding calendar months prior to the date of the
30 statement, and the amount of fees to which each local registrar is
31 entitled, which statement the state registrar shall file with the
32 proper officers during the months of January, April, July, and October
33 of each year. Upon filing of the statement, the auditor or other
34 proper officer of the county or city shall issue warrants for the
35 amount due each local registrar.

1 **Sec. 386.** RCW 70.58.050 and 1907 c 83 s 22 are each amended to
2 read as follows:

3 The local registrars are hereby charged with the strict and
4 thorough enforcement of the provisions of this act in their districts,
5 under the supervision and direction of the state registrar. And they
6 shall make an immediate report to the state registrar of any violations
7 of this law coming to their notice by observation or upon the complaint
8 of any person, or otherwise. The state registrar is hereby charged
9 with the thorough and efficient execution of the provisions of this act
10 in every part of the state, and with supervisory power over local
11 registrars, to the end that all of the requirements shall be uniformly
12 complied with. He or she shall have authority to investigate cases of
13 irregularity or violation of law, personally or by accredited
14 representative, and all local registrars shall aid him or her, upon
15 request, in such investigation. When he or she shall deem it
16 necessary, he or she shall report cases of violation of any of the
17 provisions of this act to the prosecuting attorney of the proper county
18 with a statement of the fact and circumstances; and when any such case
19 is reported to them by the state registrar, all prosecuting attorneys
20 or officials acting in such capacity shall forthwith initiate and
21 promptly follow up the necessary court proceedings against the parties
22 responsible for the alleged violations of law. And upon request of the
23 state registrar, the attorney general shall likewise assist in the
24 enforcement of the provisions of this act.

25 **Sec. 387.** RCW 70.58.095 and 1983 1st ex.s. c 41 s 14 are each
26 amended to read as follows:

27 The state registrar of vital statistics shall establish a new
28 certificate of birth for a person born in this state when he or she
29 receives a request that a new certificate be established and such
30 evidence as required by regulation of the state board of health proving
31 that such person has been acknowledged, or that a court of competent
32 jurisdiction has determined the paternity of such person. When a new
33 certificate of birth is established, the actual place and date of birth
34 shall be shown. It shall be substituted for the original certificate
35 of birth. Thereafter, the original certificate and the evidence of
36 paternity, or acknowledgment shall not be subject to inspection except
37 upon order of a court of competent jurisdiction, or upon written

1 request of the department of social and health services, the attorney
2 general, or a prosecuting attorney, stating that the documents are
3 being sought in furtherance of an action to enforce a duty of support.
4 If no certificate of birth is on file for the person for whom a new
5 certificate is to be established under this section, a delayed
6 registration of birth shall be filed with the state registrar of vital
7 statistics as provided in RCW 70.58.120.

8 **Sec. 388.** RCW 70.58.145 and 1961 ex.s. c 5 s 20 are each amended
9 to read as follows:

10 When a person alleged to be born in this state is unable to meet
11 the requirements for a delayed registration of birth in accordance with
12 RCW 70.58.120, he or she may petition the superior court of the county
13 of residence or of the county of birth for an order establishing a
14 record of the date and place of his or her birth, and his or her
15 parentage. The court shall fix a time for hearing the petition, and
16 the state registrar shall be given notice at least twenty days prior to
17 the date set for hearing in order that he or she may present at the
18 hearing any information he or she believes will be useful to the court.
19 If the court from the evidence presented to it finds that the
20 petitioner was born in this state, the court shall issue an order to
21 establish a record of birth. This order shall include the birth data
22 to be registered. If the court orders the birth of a person born in
23 this state registered, it shall be registered in the records of the
24 state registrar.

25 **Sec. 389.** RCW 70.58.270 and 1907 c 83 s 16 are each amended to
26 read as follows:

27 All superintendents or managers, or other persons in charge of
28 hospitals, almshouses, lying-in or other institutions, public or
29 private, to which persons resort for treatment of disease, confinement,
30 or are committed by process of law, are hereby required to make a
31 record of all the personal and statistical particulars relative to the
32 inmates in their institutions, at the date of approval of this act,
33 that are required in the form of the certificate provided for by this
34 act, as directed by the state registrar; and thereafter such record
35 shall be by them made for all future inmates at the time of their
36 admission. And in case of persons admitted or committed for medical

1 treatment of contagious disease, the physician in charge shall specify,
2 for entry in the record, the nature of the disease, and where, in his
3 or her opinion, it was contracted. The personal particulars and
4 information required by this section shall be obtained from the
5 individual himself or herself, if it is practicable to do so; and when
6 they cannot be so obtained, they shall be secured in as complete a
7 manner as possible from the relatives, friends, or other persons
8 acquainted with the facts.

9 **Sec. 390.** RCW 70.74.010 and 2002 c 370 s 1 are each amended to
10 read as follows:

11 As used in this chapter, unless a different meaning is plainly
12 required by the context:

13 (1) The terms "authorized," "approved," or "approval" shall be held
14 to mean authorized, approved, or approval by the department of labor
15 and industries.

16 (2) The term "blasting agent" shall be held to mean and include any
17 material or mixture consisting of a fuel and oxidizer, that is intended
18 for blasting and not otherwise defined as an explosive; if the finished
19 product, as mixed for use or shipment, cannot be detonated by means of
20 a number 8 test blasting cap when unconfined. A number 8 test blasting
21 cap is one containing two grams of a mixture of eighty percent mercury
22 fulminate and twenty percent potassium chlorate, or a blasting cap of
23 equivalent strength. An equivalent strength cap comprises 0.40-0.45
24 grams of PETN base charge pressed in an aluminum shell with bottom
25 thickness not to exceed 0.03 of an inch, to a specific gravity of not
26 less than 1.4 g/cc., and primed with standard weights of primer
27 depending on the manufacturer.

28 (3) The term "explosive" or "explosives" whenever used in this
29 chapter, shall be held to mean and include any chemical compound or
30 mechanical mixture that is commonly used or intended for the purpose of
31 producing an explosion, that contains any oxidizing and combustible
32 units, or other ingredients, in such proportions, quantities, or
33 packing, that an ignition by fire, by friction, by concussion, by
34 percussion, or by detonation of any part of the compound or mixture may
35 cause such a sudden generation of highly heated gases that the
36 resultant gaseous pressures are capable of producing destructive
37 effects on contiguous objects or of destroying life or limb. In

1 addition, the term "explosives" shall include all material which is
2 classified as division 1.1, 1.2, 1.3, 1.4, 1.5, or 1.6 explosives by
3 the United States department of transportation. For the purposes of
4 this chapter, small arms ammunition, small arms ammunition primers,
5 smokeless powder not exceeding fifty pounds, and black powder not
6 exceeding five pounds shall not be defined as explosives, unless
7 possessed or used for a purpose inconsistent with small arms use or
8 other lawful purpose.

9 (4) Classification of explosives shall include, but not be limited
10 to, the following:

11 (a) DIVISION 1.1 and 1.2 EXPLOSIVES: Possess mass explosion or
12 detonating hazard and include dynamite, nitroglycerin, picric acid,
13 lead azide, fulminate of mercury, black powder exceeding five pounds,
14 blasting caps in quantities of 1001 or more, and detonating primers.

15 (b) DIVISION 1.3 EXPLOSIVES: Possess a minor blast hazard, a minor
16 projection hazard, or a flammable hazard and include propellant
17 explosives, including smokeless powder exceeding fifty pounds.

18 (c) DIVISION 1.4, 1.5, and 1.6 EXPLOSIVES: Include certain types
19 of manufactured articles which contain division 1.1, 1.2, or 1.3
20 explosives, or all, as components, but in restricted quantities, and
21 also include blasting caps in quantities of 1000 or less.

22 (5) The term "explosive-actuated power devices" shall be held to
23 mean any tool or special mechanized device which is actuated by
24 explosives, but not to include propellant-actuated power devices.

25 (6) The term "magazine", shall be held to mean and include any
26 building or other structure, other than an explosives manufacturing
27 building, used for the storage of explosives.

28 (7) The term "improvised device" means a device which is fabricated
29 with explosives or destructive, lethal, noxious, pyrotechnic, or
30 incendiary chemicals and which is designed, or has the capacity, to
31 disfigure, destroy, distract, or harass.

32 (8) The term "inhabited building", shall be held to mean and
33 include only a building regularly occupied in whole or in part as a
34 habitation for human beings, or any church, schoolhouse, railroad
35 station, store, or other building where people are accustomed to
36 assemble, other than any building or structure occupied in connection
37 with the manufacture, transportation, storage, or use of explosives.

1 (9) The term "explosives manufacturing plant" shall be held to mean
2 and include all lands, with the buildings situated thereon, used in
3 connection with the manufacturing or processing of explosives or in
4 which any process involving explosives is carried on, or the storage of
5 explosives thereat, as well as any premises where explosives are used
6 as a component part or ingredient in the manufacture of any article or
7 device.

8 (10) The term "explosives manufacturing building", shall be held to
9 mean and include any building or other structure (excepting magazines)
10 containing explosives, in which the manufacture of explosives, or any
11 processing involving explosives, is carried on, and any building where
12 explosives are used as a component part or ingredient in the
13 manufacture of any article or device.

14 (11) The term "railroad" shall be held to mean and include any
15 steam, electric, or other railroad which carries passengers for hire.

16 (12) The term "highway" shall be held to mean and include any
17 public street, public alley, or public road, including a privately
18 financed, constructed, or maintained road that is regularly and openly
19 traveled by the general public.

20 (13) The term "efficient artificial barricade" shall be held to
21 mean an artificial mound or properly revetted wall of earth of a
22 minimum thickness of not less than three feet or such other artificial
23 barricade as approved by the department of labor and industries.

24 (14) The term "person" shall be held to mean and include any
25 individual, firm, partnership, corporation, company, association,
26 society, joint stock company, joint stock association, and including
27 any trustee, receiver, assignee, or personal representative thereof.

28 (15) The term "dealer" shall be held to mean and include any person
29 who purchases explosives or blasting agents for the sole purpose of
30 resale, and not for use or consumption.

31 (16) The term "forbidden or not acceptable explosives" shall be
32 held to mean and include explosives which are forbidden or not
33 acceptable for transportation by common carriers by rail freight, rail
34 express, highway, or water in accordance with the regulations of the
35 federal department of transportation.

36 (17) The term "handloader" shall be held to mean and include any
37 person who engages in the noncommercial assembling of small arms

1 ammunition for his or her own use, specifically the operation of
2 installing new primers, powder, and projectiles into cartridge cases.

3 (18) The term "handloader components" means small arms ammunition,
4 small arms ammunition primers, smokeless powder not exceeding fifty
5 pounds, and black powder as used in muzzle loading firearms not
6 exceeding five pounds.

7 (19) The term "fuel" shall be held to mean and include a substance
8 which may react with the oxygen in the air or with the oxygen yielded
9 by an oxidizer to produce combustion.

10 (20) The term "motor vehicle" shall be held to mean and include any
11 self-propelled automobile, truck, tractor, semi-trailer or full
12 trailer, or other conveyance used for the transportation of freight.

13 (21) The term "natural barricade" shall be held to mean and include
14 any natural hill, mound, wall, or barrier composed of earth or rock or
15 other solid material of a minimum thickness of not less than three
16 feet.

17 (22) The term "oxidizer" shall be held to mean a substance that
18 yields oxygen readily to stimulate the combustion of organic matter or
19 other fuel.

20 (23) The term "propellant-actuated power device" shall be held to
21 mean and include any tool or special mechanized device or gas generator
22 system which is actuated by a propellant or which releases and directs
23 work through a propellant charge.

24 (24) The term "public conveyance" shall be held to mean and include
25 any railroad car, streetcar, ferry, cab, bus, airplane, or other
26 vehicle which is carrying passengers for hire.

27 (25) The term "public utility transmission system" shall mean power
28 transmission lines over 10 KV, telephone cables, or microwave
29 transmission systems, or buried or exposed pipelines carrying water,
30 natural gas, petroleum, or crude oil, or refined products and
31 chemicals, whose services are regulated by the utilities and
32 transportation commission, municipal, or other publicly owned systems.

33 (26) The term "purchaser" shall be held to mean any person who
34 buys, accepts, or receives any explosives or blasting agents.

35 (27) The term "pyrotechnic" shall be held to mean and include any
36 combustible or explosive compositions or manufactured articles designed
37 and prepared for the purpose of producing audible or visible effects

1 which are commonly referred to as fireworks as defined in chapter 70.77
2 RCW.

3 (28) The term "small arms ammunition" shall be held to mean and
4 include any shotgun, rifle, pistol, or revolver cartridge, and
5 cartridges for propellant-actuated power devices and industrial guns.
6 Military-type ammunition containing explosive bursting charges,
7 incendiary, tracer, spotting, or pyrotechnic projectiles is excluded
8 from this definition.

9 (29) The term "small arms ammunition primers" shall be held to mean
10 small percussion-sensitive explosive charges encased in a cup, used to
11 ignite propellant powder and shall include percussion caps as used in
12 muzzle loaders.

13 (30) The term "smokeless powder" shall be held to mean and include
14 solid chemicals or solid chemical mixtures in excess of fifty pounds
15 which function by rapid combustion.

16 (31) The term "user" shall be held to mean and include any natural
17 person, manufacturer, or blaster who acquires, purchases, or uses
18 explosives as an ultimate consumer or who supervises such use.

19 Words used in the singular number shall include the plural, and the
20 plural the singular.

21 **Sec. 391.** RCW 70.74.020 and 1982 c 111 s 1 are each amended to
22 read as follows:

23 (1) No person shall manufacture, possess, store, sell, purchase,
24 transport, or use explosives or blasting agents except in compliance
25 with this chapter.

26 (2) The director of the department of labor and industries shall
27 make and promulgate rules and regulations concerning qualifications of
28 users of explosives and shall have the authority to issue licenses for
29 users of explosives to effectuate the purpose of this chapter:
30 PROVIDED, That where there is a finding by the director that the use or
31 disposition of explosives in any class of industry presents no unusual
32 hazard to the safety of life or limb of persons employed therewith, and
33 where the users are supervised by a superior in an employment
34 relationship who is sufficiently experienced in the use of explosives,
35 and who possesses a license for such use under this chapter, the
36 director in his or her discretion may exclude said users in those
37 classes of industry from individual licensing.

1 (3) The director of the department of labor and industries shall
2 make and promulgate rules and regulations concerning the manufacture,
3 sale, purchase, use, transportation, storage, and disposal of
4 explosives, and shall have the authority to issue licenses for the
5 manufacture, purchase, sale, use, transportation, and storage of
6 explosives to effectuate the purpose of this chapter. The director of
7 the department of labor and industries is hereby delegated the
8 authority to grant written waiver of this chapter whenever it can be
9 shown that the manufacturing, handling, or storing of explosives are in
10 compliance with applicable national or federal explosive safety
11 standards: PROVIDED, That any resident of this state who is qualified
12 to purchase explosives in this state and who has complied with the
13 provisions of this chapter applicable to him or her may purchase
14 explosives from an authorized dealer of a bordering state and may
15 transport said explosives into this state for use herein: PROVIDED
16 FURTHER, That residents of this state shall, within ten days of the
17 date of purchase, present to the department of labor and industries a
18 report signed by both vendor and vendee of every purchase from an out
19 of state dealer, said report indicating the date of purchase, name of
20 vendor, vendor's license number, vendor's business address, amount and
21 kind of explosives purchased, the name of the purchaser, the
22 purchaser's license number, and the name of receiver if different than
23 purchaser.

24 (4) It shall be unlawful to sell, give away, or otherwise dispose
25 of, or deliver to any person under twenty-one years of age any
26 explosives including black powder, and blasting caps or other explosive
27 igniters, whether said person is acting for himself or herself or for
28 any other person: PROVIDED, That small arms ammunition and handloader
29 components shall not be considered explosives for the purposes of this
30 section: PROVIDED FURTHER, That if there is a finding by the director
31 that said use or disposition of explosives poses no unusual hazard to
32 the safety of life or limb in any class of industry, where persons
33 eighteen years of age or older are employed as users, and where said
34 persons are adequately trained and adequately supervised by a superior
35 in an employment relationship who is sufficiently experienced in the
36 use of explosives, and who possesses a valid license for such use under
37 this chapter, the director in his or her discretion may exclude said
38 persons in that class of industry from said minimum age requirement.

1 (5) All persons engaged in keeping, using, or storing any compound,
2 mixture, or material, in wet condition, or otherwise, which upon drying
3 out or undergoing other physical changes, may become an explosive
4 within the definition of RCW 70.74.010, shall report in writing
5 subscribed to by such person or his or her agent, to the department of
6 labor and industries, report blanks to be furnished by such department,
7 and such reports to require:

8 (a) The kind of compound, mixture, or material kept or stored, and
9 maximum quantity thereof;

10 (b) Condition or state of compound, mixture, or material;

11 (c) Place where kept or stored.

12 The department of labor and industries may at any time cause an
13 inspection to be made to determine whether the condition of the
14 compound, mixture, or material is as reported.

15 **Sec. 392.** RCW 70.74.110 and 1997 c 58 s 870 are each amended to
16 read as follows:

17 All persons engaged in the manufacture of explosives, or any
18 process involving explosives, or where explosives are used as a
19 component part in the manufacture of any article or device, on August
20 11, 1969, shall within sixty days thereafter, and all persons engaging
21 in the manufacture of explosives, or any process involving explosives,
22 or where explosives are used as a component part in the manufacture of
23 any article or device after August 11, 1969, shall, before so engaging,
24 make an application in writing, subscribed to by such person or his or
25 her agent, to the department of labor and industries, the application
26 stating:

27 (1) Location of place of manufacture or processing;

28 (2) Kind of explosives manufactured, processed, or used;

29 (3) The distance that such explosives manufacturing building is
30 located or intended to be located from the other factory buildings,
31 magazines, inhabited buildings, railroads and highways, and public
32 utility transmission systems;

33 (4) The name and address of the applicant;

34 (5) The reason for desiring to manufacture explosives;

35 (6) The applicant's citizenship, if the applicant is an individual;

36 (7) If the applicant is a partnership, the names and addresses of
37 the partners, and their citizenship;

1 (8) If the applicant is an association or corporation, the names
2 and addresses of the officers and directors thereof, and their
3 citizenship; and

4 (9) Such other pertinent information as the director of labor and
5 industries shall require to effectuate the purpose of this chapter.

6 There shall be kept in the main office on the premises of each
7 explosives manufacturing plant a plan of said plant showing the
8 location of all explosives manufacturing buildings and the distance
9 they are located from other factory buildings where persons are
10 employed and from magazines, and these plans shall at all times be open
11 to inspection by duly authorized inspectors of the department of labor
12 and industries. The superintendent of each plant shall upon demand of
13 said inspector furnish the following information:

14 (a) The maximum amount and kind of explosive material which is or
15 will be present in each building at one time.

16 (b) The nature and kind of work carried on in each building and
17 whether or not said buildings are surrounded by natural or artificial
18 barricades.

19 Except as provided in RCW 70.74.370, the department of labor and
20 industries shall as soon as possible after receiving such application
21 cause an inspection to be made of the explosives manufacturing plant,
22 and if found to be in accordance with RCW 70.74.030 and 70.74.050 and
23 70.74.061, such department shall issue a license to the person applying
24 therefor showing compliance with the provisions of this chapter if the
25 applicant demonstrates that either the applicant or the officers,
26 agents, or employees of the applicant are sufficiently experienced in
27 the manufacture of explosives and the applicant meets the
28 qualifications for a license under RCW 70.74.360. Such license shall
29 continue in full force and effect until expired, suspended, or revoked
30 by the department pursuant to this chapter.

31 **Sec. 393.** RCW 70.74.120 and 1988 c 198 s 6 are each amended to
32 read as follows:

33 All persons engaged in keeping or storing and all persons having in
34 their possession explosives on August 11, 1969, shall within sixty days
35 thereafter, and all persons engaging in keeping or storing explosives
36 or coming into possession thereof after August 11, 1969, shall before

1 engaging in the keeping or storing of explosives or taking possession
2 thereof, make an application in writing subscribed to by such person or
3 his or her agent, to the department of labor and industries stating:

4 (1) The location of the magazine, if any, if then existing, or in
5 case of a new magazine, the proposed location of such magazine;

6 (2) The kind of explosives that are kept or stored or possessed or
7 intended to be kept or stored or possessed and the maximum quantity
8 that is intended to be kept or stored or possessed thereat;

9 (3) The distance that such magazine is located or intended to be
10 located from other magazines, inhabited buildings, explosives
11 manufacturing buildings, railroads, highways, and public utility
12 transmission systems;

13 (4) The name and address of the applicant;

14 (5) The reason for desiring to store or possess explosives;

15 (6) The citizenship of the applicant if the applicant is an
16 individual;

17 (7) If the applicant is a partnership, the names and addresses of
18 the partners and their citizenship;

19 (8) If the applicant is an association or corporation, the names
20 and addresses of the officers and directors thereof and their
21 citizenship;

22 (9) And such other pertinent information as the director of the
23 department of labor and industries shall require to effectuate the
24 purpose of this chapter.

25 The department of labor and industries shall, as soon as may be
26 after receiving such application, cause an inspection to be made of the
27 magazine, if then constructed, and, in the case of a new magazine, as
28 soon as may be after same is found to be constructed in accordance with
29 the specification provided in RCW 70.74.025, such department shall
30 determine the amount of explosives that may be kept and stored in such
31 magazine by reference to the quantity and distance tables specified in
32 or adopted under this chapter and shall issue a license to the person
33 applying therefor if the applicant demonstrates that either the
34 applicant or the officers, agents, or employees of the applicant are
35 sufficiently experienced in the handling of explosives and possess
36 suitable storage facilities therefor, and that the applicant meets the
37 qualifications for a license under RCW 70.74.360. Said license shall
38 set forth the maximum quantity of explosives that may be had, kept, or

1 stored by said person. Such license shall be valid until canceled for
2 one or more of the causes hereinafter provided. Whenever by reason of
3 change in the physical conditions surrounding said magazine at the time
4 of the issuance of the license therefor, such as:

5 (a) The erection of buildings nearer said magazine;

6 (b) The construction of railroads nearer said magazine;

7 (c) The opening for public travel of highways nearer said magazine;

8 or

9 (d) The construction of public utilities transmission systems near
10 said magazine; then the amounts of explosives which may be lawfully
11 had, kept, or stored in said magazine must be reduced to conform to
12 such changed conditions in accordance with the quantity and distance
13 table notwithstanding the license, and the department of labor and
14 industries shall modify or cancel such license in accordance with the
15 changed conditions. Whenever any person to whom a license has been
16 issued, keeps or stores in the magazine or has in his or her
17 possession, any quantity of explosives in excess of the maximum amount
18 set forth in said license, or whenever any person fails for thirty days
19 to pay the annual license fee hereinafter provided after the same
20 becomes due, the department is authorized to cancel such license.
21 Whenever a license is canceled by the department for any cause herein
22 specified, the department shall notify the person to whom such license
23 is issued of the fact of such cancellation and shall in said notice
24 direct the removal of all explosives stored in said magazine within ten
25 days from the giving of said notice, or, if the cause of cancellation
26 be the failure to pay the annual license fee, or the fact that
27 explosives are kept for an unlawful purpose, the department of labor
28 and industries shall order such person to dispossess himself or herself
29 of said explosives within ten days from the giving of said notice.
30 Failure to remove the explosives stored in said magazine or to
31 dispossess oneself of the explosives as herein provided within the time
32 specified in said notice shall constitute a violation of this chapter.

33 **Sec. 394.** RCW 70.74.310 and 1969 ex.s. c 137 s 27 are each amended
34 to read as follows:

35 Any person other than a lawfully constituted peace officer of this
36 state who shall deposit, leave, place, spray, scatter, spread, or throw
37 in any building, or any place, or who shall counsel, aid, assist,

1 encourage, incite, or direct any other person or persons to deposit,
2 leave, place, spray, scatter, spread, or throw, in any building or
3 place, or who shall have in his or her possession for the purpose of,
4 and with the intent of depositing, leaving, placing, spraying,
5 scattering, spreading, or throwing, in any building or place, or of
6 counseling, aiding, assisting, encouraging, inciting, or directing any
7 other person or persons to deposit, leave, place, spray, scatter,
8 spread, or throw, any stink bomb, stink paint, tear bomb, tear shell,
9 explosive, or flame-producing device, or any other device, material,
10 chemical, or substance, which, when exploded or opened, or without such
11 exploding or opening, by reason of its offensive and pungent odor, does
12 or will annoy, injure, endanger, or inconvenience any person or
13 persons, shall be guilty of a gross misdemeanor: PROVIDED, That this
14 section shall not apply to persons in the military service, actually
15 engaged in the performance of military duties, pursuant to orders from
16 competent authority nor to any property owner or person acting under
17 his or her authority in providing protection against the commission of
18 a felony.

19 **Sec. 395.** RCW 70.77.450 and 1997 c 182 s 22 are each amended to
20 read as follows:

21 The chief of the Washington state patrol, through the director of
22 fire protection, may make an examination of the books and records of
23 any licensee, or other person relative to fireworks, and may visit and
24 inspect the premises of any licensee he or she may deem at any time
25 necessary for the purpose of enforcing the provisions of this chapter.
26 The licensee, owner, lessee, manager, or operator of any such building
27 or premises shall permit the chief of the Washington state patrol,
28 through the director of fire protection, his or her deputies or
29 salaried assistants, the local fire official, and their authorized
30 representatives to enter and inspect the premises at the time and for
31 the purpose stated in this section.

32 **Sec. 396.** RCW 70.77.495 and 2002 c 370 s 39 are each amended to
33 read as follows:

34 It is unlawful for any person to set off fireworks of any kind in
35 forest, fallows, grass, or brush covered land, either on his or her own
36 land or the property of another, between April 15th and December 1st of

1 any year, unless it is done under a written permit from the Washington
2 state department of natural resources or its duly authorized agent, and
3 in strict accordance with the terms of the permit and any other
4 applicable law.

5 **Sec. 397.** RCW 70.77.545 and 1961 c 228 s 86 are each amended to
6 read as follows:

7 A person is guilty of a separate offense for each day during which
8 he or she commits, continues, or permits a violation of any provision
9 of, or any order, rule, or regulation made pursuant to this chapter.

10 **Sec. 398.** RCW 70.79.100 and 1951 c 32 s 10 are each amended to
11 read as follows:

12 (1) Within sixty days after the effective date of this chapter, and
13 at any time thereafter that the office of the chief inspector may
14 become vacant, the director of the department of labor and industries
15 shall appoint a chief inspector who shall have had at the time of such
16 appointment not less than ten years practical experience in the
17 construction, maintenance, repair, or operation of high pressure
18 boilers and unfired pressure vessels, as a mechanical engineer, steam
19 engineer, boilermaker, or boiler inspector, and who shall have passed
20 the same kind of examination as that prescribed for deputy or special
21 inspectors in RCW 70.79.170 to be chief inspector until his or her
22 successor shall have been appointed and qualified. Such chief
23 inspector may be removed for cause after due investigation by the board
24 and its recommendation to the director of the department of labor and
25 industries.

26 **Sec. 399.** RCW 70.79.170 and 2005 c 22 s 7 are each amended to read
27 as follows:

28 Examinations for deputy or special inspectors shall be in writing
29 and shall be held by the chief and a member of the board, or by at
30 least two national board commissioned inspectors. Such examinations
31 shall be confined to questions the answers to which will aid in
32 determining the fitness and competency of the applicant for the
33 intended service. In case an applicant for an inspector's appointment
34 or commission fails to pass the examination, he or she may appeal to

1 the board for another examination which shall be given by the chief
2 within ninety days. The record of an applicant's examination shall be
3 accessible to said applicant and his or her employer.

4 **Sec. 400.** RCW 70.79.180 and 1951 c 32 s 19 are each amended to
5 read as follows:

6 A commission may be suspended or revoked after due investigation
7 and recommendation by the board to the director of the department of
8 labor and industries for the incompetence or untrustworthiness of the
9 holder thereof, or for willful falsification of any matter or statement
10 contained in his or her application or in a report of any inspection.
11 A person whose commission has been suspended or revoked, except for
12 untrustworthiness, shall be entitled to apply to the board for
13 reinstatement or, in the case of a revocation, for a new examination
14 and commission after ninety days from such revocation.

15 **Sec. 401.** RCW 70.79.330 and 2008 c 181 s 205 are each amended to
16 read as follows:

17 The owner or user of a boiler or pressure vessel required by this
18 chapter to be inspected by the chief inspector, or his or her deputy
19 inspector, shall pay directly to the chief inspector, upon completion
20 of inspection, fees and expenses in accordance with a schedule adopted
21 by the board and approved by the director of the department of labor
22 and industries in accordance with the requirements of the
23 administrative procedure act, chapter 34.05 RCW.

24 During a state of emergency declared under RCW 43.06.010(12), the
25 governor may waive or suspend the collection of fees under this section
26 or any portion of this section or under any administrative rule, and
27 issue any orders to facilitate the operation of state or local
28 government or to promote and secure the safety and protection of the
29 civilian population.

30 **Sec. 402.** RCW 70.82.024 and 1955 c 326 s 4 are each amended to
31 read as follows:

32 From and after the first day of May, 1955, all warrants drawn on
33 the state cerebral palsy fund and not presented for payment shall be
34 paid from the general fund, and it shall be the duty of the state

1 treasurer and he or she is hereby directed to pay such warrants when
2 presented from the general fund.

3 **Sec. 403.** RCW 70.82.030 and 1947 c 240 s 3 are each amended to
4 read as follows:

5 Any resident of this state who is educable but so severely
6 handicapped as the result of cerebral palsy that he or she is unable to
7 take advantage of the regular system of free education of this state
8 may be admitted to or be eligible for any service and facilities
9 provided hereunder, provided such resident has lived in this state
10 continuously for more than one year before his or her application for
11 such admission or eligibility.

12 **Sec. 404.** RCW 70.93.040 and 1971 ex.s. c 307 s 4 are each amended
13 to read as follows:

14 In addition to his or her other powers and duties, the director
15 shall have the power to propose and to adopt pursuant to chapter 34.05
16 RCW rules and regulations necessary to carry out the provisions,
17 purposes, and intent of this chapter.

18 **Sec. 405.** RCW 70.94.095 and 1969 ex.s. c 168 s 11 are each amended
19 to read as follows:

20 It shall be the duty of the assessor of each component county to
21 certify annually to the board the aggregate assessed valuation of all
22 taxable property in all incorporated and unincorporated areas situated
23 in any activated authority as the same appears from the last assessment
24 roll of his or her county.

25 **Sec. 406.** RCW 70.94.120 and 2009 c 254 s 2 are each amended to
26 read as follows:

27 (1) The city selection committee of each county which is included
28 within an authority shall meet within one month after the activation of
29 such authority for the purpose of making its initial appointments to
30 the board of such authority and thereafter whenever necessary for the
31 purpose of making succeeding appointments. All meetings shall be held
32 upon at least two weeks written notice given by the county auditor to
33 each member of the city selection committee of each county and he or
34 she shall give such notice upon request of any member of such

1 committee. A similar notice shall be given to the general public by a
2 publication of such notice in a newspaper of general circulation in
3 such authority. The county auditor shall act as recording officer,
4 maintain its records, and give appropriate notice of its proceedings
5 and actions.

6 (2) As an alternative to meeting in accordance with subsection (1)
7 of this section, the county auditor may administer the appointment
8 process through the mail.

9 (a) At least four months prior to the expiration of the term of
10 office, the county auditor must mail a request to each member of the
11 city selection committee seeking nominations to the office. The
12 members of the selection committee have until the last day of the
13 fourth month to return the nomination to the auditor or the auditor's
14 designee.

15 (b) Within five business days of the close of the nomination
16 period, the county auditor will mail ballots by certified mail to the
17 members of the city selection committee, specifying the date by which
18 to return the completed ballot which is the last day of the third month
19 prior to the expiration of the term of office. Each mayor who chooses
20 to participate in the balloting shall mark the choice for appointment,
21 sign the ballot, and return the ballot to the county auditor. Each
22 completed ballot shall be date-stamped upon receipt by the mayor or
23 staff of the mayor of the city or town. The timely return of completed
24 ballots by a majority of the members of each city selection committee
25 constitutes a quorum and the common choice by a majority of the quorum
26 constitutes a valid appointment.

27 (3) At least two weeks' written notice must be given by the county
28 auditor to each member of the city selection committee prior to the
29 nomination process. A similar notice shall be given to the general
30 public by publication in a newspaper of general circulation in the
31 authority. A single notice is sufficient for both the nomination
32 process and the balloting process.

33 **Sec. 407.** RCW 70.94.142 and 1987 c 109 s 35 are each amended to
34 read as follows:

35 In connection with the subpoena powers given in RCW 70.94.141(2):

36 (1) In any hearing held under RCW 70.94.181 and 70.94.221, the
37 board or the department, and their authorized agents:

1 (a) Shall issue a subpoena upon the request of any party and, to
2 the extent required by rule or regulation, upon a statement or showing
3 of general relevance and reasonable scope of the evidence sought;

4 (b) May issue a subpoena upon their own motion.

5 (2) The subpoena powers given in RCW 70.94.141(2) shall be
6 statewide in effect.

7 (3) Witnesses appearing under the compulsion of a subpoena in a
8 hearing before the board or the department shall be paid the same fees
9 and mileage that are provided for witnesses in the courts of this
10 state. Such fees and mileage, and the cost of duplicating records
11 required to be produced by subpoena issued upon the motion of the board
12 or department, shall be paid by the board or department. Such fees and
13 mileage, and the cost of producing records required to be produced by
14 subpoena issued upon the request of a party, shall be paid by that
15 party.

16 (4) If an individual fails to obey the subpoena, or obeys the
17 subpoena but refuses to testify when required concerning any matter
18 under examination or investigation or the subject of the hearing, the
19 board or department shall file its written report thereof and proof of
20 service of its subpoena, in any court of competent jurisdiction in the
21 county where the examination, hearing, or investigation is being
22 conducted. Thereupon, the court shall forthwith cause the individual
23 to be brought before it and, upon being satisfied that the subpoena is
24 within the jurisdiction of the board or department and otherwise in
25 accordance with law, shall punish him or her as if the failure or
26 refusal related to a subpoena from or testimony in that court.

27 (5) The department may make such rules and regulations as to the
28 issuance of its own subpoenas as are not inconsistent with the
29 provisions of this chapter.

30 **Sec. 408.** RCW 70.94.390 and 1987 c 109 s 42 are each amended to
31 read as follows:

32 The department may, at any time and on its own motion, hold a
33 hearing to determine if the activation of an authority is necessary for
34 the prevention, abatement, and control of air pollution which exists or
35 is likely to exist in any area of the state. Notice of such hearing
36 shall be conducted in accordance with chapter 42.30 RCW and chapter
37 34.05 RCW. If at such hearing the department finds that air pollution

1 exists or is likely to occur in a particular area, and that the
2 purposes of this chapter and the public interest will be best served by
3 the activation of an authority it shall designate the boundaries of
4 such area and set forth in a report to the appropriate county or
5 counties recommendations for the activation of an authority: PROVIDED,
6 That if at such hearing the department determines that the activation
7 of an authority is not practical or feasible for the reason that a
8 local or regional air pollution control program cannot be successfully
9 established or operated due to unusual circumstances and conditions,
10 but that the control and/or prevention of air pollution is necessary
11 for the purposes of this chapter and the public interest, it may assume
12 jurisdiction and so declare by order. Such order shall designate the
13 geographic area in which, and the effective date upon which, the
14 department will exercise jurisdiction for the control and/or prevention
15 of air pollution. The department shall exercise its powers and duties
16 in the same manner as if it had assumed authority under RCW 70.94.410.

17 All expenses incurred by the department in the control and
18 prevention of air pollution in any county pursuant to the provisions of
19 RCW 70.94.390 and 70.94.410 shall constitute a claim against such
20 county. The department shall certify the expenses to the auditor of
21 the county, who promptly shall issue his or her warrant on the county
22 treasurer payable out of the current expense fund of the county. In
23 the event that the amount in the current expense fund of the county is
24 not adequate to meet the expenses incurred by the department, the
25 department shall certify to the state treasurer that (~~they have~~) it
26 has a prior claim on any money in the "liquor excise tax fund" that is
27 to be apportioned to that county by the state treasurer as provided in
28 RCW 82.08.170. In the event that the amount in the "liquor excise tax
29 fund" that is to be apportioned to that county by the state treasurer
30 is not adequate to meet the expenses incurred by the department, the
31 department shall certify to the state treasurer that they have a prior
32 claim on any excess funds from the liquor revolving fund that are to be
33 distributed to that county as provided in RCW 66.08.190 through
34 66.08.220. All moneys that are collected as provided in this section
35 shall be placed in the general fund in the account of the office of air
36 programs of the department.

1 **Sec. 409.** RCW 70.94.715 and 1990 c 128 s 4 are each amended to
2 read as follows:

3 The department of ecology is hereby authorized to develop an
4 episode avoidance plan providing for the phased reduction of emissions
5 wherever and whenever an air pollution episode is forecast. Such an
6 episode avoidance plan shall conform with any applicable federal
7 standards and shall be effective statewide. The episode avoidance plan
8 may be implemented on an area basis in accordance with the occurrence
9 of air pollution episodes in any given area.

10 The department of ecology may delegate authority to adopt source
11 emission reduction plans and authority to implement all stages of
12 occurrence up to and including the warning stage, and all intermediate
13 stages up to the warning stage, in any area of the state, to the air
14 pollution control authority with jurisdiction therein.

15 The episode avoidance plan, which shall be established by
16 regulation in accordance with chapter 34.05 RCW, shall include, but not
17 be limited to, the following:

18 (1) The designation of episode criteria and stages, the occurrence
19 of which will require the carrying out of preplanned episode avoidance
20 procedures. The stages of occurrence shall be (a) forecast, (b) alert,
21 (c) warning, (d) emergency, and such intermediate stages as the
22 department shall designate. "Forecast" means the presence of
23 meteorological conditions that are conducive to accumulation of air
24 contaminants and is the first stage of an episode. The department
25 shall not call a forecast episode prior to the department or an
26 authority calling a first stage impaired air quality condition as
27 provided by RCW 70.94.473(1)(b) or calling a single-stage impaired air
28 quality condition as provided by RCW 70.94.473(2). "Alert" means
29 concentration of air contaminants at levels at which short-term health
30 effects may occur, and is the second stage of an episode. "Warning"
31 means concentrations are continuing to degrade, contaminant
32 concentrations have reached a level which, if maintained, can result in
33 damage to health, and additional control actions are needed and is the
34 third level of an episode. "Emergency" means the air quality is posing
35 an imminent and substantial endangerment to public health and is the
36 fourth level of an episode;

37 (2) The requirement that persons responsible for the operation of
38 air contaminant sources prepare and obtain approval from the director

1 of source emission reduction plans, consistent with good operating
2 practice and safe operating procedures, for reducing emissions during
3 designated episode stages;

4 (3) Provision for the director of the department of ecology or his
5 or her authorized representative, or the air pollution control officer
6 if implementation has been delegated, on the satisfaction of applicable
7 criteria, to declare and terminate the forecast, alert, warning and all
8 intermediate stages, up to the warning episode stage, such declarations
9 constituting orders for action in accordance with applicable source
10 emission reduction plans;

11 (4) Provision for the governor to declare and terminate the
12 emergency stage and all intermediate stages above the warning episode
13 stage, such declarations constituting orders in accordance with
14 applicable source emission reduction plans;

15 (5) Provisions for enforcement by state and local police, personnel
16 of the departments of ecology and social and health services, and
17 personnel of local air pollution control agencies; and

18 (6) Provisions for reduction or discontinuance of emissions
19 immediately, consistent with good operating practice and safe operating
20 procedures, under an air pollution emergency as provided in RCW
21 70.94.720.

22 Source emission reduction plans shall be considered orders of the
23 department and shall be subject to appeal to the pollution control
24 hearings board according to the procedure in chapter 43.21B RCW.

25 **Sec. 410.** RCW 70.94.720 and 1971 ex.s. c 194 s 3 are each amended
26 to read as follows:

27 Whenever the governor finds that emissions from the operation of
28 one or more air contaminant sources is causing imminent danger to
29 public health or safety, he or she may declare an air pollution
30 emergency and may order the person or persons responsible for the
31 operation of such air contaminant source or sources to reduce or
32 discontinue emissions consistent with good operating practice, safe
33 operating procedures, and source emission reduction plans, if any,
34 adopted by the department of ecology or any local air pollution control
35 authority to which the department of ecology has delegated authority to
36 adopt emission reduction plans. Orders authorized by this section
37 shall be in writing and may be issued without prior notice or hearing.

1 In the absence of the governor, any findings, declarations, and orders
2 authorized by this section may be made and issued by his or her
3 authorized representative.

4 **Sec. 411.** RCW 70.95.210 and 1998 c 90 s 3 are each amended to read
5 as follows:

6 Whenever the jurisdictional health department denies a permit or
7 suspends a permit for a solid waste disposal site, it shall, upon
8 request of the applicant or holder of the permit, grant a hearing on
9 such denial or suspension within thirty days after the request therefor
10 is made. Notice of the hearing shall be given (~~to~~) to all
11 interested parties, including the county or city having jurisdiction
12 over the site and the department. Within thirty days after the
13 hearing, the health officer shall notify the applicant or the holder of
14 the permit in writing of his or her determination and the reasons
15 therefor. Any party aggrieved by such determination may appeal to the
16 pollution control hearings board by filing with the hearings board a
17 notice of appeal within thirty days after receipt of notice of the
18 determination of the health officer. The hearings board shall hold a
19 hearing in accordance with the provisions of the administrative
20 procedure act, chapter 34.05 RCW. If the jurisdictional health
21 department denies a permit renewal or suspends a permit for an
22 operating waste recycling facility that receives waste from more than
23 one city or county, and the applicant or holder of the permit requests
24 a hearing or files an appeal under this section, the permit denial or
25 suspension shall not be effective until the completion of the appeal
26 process under this section, unless the jurisdictional health department
27 declares that continued operation of the waste recycling facility poses
28 a very probable threat to human health and the environment.

29 **Sec. 412.** RCW 70.95B.020 and 1999 c 153 s 66 are each amended to
30 read as follows:

31 As used in this chapter unless context requires another meaning:

32 (1) "Director" means the director of the department of ecology.

33 (2) "Department" means the department of ecology.

34 (3) "Certificate" means a certificate of competency issued by the
35 director stating that the operator has met the requirements for the
36 specified operator classification of the certification program.

1 (4) "Wastewater treatment plant" means a facility used to treat any
2 liquid or waterborne waste of domestic origin or a combination of
3 domestic, commercial, or industrial origin, and which by its design
4 requires the presence of an operator for its operation. It shall not
5 include any facility used exclusively by a single family residence,
6 septic tanks with subsoil absorption, industrial wastewater treatment
7 plants, or wastewater collection systems.

8 (5) "Operator in responsible charge" means an individual who is
9 designated by the owner as the person on-site in responsible charge of
10 the routine operation of a wastewater treatment plant.

11 (6) "Nationally recognized association of certification
12 authorities" shall mean that organization which serves as an
13 information center for certification activities, recommends minimum
14 standards and guidelines for classification of potable water treatment
15 plants, water distribution systems and wastewater facilities and
16 certification of operators, facilitates reciprocity between state
17 programs and assists authorities in establishing new certification
18 programs and updating existing ones.

19 (7) "Wastewater collection system" means any system of lines,
20 pipes, manholes, pumps, liftstations, or other facilities used for the
21 purpose of collecting and transporting wastewater.

22 (8) "Operating experience" means routine performance of duties, on-
23 site in a wastewater treatment plant, that affects plant performance or
24 effluent quality.

25 (9) "Owner" means in the case of a town or city, the city or town
26 acting through its chief executive officer or the lessee if operated
27 pursuant to a lease or contract; in the case of a county, the
28 ((~~chairman~~)) chair of the county legislative authority or the
29 ((~~chairman's~~)) chair's designee; in the case of a water-sewer district,
30 board of public utilities, association, municipality, or other public
31 body, the president or ((~~chairman~~)) chair of the body or the
32 president's or ((~~chairman's~~)) chair's designee; in the case of a
33 privately owned wastewater treatment plant, the legal owner.

34 (10) "Wastewater certification program coordinator" means an
35 employee of the department who administers the wastewater treatment
36 plant operators' certification program.

1 **Sec. 413.** RCW 70.96A.180 and 1990 c 151 s 6 are each amended to
2 read as follows:

3 (1) If treatment is provided by an approved treatment program and
4 the patient has not paid or is unable to pay the charge therefor, the
5 program is entitled to any payment (a) received by the patient or to
6 which he or she may be entitled because of the services rendered, and
7 (b) from any public or private source available to the program because
8 of the treatment provided to the patient.

9 (2) A patient in a program, or the estate of the patient, or a
10 person obligated to provide for the cost of treatment and having
11 sufficient financial ability, is liable to the program for cost of
12 maintenance and treatment of the patient therein in accordance with
13 rates established.

14 (3) The secretary shall adopt rules governing financial ability
15 that take into consideration the income, savings, and other personal
16 and real property of the person required to pay, and any support being
17 furnished by him or her to any person he or she is required by law to
18 support.

19 **Sec. 414.** RCW 70.98.050 and 1990 c 173 s 2 are each amended to
20 read as follows:

21 (1) The department of health is designated as the state radiation
22 control agency, hereinafter referred to as the agency, and shall be the
23 state agency having sole responsibility for administration of the
24 regulatory, licensing, and radiation control provisions of this
25 chapter.

26 (2) The secretary of health shall be director of the agency,
27 hereinafter referred to as the secretary, who shall perform the
28 functions vested in the agency pursuant to the provisions of this
29 chapter.

30 (3) The agency shall appoint a state radiological control officer,
31 and in accordance with the laws of the state, fix his or her
32 compensation and prescribe his or her powers and duties.

33 (4) The agency shall for the protection of the occupational and
34 public health and safety:

35 (a) Develop programs for evaluation of hazards associated with use
36 of ionizing radiation;

1 (b) Develop a statewide radiological baseline beginning with the
2 establishment of a baseline for the Hanford reservation;

3 (c) Implement an independent statewide program to monitor ionizing
4 radiation emissions from radiation sources within the state;

5 (d) Develop programs with due regard for compatibility with federal
6 programs for regulation of by-product, source, and special nuclear
7 materials;

8 (e) Conduct environmental radiation monitoring programs which will
9 determine the presence and significance of radiation in the environment
10 and which will verify the adequacy and accuracy of environmental
11 radiation monitoring programs conducted by the federal government at
12 its installations in Washington and by radioactive materials licensees
13 at their installations;

14 (f) Formulate, adopt, promulgate, and repeal codes, rules, and
15 regulations relating to control of sources of ionizing radiation;

16 (g) Advise, consult, and cooperate with other agencies of the
17 state, the federal government, other states and interstate agencies,
18 political subdivisions, and with groups concerned with control of
19 sources of ionizing radiation;

20 (h) Have the authority to accept and administer loans, grants, or
21 other funds or gifts, conditional or otherwise, in furtherance of its
22 functions, from the federal government and from other sources, public
23 or private;

24 (i) Encourage, participate in, or conduct studies, investigations,
25 training, research, and demonstrations relating to control of sources
26 of ionizing radiation, including the collection of statistical data and
27 epidemiological research, where available, on diseases that result from
28 exposure to sources of ionizing radiation;

29 (j) Collect and disseminate information relating to control of
30 sources of ionizing radiation; including:

31 (i) Maintenance of a file of all license applications, issuances,
32 denials, amendments, transfers, renewals, modifications, suspensions,
33 and revocations;

34 (ii) Maintenance of a file of registrants possessing sources of
35 ionizing radiation requiring registration under the provisions of this
36 chapter and any administrative or judicial action pertaining thereto;
37 and

1 (iii) Maintenance of a file of all rules and regulations relating
2 to regulation of sources of ionizing radiation, pending or promulgated,
3 and proceedings thereon;

4 (k) Collect and disseminate information relating to nonionizing
5 radiation, including:

6 (i) Maintaining a state clearinghouse of information pertaining to
7 sources and effects of nonionizing radiation with an emphasis on
8 electric and magnetic fields;

9 (ii) Maintaining current information on the status and results of
10 studies pertaining to health effects resulting from exposure to
11 nonionizing radiation with an emphasis on studies pertaining to
12 electric and magnetic fields;

13 (iii) Serving as the lead state agency on matters pertaining to
14 electric and magnetic fields and periodically informing state agencies
15 of relevant information pertaining to nonionizing radiation;

16 (l) In connection with any adjudicative proceeding as defined by
17 RCW 34.05.010 or any other administrative proceedings as provided for
18 in this chapter, have the power to issue subpoenas in order to compel
19 the attendance of necessary witnesses and/or the production of records
20 or documents.

21 (5) In order to avoid duplication of efforts, the agency may
22 acquire the data requested under this section from public and private
23 entities that possess this information.

24 **Sec. 415.** RCW 70.98.100 and 1961 c 207 s 10 are each amended to
25 read as follows:

26 (1) The agency shall require each person who possesses or uses a
27 source of ionizing radiation to maintain necessary records relating to
28 its receipt, use, storage, transfer, or disposal and such other records
29 as the agency may require which will permit the determination of the
30 extent of occupational and public exposure from the radiation source.
31 Copies of these records shall be submitted to the agency on request.
32 These requirements are subject to such exemptions as may be provided by
33 rules.

34 (2) The agency may by rule and regulation establish standards
35 requiring that personnel monitoring be provided for any employee
36 potentially exposed to ionizing radiation and may provide for the
37 reporting to any employee of his or her radiation exposure record.

1 **Sec. 416.** RCW 70.98.190 and 1961 c 207 s 19 are each amended to
2 read as follows:

3 Nothing in this chapter shall be construed to limit the kind or
4 amount of radiation that may be intentionally applied to a person for
5 diagnostic or therapeutic purposes by or under the immediate direction
6 of a licensed practitioner of the healing arts acting within the scope
7 of his or her professional license.

8 **Sec. 417.** RCW 70.105.095 and 1987 c 109 s 16 are each amended to
9 read as follows:

10 (1) Whenever on the basis on any information the department
11 determines that a person has violated or is about to violate any
12 provision of this chapter, the department may issue an order requiring
13 compliance either immediately or within a specified period of time.
14 The order shall be delivered by registered mail or personally to the
15 person against whom the order is directed.

16 (2) Any person who fails to take corrective action as specified in
17 a compliance order shall be liable for a civil penalty of not more than
18 ten thousand dollars for each day of continued noncompliance. In
19 addition, the department may suspend or revoke any permits and/or
20 certificates issued under the provisions of this chapter to a person
21 who fails to comply with an order directed against him or her.

22 (3) Any order may be appealed pursuant to RCW 43.21B.310.

23 **Sec. 418.** RCW 70.106.040 and 1974 ex.s. c 49 s 4 are each amended
24 to read as follows:

25 "Director" means the director of the department of agriculture of
26 the state of Washington, or his or her duly authorized representative.

27 **Sec. 419.** RCW 70.106.100 and 1974 ex.s. c 49 s 10 are each amended
28 to read as follows:

29 (1) The director may establish in accordance with the provisions of
30 this chapter, by regulation, standards for the special packaging of any
31 household substance if he or she finds that:

32 (a) The degree or nature of the hazard to children in the
33 availability of such substance, by reason of its packaging is such that
34 special packaging is required to protect children from serious personal

1 injury or serious illness resulting from handling, using, or ingesting
2 such substance; and

3 (b) The special packaging to be required by such standard is
4 technically feasible, practicable, and appropriate for such substance.

5 (2) In establishing a standard under this section, the director
6 shall consider:

7 (a) The reasonableness of such standard;

8 (b) Available scientific, medical, and engineering data concerning
9 special packaging and concerning childhood accidental ingestions,
10 illness, and injury caused by household substances;

11 (c) The manufacturing practices of industries affected by this
12 chapter; and

13 (d) The nature and use of the household substance.

14 (3) In carrying out the provisions of this chapter, the director
15 shall publish his or her findings, his or her reasons therefor, and
16 citation of the sections of statutes which authorize his or her action.

17 (4) Nothing in this chapter authorizes the director to prescribe
18 specific packaging designs, product content, package quantity, or, with
19 the exception of authority granted in RCW 70.106.110(1)(b), labeling.
20 In the case of a household substance for which special packaging is
21 required pursuant to a regulation under this section, the director may
22 in such regulation prohibit the packaging of such substance in packages
23 which he or she determines are unnecessarily attractive to children.

24 (5) The director shall cause the regulations promulgated under this
25 chapter to conform with the requirements or exemptions of the federal
26 hazardous substances act and with the regulations or interpretations
27 promulgated pursuant thereto.

28 **Sec. 420.** RCW 70.106.110 and 1974 ex.s. c 49 s 11 are each amended
29 to read as follows:

30 (1) For the purpose of making any household substance which is
31 subject to a standard established under RCW 70.106.100 readily
32 available to elderly persons or (~~handicapped~~) persons with
33 disabilities unable to use such substance when packaged in compliance
34 with such standard, the manufacturer or packer, as the case may be, may
35 package any household substance, subject to such a standard, in
36 packaging of a single size which does not comply with such standard if:

1 (a) The manufacturer or packer also supplies such substance in
2 packages which comply with such standard; and

3 (b) The packages of such substance which do not meet such standard
4 bear conspicuous labeling stating: "This package for households
5 without young children"; except that the director may by regulation
6 prescribe a substitute statement to the same effect for packaging too
7 small to accommodate such labeling.

8 (2) In the case of a household substance which is subject to such
9 a standard and which is dispensed pursuant to an order of a physician,
10 dentist, or other licensed medical practitioner authorized to
11 prescribe, such substance may be dispensed in noncomplying packages
12 only when directed in such order or when requested by the purchaser.

13 (3) In the case of a household substance subject to such a standard
14 which is packaged under subsection (1) of this section in a
15 noncomplying package, if the director determines that such substance is
16 not also being supplied by a manufacturer or packer in popular size
17 packages which comply with such standard, he or she may, after giving
18 the manufacturer or packer an opportunity to comply with the purposes
19 of this chapter, by order require such substance to be packaged by such
20 manufacturer or packer exclusively in special packaging complying with
21 such standard if he or she finds, after opportunity for hearing, that
22 such exclusive use of special packaging is necessary to accomplish the
23 purposes of this chapter.

24 **Sec. 421.** RCW 70.108.020 and 1971 ex.s. c 302 s 21 are each
25 amended to read as follows:

26 For the purposes of this chapter the following words and phrases
27 shall have the indicated meanings:

28 (1) "Outdoor music festival" or "music festival" or "festival"
29 means an assembly of persons gathered primarily for outdoor, live or
30 recorded musical entertainment, where the predicted attendance is two
31 thousand persons or more and where the duration of the program is five
32 hours or longer: PROVIDED, That this definition shall not be applied
33 to any regularly established permanent place of worship, stadium,
34 athletic field, arena, auditorium, coliseum, or other similar
35 permanently established places of assembly for assemblies which do not
36 exceed by more than two hundred fifty people the maximum seating
37 capacity of the structure where the assembly is held: PROVIDED,

1 FURTHER, That this definition shall not apply to government sponsored
2 fairs held on regularly established fairgrounds nor to assemblies
3 required to be licensed under other laws or regulations of the state.

4 (2) "Promoter" means any person or other legal entity issued a
5 permit to conduct an outdoor music festival.

6 (3) "Applicant" means the promoter who has the right of control of
7 the conduct of an outdoor music festival who applies to the appropriate
8 legislative authority for a license to hold an outdoor music festival.

9 (4) "Issuing authority" means the legislative body of the local
10 governmental unit where the site for an outdoor music festival is
11 located.

12 (5) "Participate" means to knowingly provide or deliver to the
13 festival site supplies, materials, food, lumber, beverages, sound
14 equipment, generators, or musical entertainment and/or to attend a
15 music festival. A person shall be presumed to have knowingly provided
16 as that phrase is used herein after he or she has been served with a
17 court order.

18 **Sec. 422.** RCW 70.108.060 and 1971 ex.s. c 302 s 25 are each
19 amended to read as follows:

20 Any local agency requested by an applicant to give written approval
21 as required by RCW 70.108.040 may within fifteen days after the
22 applicant has filed his or her application apply to the issuing
23 authority for reimbursement of expenses reasonably incurred in reviewing
24 such request. Upon a finding that such expenses were reasonably
25 incurred, the issuing authority shall reimburse the local agency
26 therefor from the funds of the permit fee. The issuing authority shall
27 prior to the first scheduled date of the festival return to the
28 applicant that portion of the permit fee remaining after all such
29 reimbursements have been made.

30 **Sec. 423.** RCW 70.108.070 and 1972 ex.s. c 123 s 3 are each amended
31 to read as follows:

32 After the application has been approved, the promoter shall deposit
33 with the issuing authority, a cash deposit or surety bond. The bond or
34 deposit shall be used to pay any costs or charges incurred to regulate
35 health or to clean up afterwards outside the festival grounds or any
36 extraordinary costs or charges incurred to regulate traffic or parking.

1 The bond or other deposit shall be returned to the promoter when the
2 issuing authority is satisfied that no claims for damage or loss will
3 be made against said bond or deposit, or that the loss or damage
4 claimed is less than the amount of the deposit, in which case the
5 uncommitted balance thereof shall be returned: PROVIDED, That the bond
6 or cash deposit or the uncommitted portion thereof shall be returned
7 not later than thirty days after the last day of the festival.

8 In addition, the promoter shall be required to furnish evidence
9 that he or she has in full force and effect a liability insurance
10 policy in an amount of not less than one hundred thousand dollars
11 bodily injury coverage per person covering any bodily injury
12 negligently caused by any officer or employee of the festival while
13 acting in the performance of his or her duties. The policy shall name
14 the issuing authority of the permit as an additional named insured.

15 In addition, the promoter shall be required to furnish evidence
16 that he or she has in full force and effect a one hundred thousand
17 dollar liability property damage insurance policy covering any property
18 damaged due to negligent failure by any officer or employee of the
19 festival to carry out duties imposed by this chapter. The policy shall
20 have the issuing authority of the permit as an additional named
21 insured.

22 **Sec. 424.** RCW 70.108.150 and 1972 ex.s. c 123 s 5 are each amended
23 to read as follows:

24 It shall be unlawful for any person, except law enforcement
25 officers, to carry, transport, or convey, or to have in his or her
26 possession or under his or her control any firearm while on the site of
27 an outdoor music festival.

28 Any person violating the provisions of this section shall be guilty
29 of a misdemeanor and upon conviction thereof shall be punished by a
30 fine of not less than one hundred dollars and not more than two hundred
31 dollars or by imprisonment in the county jail for not less than ten
32 days and not more than ninety days or by both such fine and
33 imprisonment.

34 **Sec. 425.** RCW 70.110.080 and 1973 1st ex.s. c 211 s 8 are each
35 amended to read as follows:

36 Personal service of any process in an action under this chapter may

1 be made upon any person outside the state if such person has violated
2 any provision of this chapter. Such person shall be deemed to have
3 thereby submitted himself or herself to the jurisdiction of the courts
4 of this state within the meaning of RCW 4.28.180 and 4.28.185, as now
5 or hereafter amended.

6 **Sec. 426.** RCW 70.112.020 and 2010 1st sp.s. c 7 s 42 are each
7 amended to read as follows:

8 There is established a statewide medical education system for the
9 purpose of training resident physicians in family practice. The dean
10 of the school of medicine shall be responsible for implementing the
11 development and expansion of residency programs in cooperation with the
12 medical profession, hospitals, and clinics located throughout the
13 state. The ((~~chairman~~)) chair of the department of family medicine in
14 the school of medicine shall determine where affiliated residency
15 programs shall exist; giving consideration to communities in the state
16 where the population, hospital facilities, number of physicians, and
17 interest in medical education indicate the potential success of the
18 residency program. The medical education system shall provide
19 financial support for residents in training for those programs which
20 are affiliated with the school of medicine and shall establish
21 positions for appropriate faculty to staff these programs. The number
22 of programs shall be determined by the board and be in keeping with the
23 needs of the state.

24 **Sec. 427.** RCW 70.121.030 and 1979 ex.s. c 110 s 3 are each amended
25 to read as follows:

26 (1) Any person who proposes to operate a uranium or thorium mill
27 within the state of Washington after January 1, 1980, shall obtain a
28 license from the department to mill thorium and uranium. The period of
29 the license shall be determined by the secretary and shall be initially
30 valid for not more than two years and renewable thereafter for periods
31 of not more than five years. No license may be granted unless:

32 (a) The owner or operator of the mill submits to the department a
33 plan for reclamation and disposal of tailings and for decommissioning
34 the site that conforms to the criteria and standards then in effect for
35 the protection of the public safety and health; and

1 (b) The owner of the mill agrees to transfer or revert to the
2 appropriate state or federal agency upon termination of the license all
3 lands, buildings, and grounds, and any interests therein, necessary to
4 fulfill the purposes of this chapter except where the lands are held in
5 trust for or are owned by any Indian tribe.

6 (2) Any person operating a uranium or thorium mill on January 1,
7 1980, shall, at the time of application for renewal of his or her
8 license to mill thorium or uranium, comply with the following
9 conditions for continued operation of the mill:

10 (a) The owner or operator of the mill shall submit to the
11 department a plan for reclamation and disposal of tailings and for
12 decommissioning the site that conforms to the criteria and standards
13 then in effect for the protection of the public safety and health; and

14 (b) The owner of the mill shall agree to transfer or revert to the
15 appropriate state or federal agency upon termination of the license all
16 lands, buildings, and grounds, and any interests therein, necessary to
17 fulfill the purposes of this chapter except where the lands are held in
18 trust for or are owned by any Indian tribe.

19 (3) The department shall, after public notice and opportunity for
20 written comment, hold a public hearing to consider the adequacy of the
21 proposed plan to protect the safety and health of the public required
22 by subsections (1) and (2) of this section. The proceedings shall be
23 recorded and transcribed. The public hearing shall provide the
24 opportunity for cross-examination by both the department and the person
25 proposing the plan required under this section. The department shall
26 make a written determination as to the licensing of the mill which is
27 based upon the findings included in the determination and upon the
28 evidence presented during the public comment period. The determination
29 is subject to judicial review. If a declaration of nonsignificance is
30 issued for a license renewal application under rules adopted under
31 chapter 43.21C RCW, the public hearing is not required.

32 (4) The department shall set a schedule of license and amendment
33 fees predicated on the cost of reviewing the license application and of
34 monitoring for compliance with the conditions of the license. A permit
35 for construction of a uranium or thorium mill may be granted by the
36 secretary prior to licensing.

1 **Sec. 428.** RCW 70.121.040 and 1979 ex.s. c 110 s 4 are each amended
2 to read as follows:

3 The secretary or his or her representative shall monitor the
4 operations of the mill for compliance with the conditions of the
5 license by the owner or operator. The mill owner or operator shall be
6 responsible for compliance, both during the lifetime of the facility
7 and at shutdown, including but not limited to such requirements as
8 fencing and posting the site; contouring, covering, and stabilizing the
9 pile; and for decommissioning the facility.

10 **Sec. 429.** RCW 70.121.090 and 1979 ex.s. c 110 s 9 are each amended
11 to read as follows:

12 Each licensee under this chapter, as a condition of his or her
13 license, shall submit to whatever reasonable on-site inspections and
14 on-site monitoring as required in order for the department to carry out
15 its responsibilities and duties under this chapter. Such on-site
16 inspections and monitoring shall be conducted without the necessity of
17 any further approval or any permit or warrant therefor.

18 **Sec. 430.** RCW 71.06.010 and 1985 c 354 s 32 are each amended to
19 read as follows:

20 As used in this chapter, the following terms shall have the
21 following meanings:

22 "Psychopathic personality" means the existence in any person of
23 such hereditary, congenital, or acquired condition affecting the
24 emotional or volitional rather than the intellectual field and
25 manifested by anomalies of such character as to render satisfactory
26 social adjustment of such person difficult or impossible.

27 "Sexual psychopath" means any person who is affected in a form of
28 psychoneurosis or in a form of psychopathic personality, which form
29 predisposes such person to the commission of sexual offenses in a
30 degree constituting him or her a menace to the health or safety of
31 others.

32 "Sex offense" means one or more of the following: Abduction,
33 incest, rape, assault with intent to commit rape, indecent assault,
34 contributing to the delinquency of a minor involving sexual misconduct,
35 sodomy, indecent exposure, indecent liberties with children, carnal
36 knowledge of children, soliciting or enticing or otherwise

1 communicating with a child for immoral purposes, vagrancy involving
2 immoral or sexual misconduct, or an attempt to commit any of the said
3 offenses.

4 "Minor" means any person under eighteen years of age.

5 "Department" means department of social and health services.

6 "Court" means the superior court of the state of Washington.

7 "Superintendent" means the superintendent of a state institution
8 designated for the custody, care, and treatment of sexual psychopaths
9 or psychopathic delinquents.

10 **Sec. 431.** RCW 71.06.020 and 1959 c 25 s 71.06.020 are each amended
11 to read as follows:

12 Where any person is charged in the superior court in this state
13 with a sex offense and it appears that such person is a sexual
14 psychopath, the prosecuting attorney may file a petition in the
15 criminal proceeding, alleging that the defendant is a sexual psychopath
16 and stating sufficient facts to support such allegation. Such petition
17 must be filed and served on the defendant or his or her attorney at
18 least ten days prior to hearing on the criminal charge.

19 **Sec. 432.** RCW 71.06.050 and 1959 c 25 s 71.06.050 are each amended
20 to read as follows:

21 Upon completion of said observation period, the superintendent of
22 the state hospital shall return the defendant to the court, together
23 with a written report of his or her findings as to whether or not the
24 defendant is a sexual psychopath and the facts upon which his or her
25 opinion is based.

26 **Sec. 433.** RCW 71.06.060 and 1979 c 141 s 129 are each amended to
27 read as follows:

28 After the superintendent's report has been filed, the court shall
29 determine whether or not the defendant is a sexual psychopath. If said
30 defendant is found to be a sexual psychopath, the court shall commit
31 him or her to the secretary of social and health services for
32 designation of the facility for detention, care, and treatment of the
33 sexual psychopath. If the defendant is found not to be a sexual
34 psychopath, the court shall order the sentence to be executed, or may
35 discharge the defendant as the case may merit.

1 **Sec. 434.** RCW 71.06.080 and 1959 c 25 s 71.06.080 are each amended
2 to read as follows:

3 Nothing in this chapter shall be construed as to affect the
4 procedure for the ordinary conduct of criminal trials as otherwise set
5 up by law. Nothing in this chapter shall be construed to prevent the
6 defendant, his or her attorney, or the court of its own motion, from
7 producing evidence and witnesses at the hearing on the probable
8 existence of sexual psychopathy or at the hearing after the return of
9 the superintendent's report. Nothing in this chapter shall be
10 construed as affecting the laws relating to the criminally insane or
11 the insane criminal, nor shall this chapter be construed as preventing
12 the defendant from raising the defense of insanity as in other criminal
13 cases.

14 **Sec. 435.** RCW 71.06.091 and 1981 c 136 s 64 are each amended to
15 read as follows:

16 A sexual psychopath committed pursuant to RCW 71.06.060 shall be
17 retained by the superintendent of the institution involved until in the
18 superintendent's opinion he or she is safe to be at large, or until he
19 or she has received the maximum benefit of treatment, or is not
20 amenable to treatment, but the superintendent is unable to render an
21 opinion that he or she is safe to be at large. Thereupon, the
22 superintendent of the institution involved shall so inform whatever
23 court committed the sexual psychopath. The court then may order such
24 further examination and investigation of such person as seems
25 necessary, and may at its discretion, summon such person before it for
26 further hearing, together with any witnesses whose testimony may be
27 pertinent, and together with any relevant documents and other evidence.
28 On the basis of such reports, investigation, and possible hearing, the
29 court shall determine whether the person before it shall be released
30 unconditionally from custody as a sexual psychopath, released
31 conditionally, returned to the custody of the institution as a sexual
32 psychopath, or transferred to the department of corrections to serve
33 the original sentence imposed upon him or her. The power of the court
34 to grant conditional release for any such person before it shall be the
35 same as its power to grant, amend, and revoke probation as provided by
36 chapter 9.95 RCW. When the sexual psychopath has entered upon the
37 conditional release, the (~~state board of prison terms and paroles~~)

1 indeterminate sentence review board shall supervise such person
2 pursuant to the terms and conditions of the conditional release, as set
3 by the court: PROVIDED, That the superintendent of the institution
4 involved shall never release the sexual psychopath from custody without
5 a court release as herein set forth.

6 **Sec. 436.** RCW 71.06.100 and 1967 c 104 s 4 are each amended to
7 read as follows:

8 Where under RCW 71.06.091 the superintendent renders his or her
9 opinion to the committing court, he or she shall provide the committing
10 court, and, in the event of conditional release, the (~~Washington state~~
11 ~~board of prison terms and paroles~~) indeterminate sentence review
12 board, with a copy of the hospital medical record concerning the sexual
13 psychopath.

14 **Sec. 437.** RCW 71.06.120 and 1959 c 25 s 71.06.120 are each amended
15 to read as follows:

16 Time served by a sexual psychopath in a state hospital shall count
17 as part of his or her sentence whether such sentence is pronounced
18 before or after adjudication of his or her sexual psychopathy.

19 **Sec. 438.** RCW 71.06.130 and 1967 c 104 s 5 are each amended to
20 read as follows:

21 Where a sexual psychopath has been conditionally released by the
22 committing court, as provided by RCW 71.06.091 for a period of five
23 years, the court shall review his or her record and when the court is
24 satisfied that the sexual psychopath is safe to be at large, said
25 sexual psychopath shall be discharged.

26 **Sec. 439.** RCW 71.06.260 and 1985 c 354 s 33 are each amended to
27 read as follows:

28 At any time any person is committed as a sexual psychopath the
29 court shall, after reasonable notice of the time, place and purpose of
30 the hearing has been given to persons subject to liability under this
31 section, inquire into and determine the financial ability of said
32 person, or his or her parents if he or she is a minor, or other
33 relatives to pay the cost of care, meals and lodging during his or her
34 period of hospitalization. Such cost shall be determined by the

1 department of social and health services. Findings of fact shall be
2 made relative to the ability to pay such cost and a judgment entered
3 against the person or persons found to be financially responsible and
4 directing the payment of said cost or such part thereof as the court
5 may direct. The person committed, or his or her parents or relatives,
6 may apply for modification of said judgment, or the order last entered
7 by the court, if a proper showing of equitable grounds is made
8 therefor.

9 **Sec. 440.** RCW 71.12.570 and 1973 1st ex.s. c 142 s 2 are each
10 amended to read as follows:

11 No person in an establishment as defined in this chapter shall be
12 restrained from sending written communications of the fact of his or
13 her detention in such establishment to a friend, relative, or other
14 person. The physician in charge of such person and the person in
15 charge of such establishment shall send each such communication to the
16 person to whom it is addressed. All persons in an establishment (~~as~~
17 ~~defined by chapter 71.12 RCW~~) shall have no less than all rights
18 secured to involuntarily detained persons by RCW 71.05.360 and
19 (~~71.05.370~~) 71.05.217 and to voluntarily admitted or committed
20 persons pursuant to RCW 71.05.050 and 71.05.380.

21 **Sec. 441.** RCW 71.12.640 and 1989 1st ex.s. c 9 s 234 are each
22 amended to read as follows:

23 The prosecuting attorney of every county shall, upon application by
24 the department of social and health services, the department of health,
25 or its authorized representatives, institute and conduct the
26 prosecution of any action brought for the violation within his or her
27 county of any of the provisions of this chapter.

28 **Sec. 442.** RCW 71.24.100 and 2005 c 503 s 9 are each amended to
29 read as follows:

30 A county authority or a group of county authorities may enter into
31 a joint operating agreement to form a regional support network. Any
32 agreement between two or more county authorities for the establishment
33 of a regional support network shall provide:

34 (1) That each county shall bear a share of the cost of mental
35 health services; and

1 (2) That the treasurer of one participating county shall be the
2 custodian of funds made available for the purposes of such mental
3 health services, and that the treasurer may make payments from such
4 funds upon audit by the appropriate auditing officer of the county for
5 which he or she is treasurer.

6 **Sec. 443.** RCW 72.01.060 and 1983 1st ex.s. c 41 s 26 are each
7 amended to read as follows:

8 The secretary shall appoint the chief executive officers necessary
9 to manage one or more of the public facilities operated by the
10 department. This section, however, shall not apply to RCW 72.40.020.

11 Except as otherwise provided in this title, the chief executive
12 officer of each institution may appoint all assistants and employees
13 required for the management of the institution placed in his or her
14 charge, the number of such assistants and employees to be determined
15 and fixed by the secretary. The chief executive officer of any
16 institution may, at his or her pleasure, discharge any person therein
17 employed. The secretary shall investigate all complaints made against
18 the chief executive officer of any institution and also any complaint
19 against any other officer or employee thereof, if it has not been
20 investigated and reported upon by the chief executive officer.

21 The secretary may, after investigation, for good and sufficient
22 reasons, order the discharge of any subordinate officer or employee of
23 an institution.

24 Each chief executive officer shall receive such salary as is fixed
25 by the secretary, who shall also fix the compensation of other officers
26 and the employees of each institution. Such latter compensation shall
27 be fixed on or before the first day of April of each year and no change
28 shall be made in the compensation, so fixed, during the twelve month
29 period commencing April 1st.

30 **Sec. 444.** RCW 72.01.120 and 1979 c 141 s 148 are each amended to
31 read as follows:

32 When improvements are to be made under contract, notice of the call
33 for the same shall be published in at least two newspapers of general
34 circulation in the state for two weeks prior to the award being made.
35 The contract shall be awarded to the lowest responsible bidder. The
36 secretary is authorized to require such security as he or she may deem

1 proper to accompany the bids submitted, and shall also fix the amount
2 of the bond or other security that shall be furnished by the person or
3 firm to whom the contract is awarded. The secretary shall have the
4 power to reject any or all bids submitted, if for any reason it is
5 deemed for the best interest of the state to do so, and to readvertise
6 in accordance with the provisions hereof. The secretary shall also
7 have the power to reject the bid of any person or firm who has had a
8 prior contract, and who did not, in the opinion of the secretary,
9 faithfully comply with the same.

10 **Sec. 445.** RCW 72.01.140 and 2005 c 353 s 5 are each amended to
11 read as follows:

12 The secretary shall:

13 (1) Make a survey, investigation, and classification of the lands
14 connected with the state institutions under his or her control, and
15 determine which thereof are of such character as to be most profitably
16 used for agricultural, horticultural, dairying, and stock raising
17 purposes, taking into consideration the costs of making them ready for
18 cultivation, the character of the soil, its depth and fertility, the
19 number of kinds of crops to which it is adapted, the local climatic
20 conditions, the local annual rainfall, the water supply upon the land
21 or available, the needs of all state institutions for the food products
22 that can be grown or produced, and the amount and character of the
23 available labor of inmates at the several institutions;

24 (2) Establish and carry on suitable farming operations at the
25 several institutions under his or her control;

26 (3) Supply the several institutions with the necessary food
27 products produced thereat;

28 (4) Exchange with, or furnish to, other institutions, food products
29 at the cost of production;

30 (5) Sell and dispose of surplus food products produced.

31 **Sec. 446.** RCW 72.01.150 and 1979 c 141 s 150 are each amended to
32 read as follows:

33 The secretary shall:

34 (1) Establish, install and operate, at the several state
35 institutions under his or her control, such industries and industrial
36 plants as may be most suitable and beneficial to the inmates thereof,

1 and as can be operated at the least relative cost and the greatest
2 relative benefit to the state, taking into consideration the needs of
3 the state institutions for industrial products, and the amount and
4 character of labor of inmates available at the several institutions;

5 (2) Supply the several institutions with the necessary industrial
6 products produced thereat;

7 (3) Exchange with, or furnish to, other state institutions
8 industrial products at prices to be fixed by the department, not to
9 exceed in any case the price of such products in the open market;

10 (4) Sell and dispose of surplus industrial products produced, to
11 such persons and under such rules, regulations, terms, and prices as
12 may be in his or her judgment for the best interest of the state;

13 (5) Sell products of the plate mill to any department, to any
14 state, county, or other public institution and to any governmental
15 agency, of this or any other state under such rules, regulations,
16 terms, and prices as may be in his or her judgment for the best
17 interests of the state.

18 **Sec. 447.** RCW 72.01.180 and 1979 c 141 s 152 are each amended to
19 read as follows:

20 The secretary shall have the power to select a member of the
21 faculty of the University of Washington, or the Washington State
22 University, skilled in scientific food analysis and dietetics, to be
23 known as the state dietitian, who shall make and furnish to the
24 department food analyses showing the relative food value, in respect to
25 cost, of food products, and advise the department as to the quantity,
26 comparative cost, and food values, of proper diets for the inmates of
27 the state institutions under the control of the department. The state
28 dietitian shall receive travel expenses while engaged in the
29 performance of his or her duties in accordance with RCW 43.03.050 and
30 43.03.060 as now existing or hereafter amended.

31 **Sec. 448.** RCW 72.01.240 and 1981 c 136 s 70 are each amended to
32 read as follows:

33 Each secretary is hereby empowered to appoint one of the chaplains,
34 authorized by RCW 72.01.210, to act as supervisor of chaplains for his
35 or her department, in addition to his or her duties at one of the
36 institutions designated in RCW 72.01.210.

1 **Sec. 449.** RCW 72.01.280 and 1979 c 141 s 158 are each amended to
2 read as follows:

3 The superintendent of each public institution and the assistant
4 physicians, steward, accountant and chief engineer of each hospital for
5 the mentally ill may be furnished with quarters, household furniture,
6 board, fuel, and lights for themselves and their families, and the
7 secretary may, when in his or her opinion any public institution would
8 be benefited by so doing, extend this privilege to any officer at any
9 of the public institutions under his or her control. The words
10 "family" or "families" used in this section shall be construed to mean
11 only the spouse and dependent children of an officer. Employees may be
12 furnished with quarters and board for themselves. The secretary shall
13 charge and collect from such officers and employees the full cost of
14 the items so furnished, including an appropriate charge for
15 depreciation of capital items.

16 **Sec. 450.** RCW 72.01.282 and 1981 c 136 s 71 are each amended to
17 read as follows:

18 All moneys received by the secretary from charges made pursuant to
19 RCW 72.01.280 shall be deposited by him or her in the state general
20 fund.

21 **Sec. 451.** RCW 72.01.300 and 1979 c 141 s 161 are each amended to
22 read as follows:

23 The secretary shall have the power, and it shall be his or her
24 duty, to install and maintain in the department a proper cost
25 accounting system of accounts for each of the institutions under the
26 control of the department, for the purpose of detecting and avoiding
27 unprofitable expenditures and operations.

28 **Sec. 452.** RCW 72.01.310 and 1979 c 141 s 162 are each amended to
29 read as follows:

30 Any officer, including the secretary, or employee of the department
31 or of the institutions under the control of the department, who, by
32 solicitation or otherwise, exercises his or her influence, directly or
33 indirectly, to influence other officers or employees of the state to
34 adopt his or her political views or to favor any particular person or

1 candidate for office, shall be removed from his or her office or
2 position by the proper authority.

3 **Sec. 453.** RCW 72.01.380 and 1981 c 136 s 73 are each amended to
4 read as follows:

5 The secretary is authorized to make rules and regulations providing
6 for the conditions under which inmates will be granted leaves of
7 absence, and providing for safeguards to prevent escapes while on leave
8 of absence: PROVIDED, That leaves of absence granted to inmates under
9 RCW 72.01.370 shall not allow or permit any inmate to go beyond the
10 boundaries of this state. The secretary shall also make rules and
11 regulations requiring the reimbursement of the state from the inmate
12 granted leave of absence, or his or her family, for the actual costs
13 incurred arising from any leave of absence granted under the authority
14 of RCW 72.01.370, subsections (1) and (2): PROVIDED FURTHER, That no
15 state funds shall be expended in connection with leaves of absence
16 granted under RCW 72.01.370, subsections (1) and (2), unless such
17 inmate and his or her immediate family are indigent and without
18 resources sufficient to reimburse the state for the expenses of such
19 leaves of absence.

20 **Sec. 454.** RCW 72.01.460 and 1981 c 136 s 77 are each amended to
21 read as follows:

22 (1) Any lease of public lands with outdoor recreation potential
23 authorized by the department shall be open and available to the public
24 for compatible recreational use unless the department determines that
25 the leased land should be closed in order to prevent damage to crops or
26 other land cover, to improvements on the land, to the lessee, or to the
27 general public or is necessary to avoid undue interference with
28 carrying forward a departmental program. Any lessee may file an
29 application with the department to close the leased land to any public
30 use. The department shall cause written notice of the impending
31 closure to be posted in a conspicuous place in the department's Olympia
32 office, at the principal office of the institution administering the
33 land, and in the office of the county auditor in which the land is
34 located thirty days prior to the public hearing. This notice shall
35 state the parcel or parcels involved and shall indicate the time and
36 place of the public hearing. Upon a determination by the department

1 that posting is not necessary, the lessee shall desist from posting.
2 Upon a determination by the department that posting is necessary, the
3 lessee shall post his or her leased premises so as to prohibit
4 recreational uses thereon. In the event any such lands are so posted,
5 it shall be unlawful for any person to hunt or fish, or for any person
6 other than the lessee or his or her immediate family to use any such
7 posted land for recreational purposes.

8 (2) The department may insert the provisions of subsection (1) of
9 this section in all leases hereafter issued.

10 **Sec. 455.** RCW 72.02.100 and 1988 c 143 s 5 are each amended to
11 read as follows:

12 Any person serving a sentence for a term of confinement in a state
13 correctional facility for convicted felons, pursuant to court
14 commitment, who is thereafter released upon an order of parole of the
15 indeterminate (~~sentencing~~) sentence review board, or who is
16 discharged from custody upon expiration of sentence, or who is ordered
17 discharged from custody by a court of appropriate jurisdiction, shall
18 be entitled to retain his or her earnings from labor or employment
19 while in confinement and shall be supplied by the superintendent of the
20 state correctional facility with suitable and presentable clothing, the
21 sum of forty dollars for subsistence, and transportation by the least
22 expensive method of public transportation not to exceed the cost of one
23 hundred dollars to his or her place of residence or the place
24 designated in his or her parole plan, or to the place from which
25 committed if such person is being discharged on expiration of sentence,
26 or discharged from custody by a court of appropriate jurisdiction:
27 PROVIDED, That up to sixty additional dollars may be made available to
28 the parolee for necessary personal and living expenses upon application
29 to and approval by such person's community corrections officer. If in
30 the opinion of the superintendent suitable arrangements have been made
31 to provide the person to be released with suitable clothing and/or the
32 expenses of transportation, the superintendent may consent to such
33 arrangement. If the superintendent has reasonable cause to believe
34 that the person to be released has ample funds, with the exception of
35 earnings from labor or employment while in confinement, to assume the
36 expenses of clothing, transportation, or the expenses for which

1 payments made pursuant to RCW 72.02.100 or 72.02.110 or any one or more
2 of such expenses, the person released shall be required to assume such
3 expenses.

4 **Sec. 456.** RCW 72.02.110 and 1988 c 143 s 6 are each amended to
5 read as follows:

6 As state, federal or other funds are available, the secretary of
7 corrections or his or her designee is authorized, in his or her
8 discretion, not to provide the forty dollars subsistence money or the
9 optional sixty dollars to a person or persons released as described in
10 RCW 72.02.100, and instead to utilize the authorization and procedure
11 contained in this section relative to such person or persons.

12 Any person designated by the secretary serving a sentence for a
13 term of confinement in a state correctional facility for convicted
14 felons, pursuant to court commitment, who is thereafter released upon
15 an order of parole of the indeterminate (~~(sentencing)~~) sentence review
16 board, or is discharged from custody upon expiration of sentence, or is
17 ordered discharged from custody by a court of appropriate jurisdiction,
18 shall receive the sum of fifty-five dollars per week for a period of up
19 to six weeks. The initial weekly payment shall be made to such person
20 upon his or her release or parole by the superintendent of the
21 institution. Subsequent weekly payments shall be made to such person
22 by the community corrections officer at the office of such officer. In
23 addition to the initial six weekly payments provided for in this
24 section, a community corrections officer and his or her supervisor may,
25 at their discretion, continue such payments up to a maximum of twenty
26 additional weeks when they are satisfied that such person is actively
27 seeking employment and that such payments are necessary to continue the
28 efforts of such person to gain employment: PROVIDED, That if, at the
29 time of release or parole, in the opinion of the superintendent funds
30 are otherwise available to such person, with the exception of earnings
31 from labor or employment while in confinement, such weekly sums of
32 money or part thereof shall not be provided to such person.

33 When a person receiving such payments provided for in this section
34 becomes employed, he or she may continue to receive payments for two
35 weeks after the date he or she becomes employed but payments made after
36 he or she becomes employed shall be discontinued as of the date he or

1 she is first paid for such employment: PROVIDED, That no person shall
2 receive payments for a period exceeding the twenty-six week maximum as
3 established in this section.

4 The secretary of corrections may annually adjust the amount of
5 weekly payment provided for in this section to reflect changes in the
6 cost of living and the purchasing power of the sum set for the previous
7 year.

8 **Sec. 457.** RCW 72.04A.090 and 1981 c 136 s 84 are each amended to
9 read as follows:

10 Whenever a parolee breaches a condition or conditions under which
11 he or she was granted parole, or violates any law of the state or rules
12 and regulations of the ((~~board of prison terms and paroles~~))
13 indeterminate sentencing review board, any probation and parole officer
14 may arrest, or cause the arrest and suspension of parole of, such
15 parolee without a warrant, pending a determination by the board. The
16 facts and circumstances of such conduct of the parolee shall be
17 reported by the probation and parole officer, with recommendations, to
18 the ((~~board of prison terms and paroles~~)) indeterminate sentence review
19 board, who may order the revocation or suspension of parole, revise or
20 modify the conditions of parole or take such other action as may be
21 deemed appropriate in accordance with RCW 9.95.120. The ((~~board of~~
22 ~~prison terms and paroles~~)) indeterminate sentence review board, after
23 consultation with the secretary of corrections, shall make all rules
24 and regulations concerning procedural matters, which shall include the
25 time when state probation and parole officers shall file with the board
26 reports required by this section, procedures pertaining thereto and the
27 filing of such information as may be necessary to enable the ((~~board of~~
28 ~~prison terms and paroles~~)) indeterminate sentence review board to
29 perform its functions under this section.

30 The probation and parole officers shall have like authority and
31 power regarding the arrest and detention of a probationer who has
32 breached a condition or conditions under which he or she was granted
33 probation by the superior court, or violates any law of the state,
34 pending a determination by the superior court.

35 In the event a probation and parole officer shall arrest or cause
36 the arrest and suspension of parole of a parolee or probationer in
37 accordance with the provisions of this section, such parolee or

1 probationer shall be confined and detained in the county jail of the
2 county in which the parolee or probationer was taken into custody, and
3 the sheriff of such county shall receive and keep in the county jail,
4 where room is available, all prisoners delivered thereto by the
5 probation and parole officer, and such parolees shall not be released
6 from custody on bail or personal recognizance, except upon approval of
7 the (~~board of prison terms and paroles~~) indeterminate sentence review
8 board and the issuance by the board of an order of reinstatement on
9 parole on the same or modified conditions of parole.

10 **Sec. 458.** RCW 72.04A.120 and 2011 1st sp.s. c 40 s 12 are each
11 amended to read as follows:

12 (1) Any person placed on parole shall be required to pay the
13 supervision intake fee, prescribed under RCW 9.94A.780(3). The
14 department may exempt a person from the payment of all or any part of
15 the assessment based upon any of the following factors:

16 (a) The offender has diligently attempted but has been unable to
17 obtain employment which provides the offender sufficient income to make
18 such payments.

19 (b) The offender is a student in a school, college, university, or
20 a course of vocational or technical training designed to fit the
21 student for gainful employment.

22 (c) The offender has an employment handicap, as determined by an
23 examination acceptable to or ordered by the department.

24 (d) The offender's age prevents him or her from obtaining
25 employment.

26 (e) The offender is responsible for the support of dependents and
27 the payment of the assessment constitutes an undue hardship on the
28 offender.

29 (f) Other extenuating circumstances as determined by the
30 department.

31 (2) The department of corrections shall adopt a rule prescribing
32 the amount of the assessment.

33 (3) Payment of the assessed amount shall constitute a condition of
34 parole for purposes of the application of RCW 72.04A.090.

35 (4) All amounts required to be paid under this section shall be
36 collected by the department of corrections and deposited by the
37 department in the dedicated fund established pursuant to RCW 72.11.040.

1 **Sec. 459.** RCW 72.05.152 and 1987 c 185 s 37 are each amended to
2 read as follows:

3 No inmate of a juvenile forest camp who is affected by this chapter
4 or receives benefits pursuant to RCW 72.05.152 and 72.05.154 shall be
5 considered as an employee or to be employed by the state or the
6 department of social and health services or the department of natural
7 resources, nor shall any such inmate, except those provided for in RCW
8 72.05.154, come within any of the provisions of the workers'
9 compensation act, or be entitled to any benefits thereunder, whether on
10 behalf of himself or herself or any other person. All moneys paid to
11 inmates shall be considered a gratuity.

12 **Sec. 460.** RCW 72.05.154 and 1973 c 68 s 2 are each amended to read
13 as follows:

14 From and after July 1, 1973, any inmate working in a juvenile
15 forest camp established and operated pursuant to RCW 72.05.150,
16 pursuant to an agreement between the department of social and health
17 services and the department of natural resources shall be eligible for
18 the benefits provided by Title 51 RCW, as now or hereafter amended,
19 relating to industrial insurance, with the exceptions provided by this
20 section.

21 No inmate as described in RCW 72.05.152, until released upon an
22 order of parole by the department of social and health services, or
23 discharged from custody upon expiration of sentence, or discharged from
24 custody by order of a court of appropriate jurisdiction, or his or her
25 dependents or beneficiaries, shall be entitled to any payment for
26 temporary disability or permanent total disability as provided for in
27 RCW 51.32.090 or 51.32.060 respectively, as now or hereafter amended,
28 or to the benefits of chapter 51.36 RCW relating to medical aid:
29 PROVIDED, That RCW 72.05.152 and 72.05.154 shall not affect the
30 eligibility, payment or distribution of benefits for any industrial
31 injury to the inmate which occurred prior to his or her existing
32 commitment to the department of social and health services.

33 Any and all premiums or assessments as may arise under this section
34 pursuant to the provisions of Title 51 RCW shall be the obligation of
35 and be paid by the state department of natural resources.

1 **Sec. 461.** RCW 72.19.040 and 1979 c 141 s 225 are each amended to
2 read as follows:

3 The superintendent, subject to the approval of the secretary, shall
4 appoint such associate superintendents as shall be deemed necessary.
5 In the event the superintendent shall be absent from the institution,
6 or during periods of illness or other situations incapacitating the
7 superintendent from properly performing his or her duties, one of the
8 associate superintendents of such institution shall act as
9 superintendent during such period of absence, illness, or incapacity as
10 may be designated by the secretary.

11 **Sec. 462.** RCW 72.20.040 and 1990 c 33 s 593 are each amended to
12 read as follows:

13 The superintendent, subject to the direction and approval of the
14 secretary shall:

15 (1) Have general supervision and control of the grounds and
16 buildings of the institution, the subordinate officers and employees,
17 and the inmates thereof, and all matters relating to their government
18 and discipline.

19 (2) Make such rules, regulations, and orders, not inconsistent with
20 law or with the rules, regulations, or directions of the secretary, as
21 may seem to him or her proper or necessary for the government of such
22 institution and for the employment, discipline, and education of the
23 inmates, except for the program of education provided pursuant to RCW
24 28A.190.030 through 28A.190.050 which shall be governed by the school
25 district conducting the program.

26 (3) Exercise such other powers, and perform such other duties as
27 the secretary may prescribe.

28 **Sec. 463.** RCW 72.23.040 and 1959 c 28 s 72.23.040 are each amended
29 to read as follows:

30 The superintendent shall provide an official seal upon which shall
31 be inscribed the statutory name of the hospital under his or her charge
32 and the name of the state. He or she shall affix the seal of the
33 hospital to any notice, order of discharge, or other paper required to
34 be given by him or her or issued.

1 **Sec. 464.** RCW 72.23.050 and 1979 ex.s. c 135 s 5 are each amended
2 to read as follows:

3 The superintendent shall not be required to attend any court as a
4 witness in a civil or juvenile court proceedings, but parties desiring
5 his or her testimony can take and use his or her deposition; nor shall
6 he or she be required to attend as a witness in any criminal case,
7 unless the court before which his or her testimony shall be desired
8 shall, upon being satisfied of the materiality of his or her testimony
9 require his or her attendance; and, in time of peace, he, she, and all
10 other persons employed at the hospital shall be exempt from performing
11 military duty; and the certificate of the superintendent shall be
12 evidence of such employment.

13 **Sec. 465.** RCW 72.23.060 and 1959 c 28 s 72.23.060 are each amended
14 to read as follows:

15 The superintendent is authorized to accept and receive from any
16 person or organization gifts of money or personal property on behalf of
17 the state hospital under his or her charge, or on behalf of the
18 patients therein. The superintendent is authorized to use such money
19 or personal property for the purposes specified by the donor where such
20 purpose is consistent with law. In the absence of a specified use the
21 superintendent may use such money or personal property for the benefit
22 of the state hospital under his or her charge or for the general
23 benefit of the patients therein. The superintendent shall keep an
24 accurate record of the amount or kind of gift, the date received, and
25 the name and address of the donor. The superintendent may deposit any
26 money received as he or she sees fit upon the giving of adequate
27 security. Any increase resulting from such gift may be used for the
28 same purpose as the original gift. Gratuities received for services
29 rendered by a state hospital staff in their official capacity shall be
30 used for the purposes specified in this section.

31 **Sec. 466.** RCW 72.23.130 and 1959 c 28 s 72.23.130 are each amended
32 to read as follows:

33 It shall be the duty of the superintendent to ascertain by diligent
34 inquiry and correspondence, the history of each and every patient
35 admitted to his or her hospital.

1 **Sec. 467.** RCW 72.23.160 and 1959 c 28 s 72.23.160 are each amended
2 to read as follows:

3 If a patient shall escape from a state hospital the superintendent
4 shall cause immediate search to be made for him or her and return him
5 or her to said hospital wherever found. Notice of such escape shall be
6 given to the committing court who may issue an order of apprehension
7 and return directed to any peace officer within the state. Notice may
8 be given to any sheriff or peace officer, who, when requested by the
9 superintendent, may apprehend and detain such escapee or return him or
10 her to the state hospital without warrant.

11 **Sec. 468.** RCW 72.23.200 and 1971 ex.s. c 292 s 52 are each amended
12 to read as follows:

13 No mentally ill person under the age of sixteen years shall be
14 regularly confined in any ward in any state hospital which ward is
15 designed and operated for the care of the mentally ill eighteen years
16 of age or over. No person of the ages of sixteen and seventeen shall
17 be placed in any such ward, when in the opinion of the superintendent
18 such placement would be detrimental to the mental condition of such a
19 person or would impede his or her recovery or treatment.

20 **Sec. 469.** RCW 72.23.230 and 1987 c 75 s 21 are each amended to
21 read as follows:

22 The superintendent of a state hospital shall be the custodian
23 without compensation of such personal property of a patient
24 involuntarily hospitalized therein as may come into the
25 superintendent's possession while the patient is under the jurisdiction
26 of the hospital. As such custodian, the superintendent shall have
27 authority to disburse moneys from the patients' funds for the following
28 purposes only and subject to the following limitations:

29 (1) The superintendent may disburse any of the funds in his or her
30 possession belonging to a patient for such personal needs of that
31 patient as may be deemed necessary by the superintendent; and

32 (2) Whenever the funds belonging to any one patient exceed the sum
33 of one thousand dollars or a greater sum as established by rules and
34 regulations of the department, the superintendent may apply the excess
35 to reimbursement for state hospitalization and/or outpatient charges of

1 such patient to the extent of a notice and finding of responsibility
2 issued under RCW 43.20B.340; and

3 (3) When a patient is paroled, the superintendent shall deliver
4 unto the said patient all or such portion of the funds or other
5 property belonging to the patient as the superintendent may deem
6 necessary and proper in the interests of the patient's welfare, and the
7 superintendent may during the parole period deliver to the patient such
8 additional property or funds belonging to the patient as the
9 superintendent may from time to time determine necessary and proper.
10 When a patient is discharged from the jurisdiction of the hospital, the
11 superintendent shall deliver to such patient all funds or other
12 property belonging to the patient, subject to the conditions of
13 subsection (2) of this section.

14 All funds held by the superintendent as custodian may be deposited
15 in a single fund. Annual reports of receipts and expenditures shall be
16 forwarded to the department, and shall be open to inspection by
17 interested parties: PROVIDED, That all interest accruing from, or as
18 a result of the deposit of such moneys in a single fund shall be used
19 by the superintendent for the general welfare of all the patients of
20 such institution: PROVIDED, FURTHER, That when the personal accounts
21 of patients exceed three hundred dollars, the interest accruing from
22 such excess shall be credited to the personal accounts of such
23 patients. All such expenditures shall be accounted for by the
24 superintendent.

25 The appointment of a guardian for the estate of such patient shall
26 terminate the superintendent's authority to pay state hospitalization
27 charges from funds subject to the control of the guardianship upon the
28 superintendent's receipt of a certified copy of letters of
29 guardianship. Upon the guardian's request, the superintendent shall
30 forward to such guardian any funds subject to the control of the
31 guardianship or other property of the patient remaining in the
32 superintendent's possession, together with a final accounting of
33 receipts and expenditures.

34 **Sec. 470.** RCW 72.23.240 and 1959 c 28 s 72.23.240 are each amended
35 to read as follows:

36 Upon receipt of a written request signed by the superintendent
37 stating that a designated patient of such hospital is involuntarily

1 hospitalized therein, and that no guardian of his or her estate has
2 been appointed, any person, bank, firm, or corporation having
3 possession of any money, bank accounts, or choses in action owned by
4 such patient, may, if the balance due does not exceed one thousand
5 dollars, deliver the same to the superintendent and mail written notice
6 thereof to such patient at such hospital. The receipt of the
7 superintendent shall be full and complete acquittance for such payment
8 and the person, bank, firm, or corporation making such payment shall
9 not be liable to the patient or his or her legal representatives. All
10 funds so received by the superintendent shall be deposited in such
11 patient's personal account at such hospital and be administered in
12 accordance with this chapter.

13 If any proceeding is brought in any court to recover property so
14 delivered, the attorney general shall defend the same without cost to
15 the person, bank, firm, or corporation effecting such delivery, and the
16 state shall indemnify such person, bank, firm, or corporation against
17 any judgment rendered as a result of such proceeding.

18 **Sec. 471.** RCW 72.25.020 and 1977 ex.s. c 80 s 50 are each amended
19 to read as follows:

20 The secretary shall also return all nonresident sexual psychopaths,
21 psychopathic delinquents, or mentally ill persons who are now confined
22 in or who may hereafter be committed to a state hospital for the sexual
23 psychopath, psychopathic delinquent, or the mentally ill in this state
24 to the states or state in which they may have a legal residence. For
25 the purpose of facilitating the return of such persons the secretary
26 may enter into a reciprocal agreement with any other state for the
27 mutual exchange of sexual psychopaths, psychopathic delinquents, or
28 mentally ill persons now confined in or hereafter committed to any
29 hospital for the sexual psychopath, psychopathic delinquent, or the
30 mentally ill in one state whose legal residence is in the other, and he
31 or she may give written permission for the return of any resident of
32 Washington now or hereafter confined in a hospital for the sexual
33 psychopath, psychopathic delinquent, or the mentally ill in another
34 state. Such residents may be returned directly to the proper
35 Washington state institution without further court proceedings:
36 PROVIDED, That if the superintendent of such institution is of the
37 opinion that the returned person is not a sexual psychopath, a

1 psychopathic delinquent, or mentally ill person he or she may discharge
2 said patient: PROVIDED FURTHER, That if such superintendent deems such
3 person a sexual psychopath, a psychopathic delinquent, or mentally ill
4 person, he or she shall file an application for commitment within
5 ninety days of arrival at the Washington institution.

6 A person shall be deemed to be a resident of this state within the
7 meaning of this chapter who has maintained his or her domiciliary
8 residence in this state for a period of one year preceding commitment
9 to a state institution without receiving assistance from any tax
10 supported organization and who has not subsequently acquired a domicile
11 in another state: PROVIDED, That any period of time spent by such
12 person while an inmate of a state hospital or state institution or
13 while on parole, escape, or leave of absence therefrom shall not be
14 counted in determining the time of residence in this or another state.

15 All expenses incurred in returning sexual psychopaths, psychopathic
16 delinquents, or mentally ill persons from this to another state may be
17 paid by this state, but the expense of returning residents of this
18 state shall be borne by the state making the return. Mentally ill
19 person for the purposes of this section shall be any person defined as
20 mentally ill under RCW 72.23.010, as now or hereafter amended.

21 **Sec. 472.** RCW 72.27.050 and 1965 ex.s. c 26 s 5 are each amended
22 to read as follows:

23 No person shall be transferred to another party state pursuant to
24 this chapter unless the compact administrator first shall have obtained
25 either:

26 (a) The written consent to such transfer by the proposed transferee
27 or by others on his or her behalf, which consent shall be executed in
28 accordance with the requirements of RCW 72.23.070, and if such person
29 was originally committed involuntarily, such consent also shall be
30 approved by the committing court; or

31 (b) An order of the superior court approving such transfer, which
32 order shall be obtained from the committing court, if such person was
33 committed involuntarily, otherwise from the superior court of the
34 county where such person resided at the time of such commitment; and
35 such order shall be issued only after notice and hearing in the manner
36 provided for the involuntary commitment of mentally ill or mentally
37 deficient persons as the case may be.

1 The courts of this state shall have concurrent jurisdiction with
2 the appropriate courts of other party states to hear and determine
3 petitions seeking the release or return of residents of this state who
4 have been transferred from this state under this chapter to the same
5 extent as if such persons were hospitalized in this state; and the laws
6 of this state relating to the release of such persons shall govern the
7 disposition of any such proceeding.

8 **Sec. 473.** RCW 72.41.020 and 1993 c 147 s 7 are each amended to
9 read as follows:

10 There is hereby created a board of trustees for the state school
11 for the blind to be composed of a resident from each of the state's
12 congressional districts now or hereafter existing. Trustees with
13 voting privileges shall be appointed by the governor with the consent
14 of the senate. A representative of the parent-teachers association of
15 the Washington state school for the blind, a representative of the
16 Washington council of the blind, a representative of the national
17 federation of the blind of Washington, one representative designated by
18 the teacher association of the Washington state school for the blind,
19 and a representative of the classified staff designated by his or her
20 exclusive bargaining representative shall each be ex officio and
21 nonvoting members of the board of trustees and shall serve during their
22 respective tenures in such positions.

23 Trustees shall be appointed by the governor to serve for a term of
24 five years except that any person appointed to fill a vacancy occurring
25 prior to the expiration of any term shall be appointed within sixty
26 days of the vacancy and appointed only for the remainder of the term.

27 One trustee shall be a resident and qualified elector from each of
28 the state's congressional districts. The board shall not be deemed to
29 be unlawfully constituted and a trustee shall not be deemed ineligible
30 to serve the remainder of the trustee's unexpired term on the board
31 solely by reason of the establishment of new or revised boundaries for
32 congressional districts. No voting trustee may be an employee of the
33 state school for the blind, a member of the board of directors of any
34 school district, a member of the governing board of any public or
35 private educational institution, a school district or educational
36 service district administrator, appointed after July 1, 1986, or an

1 elected officer or member of the legislative authority or any municipal
2 corporation.

3 The board of trustees shall organize itself by electing a
4 ((~~chairman~~)) chair from its members. The board shall adopt a seal and
5 may adopt such bylaws, rules, and regulations as it deems necessary for
6 its own government. A majority of the voting members of the board in
7 office shall constitute a quorum, but a lesser number may convene from
8 time to time and may compel the attendance of absent members in such
9 manner as prescribed in its bylaws, rules, or regulations. The
10 superintendent of the state school for the blind shall serve as, or may
11 designate another person to serve as, the secretary of the board, who
12 shall not be deemed to be a member of the board.

13 **Sec. 474.** RCW 72.41.030 and 1973 c 118 s 3 are each amended to
14 read as follows:

15 Within thirty days of their appointment or July 1, 1973, whichever
16 is sooner, the board of trustees shall organize, adopt bylaws for its
17 own government, and make such rules and regulations not inconsistent
18 with this chapter as they deem necessary. At such organizational
19 meeting it shall elect from among its members a ((~~chairman~~)) chair and
20 a vice ((~~chairman~~)) chair, each to serve for one year, and annually
21 thereafter shall elect such officers to serve until their successors
22 are appointed or qualified.

23 **Sec. 475.** RCW 72.42.031 and 2002 c 209 s 9 are each amended to
24 read as follows:

25 (1) The board of trustees shall organize, adopt bylaws for its own
26 governance, and adopt rules not inconsistent with this chapter as they
27 deem necessary. At such organizational meeting it shall elect from
28 among its members a ((~~chairman~~)) chair and a vice ((~~chairman~~)) chair,
29 each to serve for one year, and annually thereafter shall elect such
30 officers to serve until their successors are appointed or qualified.

31 (2) A majority of the voting members of the board in office
32 constitutes a quorum, but a lesser number may adjourn from time to time
33 and may compel the attendance of absent members in such manner as
34 prescribed by its bylaws, rules, or regulations.

1 **Sec. 476.** RCW 72.60.100 and 1989 c 185 s 10 are each amended to
2 read as follows:

3 Nothing in this chapter is intended to restore, in whole or in
4 part, the civil rights of any inmate. No inmate compensated for work
5 in correctional industries shall be considered as an employee or to be
6 employed by the state or the department, nor shall any such inmate,
7 except those provided for in RCW 72.60.102 and 72.64.065, come within
8 any of the provisions of the workers' compensation act, or be entitled
9 to any benefits thereunder whether on behalf of himself, herself, or of
10 any other person.

11 **Sec. 477.** RCW 72.60.160 and 1981 c 136 s 103 are each amended to
12 read as follows:

13 All articles, materials, and supplies herein authorized to be
14 produced or manufactured in correctional institutions may be purchased
15 from the institution producing or manufacturing the same by any state
16 agency or political subdivision of the state, and the secretary shall
17 require those institutions under his or her direction to give
18 preference to the purchasing of their needs of such articles as are so
19 produced.

20 **Sec. 478.** RCW 72.64.010 and 1979 c 141 s 265 are each amended to
21 read as follows:

22 The secretary shall have the power and it shall be his or her duty
23 to provide for the useful employment of prisoners in the adult
24 correctional institutions: PROVIDED, That no prisoners shall be
25 employed in what is known as the contract system of labor.

26 **Sec. 479.** RCW 72.64.040 and 1973 1st ex.s. c 154 s 105 are each
27 amended to read as follows:

28 Where a prisoner is employed at any occupation for which pay is
29 allowed or permitted, or at any gainful occupation from which the state
30 derives an income, the department shall credit the prisoner with the
31 total amount of his or her earnings.

32 The amount of earnings credited but unpaid to a prisoner may be
33 paid to the prisoner's spouse, children, mother, father, brother, or
34 sister as the inmate may direct upon approval of the superintendent.

1 Upon release, parole, or discharge, all unpaid earnings of the prisoner
2 shall be paid to him or her.

3 **Sec. 480.** RCW 72.64.065 and 1972 ex.s. c 40 s 3 are each amended
4 to read as follows:

5 From and after July 1, 1973, any inmate working in a department of
6 natural resources adult honor camp established and operated pursuant to
7 RCW 72.64.050, 72.64.060, and 72.64.100 shall be eligible for the
8 benefits provided by Title 51 RCW, as now or hereafter amended,
9 relating to industrial insurance, with the exceptions herein provided.

10 No inmate as herein described, until released upon an order of
11 parole by the state (~~(board of prison terms and paroles)~~) indeterminate
12 sentence review board, or discharged from custody upon expiration of
13 sentence, or discharged from custody by order of a court of appropriate
14 jurisdiction, or his or her dependents or beneficiaries, shall be
15 entitled to any payment for temporary disability or permanent total
16 disability as provided for in RCW 51.32.090 or 51.32.060 respectively,
17 as now or hereafter enacted, or to the benefits of chapter 51.36 RCW
18 relating to medical aid.

19 Any and all premiums or assessments as may arise under this section
20 pursuant to the provisions of Title 51 RCW shall be the obligation of
21 and be paid by the state department of natural resources.

22 **Sec. 481.** RCW 72.64.070 and 1979 c 141 s 270 are each amended to
23 read as follows:

24 The department shall determine which prisoners shall be eligible
25 for employment under RCW 72.64.060, and shall establish and modify
26 lists of prisoners eligible for such employment, upon the requisition
27 of an agency mentioned in RCW 72.64.060. The secretary may send to the
28 place, and at the time designated, the number of prisoners
29 requisitioned, or such number thereof as have been determined to be
30 eligible for such employment and are available. No prisoner shall be
31 eligible or shall be released for such employment until his or her
32 eligibility therefor has been determined by the department.

33 The secretary may return to prison any prisoner transferred to camp
34 pursuant to this section, when the need for such prisoner's labor has
35 ceased or when the prisoner is guilty of any violation of the rules and
36 regulations of the prison or camp.

1 **Sec. 482.** RCW 72.64.110 and 1980 c 17 s 1 are each amended to read
2 as follows:

3 (1) The secretary may enter into a contract with any county of the
4 state, upon the request of the sheriff thereof, wherein the secretary
5 agrees to furnish confinement, care, treatment, and employment of
6 county prisoners. The county shall reimburse the state for the cost of
7 such services. Each county shall pay to the state treasurer the
8 amounts found to be due.

9 (2) The secretary shall accept such county prisoner if he or she
10 believes that the prisoner can be materially benefited by such
11 confinement, care, treatment, and employment, and if adequate
12 facilities to provide such care are available. No such person shall be
13 transported to any facility under the jurisdiction of the secretary
14 until the secretary has notified the referring court of the place to
15 which said person is to be transmitted and the time at which he or she
16 can be received.

17 (3) The sheriff of the county in which such an order is made
18 placing a misdemeanor in a jail camp pursuant to this chapter, or any
19 other peace officer designated by the court, shall execute an order
20 placing such county prisoner in the jail camp or returning him or her
21 therefrom to the court.

22 (4) The secretary may return to the committing authority, or to
23 confinement according to his or her sentence, any person committed or
24 transferred to a regional jail camp pursuant to this chapter when there
25 is no suitable employment or when such person is guilty of any
26 violation of rules and regulations of the regional jail camp.

27 **Sec. 483.** RCW 72.65.020 and 1984 c 209 s 28 are each amended to
28 read as follows:

29 (1) The secretary is authorized to extend the limits of the place
30 of confinement and treatment within the state of any prisoner convicted
31 of a felony, sentenced to a term of confinement and treatment by the
32 superior court, and serving such sentence in a state correctional
33 institution under the jurisdiction of the department, by authorizing a
34 work release plan for such prisoner, permitting him or her, under
35 prescribed conditions, to do any of the following:

36 (a) Work at paid employment.

1 (b) Participate in a vocational training program: PROVIDED, That
2 the tuition and other expenses of such a vocational training program
3 shall be paid by the prisoner, by someone in his or her behalf, or by
4 the department: PROVIDED FURTHER, That any expenses paid by the
5 department shall be recovered by the department pursuant to the terms
6 of RCW 72.65.050.

7 (c) Interview or make application to a prospective employer or
8 employers, or enroll in a suitable vocational training program.

9 Such work release plan of any prison shall require that he or she
10 be confined during the hours not reasonably necessary to implement the
11 plan, in (1) a state correctional institution, (2) a county or city
12 jail, which jail has been approved after inspection pursuant to RCW
13 70.48.050, or (3) any other appropriate, supervised facility, after an
14 agreement has been entered into between the department and the
15 appropriate authorities of the facility for the housing of work release
16 prisoners.

17 (2) This section applies only to persons sentenced for crimes that
18 were committed before July 1, 1984.

19 **Sec. 484.** RCW 72.65.030 and 1984 c 209 s 29 are each amended to
20 read as follows:

21 (1) Any prisoner serving a sentence in a state correctional
22 institution may make application to participate in the work release
23 program to the superintendent of the institution in which he or she is
24 confined. Such application shall set forth the name and address of his
25 or her proposed employer or employers or shall specify the vocational
26 training program, if any, in which he or she is enrolled. It shall
27 include a statement to be executed by such prisoner that if his or her
28 application be approved he or she agrees to abide faithfully by all
29 terms and conditions of the particular work release plan adopted for
30 him or her. It shall further set forth such additional information as
31 the department or the secretary shall require.

32 (2) This section applies only to persons sentenced for crimes that
33 were committed before July 1, 1984.

34 **Sec. 485.** RCW 72.65.040 and 1984 c 209 s 30 are each amended to
35 read as follows:

36 (1) The superintendent of the state correctional institution in

1 which a prisoner who has made application to participate in the work
2 release program is confined, after careful study of the prisoner's
3 conduct, attitude, and behavior within the institutions under the
4 jurisdiction of the department, his or her criminal history and all
5 other pertinent case history material, shall determine whether or not
6 there is reasonable cause to believe that the prisoner will honor his
7 or her trust as a work release participant. After having made such
8 determination, the superintendent, in his or her discretion, may deny
9 the prisoner's application, or recommend to the secretary, or such
10 officer of the department as the secretary may designate, that the
11 prisoner be permitted to participate in the work release program. The
12 secretary or his or her designee, may approve, reject, modify, or defer
13 action on such recommendation. In the event of approval, the secretary
14 or his or her designee, shall adopt a work release plan for the
15 prisoner, which shall constitute an extension of the limits of
16 confinement and treatment of the prisoner when released pursuant
17 thereto, and which shall include such terms and conditions as may be
18 deemed necessary and proper under the particular circumstances. The
19 plan shall be signed by the prisoner under oath that he or she will
20 faithfully abide by all terms and conditions thereof. Further, as a
21 condition, the plan shall specify where such prisoner shall be confined
22 when not released for the purpose of the work release plan. At any
23 time after approval has been granted to any prisoner to participate in
24 the work release program, such approval may be revoked, and if the
25 prisoner has been released on a work release plan, he or she may be
26 returned to a state correctional institution, or the plan may be
27 modified, in the sole discretion of the secretary or his or her
28 designee. Any prisoner who has been initially rejected either by the
29 superintendent or the secretary or his or her designee, may reapply for
30 permission to participate in a work release program after a period of
31 time has elapsed from the date of such rejection. This period of time
32 shall be determined by the secretary or his or her designee, according
33 to the individual circumstances in each case.

34 (2) This section applies only to persons sentenced for crimes that
35 were committed before July 1, 1984.

36 **Sec. 486.** RCW 72.66.010 and 1981 c 136 s 113 are each amended to
37 read as follows:

1 As used in this chapter the following words shall have the
2 following meanings:

3 (1) "Department" means the department of corrections.

4 (2) "Furlough" means an authorized leave of absence for an eligible
5 resident, without any requirement that the resident be accompanied by,
6 or be in the custody of, any law enforcement or corrections official
7 while on such leave.

8 (3) "Emergency furlough" means a specially expedited furlough
9 granted to a resident to enable him or her to meet an emergency
10 situation, such as the death or critical illness of a member of his or
11 her family.

12 (4) "Resident" means a person convicted of a felony and serving a
13 sentence for a term of confinement in a state correctional institution
14 or facility, or a state approved work or training release facility.

15 (5) "Secretary" means the secretary of corrections, or his or her
16 designee or designees.

17 **Sec. 487.** RCW 72.66.014 and 1973 c 20 s 4 are each amended to read
18 as follows:

19 A resident may apply for a furlough if he or she is not precluded
20 from doing so under this section. A resident shall be ineligible to
21 apply for a furlough if:

22 (1) He or she is not classified by the secretary as eligible for or
23 on minimum security status; or

24 (2) His or her minimum term of imprisonment has not been set; or

25 (3) He or she has a valid detainer pending and the agency holding
26 the detainer has not provided written approval for him or her to be
27 placed on a furlough-eligible status. Such written approval may
28 include either specific approval for a particular resident or general
29 approval for a class or group of residents.

30 **Sec. 488.** RCW 72.66.018 and 1973 c 20 s 6 are each amended to read
31 as follows:

32 A furlough may only be granted to enable the resident:

33 (1) To meet an emergency situation, such as death or critical
34 illness of a member of his or her family;

35 (2) To obtain medical care not available in a facility maintained
36 by the department;

1 (3) To seek employment or training opportunities, but only when:

2 (a) There are scheduled specific work interviews to take place
3 during the furlough;

4 (b) The resident has been approved for work or training release but
5 his or her work or training placement has not occurred or been
6 concluded; or

7 (c) When necessary for the resident to prepare a parole plan for a
8 parole meeting scheduled to take place within one hundred and twenty
9 days of the commencement of the furlough;

10 (4) To make residential plans for parole which require his or her
11 personal appearance in the community;

12 (5) To care for business affairs in person when the inability to do
13 so could deplete the assets or resources of the resident so seriously
14 as to affect his or her family or his or her future economic security;

15 (6) To visit his or her family for the purpose of strengthening or
16 preserving relationships, exercising parental responsibilities, or
17 preventing family division or disintegration; or

18 (7) For any other purpose deemed to be consistent with plans for
19 rehabilitation of the resident.

20 **Sec. 489.** RCW 72.66.022 and 1973 c 20 s 7 are each amended to read
21 as follows:

22 Each resident applying for a furlough shall include in his or her
23 application for the furlough:

24 (1) A furlough plan which shall specify in detail the purpose of
25 the furlough and how it is to be achieved, the address at which the
26 applicant would reside, the names of all persons residing at such
27 address and their relationships to the applicant;

28 (2) A statement from the applicant's proposed sponsor that he or
29 she agrees to undertake the responsibilities provided in RCW 72.66.024;
30 and

31 (3) Such other information as the secretary shall require in order
32 to protect the public or further the rehabilitation of the applicant.

33 **Sec. 490.** RCW 72.66.024 and 1973 c 20 s 8 are each amended to read
34 as follows:

35 No furlough shall be granted unless the applicant for the furlough
36 has procured a person to act as his or her sponsor. No person shall

1 qualify as a sponsor unless he or she satisfies the secretary that he
2 or she knows the applicant's furlough plan, is familiar with the
3 furlough conditions prescribed pursuant to RCW 72.66.026, and submits
4 a statement that he or she agrees to:

5 (1) See to it that the furloughed person is provided with
6 appropriate living quarters for the duration of the furlough;

7 (2) Notify the secretary immediately if the furloughed person does
8 not appear as scheduled, departs from the furlough plan at any time,
9 becomes involved in serious difficulty during the furlough, or
10 experiences problems that affect his or her ability to function
11 appropriately;

12 (3) Assist the furloughed person in other appropriate ways, such as
13 discussing problems and providing transportation to job interviews; and

14 (4) Take reasonable measures to assist the resident to return from
15 furlough.

16 **Sec. 491.** RCW 72.66.024 and 1973 c 20 s 8 are each amended to read
17 as follows:

18 No furlough shall be granted unless the applicant for the furlough
19 has procured a person to act as his or her sponsor. No person shall
20 qualify as a sponsor unless he or she satisfies the secretary that he
21 or she knows the applicant's furlough plan, is familiar with the
22 furlough conditions prescribed pursuant to RCW 72.66.026, and submits
23 a statement that he or she agrees to:

24 (1) See to it that the furloughed person is provided with
25 appropriate living quarters for the duration of the furlough;

26 (2) Notify the secretary immediately if the furloughed person does
27 not appear as scheduled, departs from the furlough plan at any time,
28 becomes involved in serious difficulty during the furlough, or
29 experiences problems that affect his or her ability to function
30 appropriately;

31 (3) Assist the furloughed person in other appropriate ways, such as
32 discussing problems and providing transportation to job interviews; and

33 (4) Take reasonable measures to assist the resident to return from
34 furlough.

35 **Sec. 492.** RCW 72.66.026 and 1973 c 20 s 9 are each amended to read
36 as follows:

1 The terms and conditions prescribed under this section shall apply
2 to each furlough, and each resident granted a furlough shall agree to
3 abide by them.

4 (1) The furloughed person shall abide by the terms of his or her
5 furlough plan.

6 (2) Upon arrival at the destination indicated in his or her
7 furlough plan, the furloughed person shall, when so required, report to
8 a state probation and parole officer in accordance with instructions
9 given by the secretary prior to release on furlough. He or she shall
10 report as frequently as may be required by the state probation and
11 parole officer.

12 (3) The furloughed person shall abide by all local, state, and
13 federal laws.

14 (4) With approval of the state probation and parole officer
15 designated by the secretary, the furloughed person may accept temporary
16 employment during a period of furlough.

17 (5) The furloughed person shall not leave the state at any time
18 while on furlough.

19 (6) Other limitations on movement within the state may be imposed
20 as a condition of furlough.

21 (7) The furloughed person shall not, in any public place, drink
22 intoxicating beverages or be in an intoxicated condition. A furloughed
23 person shall not enter any tavern, bar, or cocktail lounge.

24 (8) A furloughed person who drives a motor vehicle shall:

25 (a) Have a valid Washington driver's license in his or her
26 possession,

27 (b) Have the owner's written permission to drive any vehicle not
28 his or her own or his or her spouse's,

29 (c) Have at least minimum personal injury and property damage
30 liability coverage on the vehicle he or she is driving, and

31 (d) Observe all traffic laws.

32 (9) Each furloughed person shall carry with him or her at all times
33 while on furlough a copy of his or her furlough order prescribed
34 pursuant to RCW 72.66.028 and a copy of the identification card issued
35 to him or her pursuant to RCW 72.66.032.

36 (10) The furloughed person shall comply with any other terms or
37 conditions which the secretary may prescribe.

1 **Sec. 493.** RCW 72.66.028 and 1973 c 20 s 10 are each amended to
2 read as follows:

3 Whenever the secretary grants a furlough, he or she shall do so by
4 a special order which order shall contain each condition and term of
5 furlough prescribed pursuant to RCW 72.66.026 and each additional
6 condition and term which the secretary may prescribe as being
7 appropriate for the particular person to be furloughed.

8 **Sec. 494.** RCW 72.66.032 and 1973 c 20 s 11 are each amended to
9 read as follows:

10 The secretary shall issue a furlough identification card to each
11 resident granted a furlough. The card shall contain the name of the
12 resident and shall disclose the fact that he or she has been granted a
13 furlough and the time period covered by the furlough.

14 **Sec. 495.** RCW 72.66.034 and 1973 c 20 s 12 are each amended to
15 read as follows:

16 Prior to the granting of any furlough, the secretary shall examine
17 the applicant's personality and past conduct and determine whether or
18 not he or she represents a satisfactory risk for furlough. The
19 secretary shall not grant a furlough to any person whom he or she
20 believes represents an unsatisfactory risk.

21 **Sec. 496.** RCW 72.66.050 and 1971 ex.s. c 58 s 6 are each amended
22 to read as follows:

23 At any time after approval has been granted for a furlough to any
24 prisoner, such approval or order of furlough may be revoked, and if the
25 prisoner has been released on an order of furlough, he or she may be
26 returned to a state correctional institution, or the plan may be
27 modified, in the discretion of the secretary. Any prisoner whose
28 furlough application is rejected may reapply for a furlough after such
29 period of time has elapsed as shall be determined at the time of
30 rejection by the superintendent or secretary, whichever person
31 initially rejected the application for furlough, such time period being
32 subject to modification.

33 **Sec. 497.** RCW 72.66.080 and 1971 ex.s. c 58 s 9 are each amended
34 to read as follows:

1 The secretary may enter into agreements with any agency of the
2 state, a county, a municipal corporation or any person, corporation or
3 association for the purpose of implementing furlough plans, and, in
4 addition, may make such rules and regulations in furtherance of this
5 chapter as he or she may deem necessary.

6 **Sec. 498.** RCW 72.66.090 and 1971 ex.s. c 58 s 10 are each amended
7 to read as follows:

8 The secretary may issue warrants for the arrest of any prisoner
9 granted a furlough, at the time of the revocation of such furlough, or
10 upon the failure of the prisoner to report as designated in the order
11 of furlough. Such arrest warrants shall authorize any law enforcement,
12 probation and parole or peace officer of this state, or any other state
13 where such prisoner may be located, to arrest such prisoner and to
14 place him or her in physical custody pending his or her return to
15 confinement in a state correctional institution. Any state probation
16 and parole officer, if he or she has reasonable cause to believe that
17 a person granted a furlough has violated a condition of his or her
18 furlough, may suspend such person's furlough and arrest or cause the
19 arrest and detention in physical custody of the furloughed prisoner,
20 pending the determination of the secretary whether the furlough should
21 be revoked. The probation and parole officer shall report to the
22 secretary all facts and circumstances and the reasons for the action of
23 suspending such furlough. Upon the basis of the report and such other
24 information as the secretary may obtain, he or she may revoke,
25 reinstate, or modify the conditions of furlough, which shall be by
26 written order of the secretary. If the furlough is revoked, the
27 secretary shall issue a warrant for the arrest of the furloughed
28 prisoner and his or her return to a state correctional institution.

29 **Sec. 499.** RCW 72.68.031 and 1981 c 136 s 115 are each amended to
30 read as follows:

31 When, in the judgment of the secretary, the welfare of any person
32 committed to or confined in any state correctional institution or
33 facility necessitates that such person be transferred or moved for
34 observation, diagnosis, or treatment to any state institution or
35 facility for the care of the mentally ill, the secretary, with the
36 consent of the secretary of social and health services, is authorized

1 to order and effect such move or transfer: PROVIDED, That the sentence
2 of such person shall continue to run as if he or she remained confined
3 in a correctional institution or facility, and that such person shall
4 not continue so detained or confined beyond the maximum term to which
5 he or she was sentenced: PROVIDED, FURTHER, That the secretary and the
6 (~~board of prison terms and paroles~~) indeterminate sentence review
7 board shall adopt and implement procedures to assure that persons so
8 transferred shall, while detained or confined at such institution or
9 facility for the care of the mentally ill, be provided with
10 substantially similar opportunities for parole or early release
11 evaluation and determination as persons detained or confined in the
12 state correctional institutions or facilities.

13 **Sec. 500.** RCW 72.68.040 and 2000 c 62 s 3 are each amended to read
14 as follows:

15 The secretary may contract with the authorities of the federal
16 government, or the authorities of any state of the United States,
17 private companies in other states, or any county or city in this state
18 providing for the detention in an institution or jail operated by such
19 entity, for prisoners convicted of a felony in the courts of this state
20 and sentenced to a term of imprisonment therefor in a state
21 correctional institution for convicted felons under the jurisdiction of
22 the department. After the making of a contract under this section,
23 prisoners sentenced to a term of imprisonment in a state correctional
24 institution for convicted felons may be conveyed by the superintendent
25 or his or her assistants to the institution or jail named in the
26 contract. The prisoners shall be delivered to the authorities of the
27 institution or jail, there to be confined until their sentences have
28 expired or they are otherwise discharged by law, paroled, or until they
29 are returned to a state correctional institution for convicted felons
30 for further confinement.

31 **Sec. 501.** RCW 72.68.050 and 1967 c 60 s 2 are each amended to read
32 as follows:

33 Whenever a prisoner who is serving a sentence imposed by a court of
34 this state is transferred from a state correctional institution for
35 convicted felons under RCW 72.68.040 through 72.68.070, the
36 superintendent shall send to the clerk of the court pursuant to whose

1 order or judgment the prisoner was committed to a state correctional
2 institution for convicted felons a notice of transfer, disclosing the
3 name of the prisoner transferred and giving the name and location of
4 the institution to which the prisoner was transferred. The
5 superintendent shall keep a copy of all notices of transfer on file as
6 a public record open to inspection; and the clerk of the court shall
7 file with the judgment roll in the appropriate case a copy of each
8 notice of transfer which he or she receives from the superintendent.

9 **Sec. 502.** RCW 72.68.060 and 1979 c 141 s 285 are each amended to
10 read as follows:

11 Should the presence of any prisoner confined, under authority of
12 RCW 72.68.040 through 72.68.070, in an institution of another state or
13 the federal government or in a county or city jail, be required in any
14 judicial proceeding of this state, the superintendent of a state
15 correctional institution for convicted felons or his or her assistants
16 shall, upon being so directed by the secretary, or upon the written
17 order of any court of competent jurisdiction, or of a judge thereof,
18 procure such prisoner, bring him or her to the place directed in such
19 order and hold him or her in custody subject to the further order and
20 direction of the secretary, or of the court or of a judge thereof,
21 until he or she is lawfully discharged from such custody. The
22 superintendent or his or her assistants may, by direction of the
23 secretary or of the court, or a judge thereof, deliver such prisoner
24 into the custody of the sheriff of the county in which he or she was
25 convicted, or may, by like order, return such prisoner to a state
26 correctional institution for convicted felons or the institution from
27 which he or she was taken.

28 **Sec. 503.** RCW 72.68.070 and 1979 c 141 s 286 are each amended to
29 read as follows:

30 Upon the expiration of any contract entered into under RCW
31 72.68.040 through 72.68.070, all prisoners of this state confined in
32 such institution or jail shall be returned by the superintendent or his
33 or her assistants to a state correctional institution for convicted
34 felons of this state, or delivered to such other institution as the
35 secretary has contracted with under RCW 72.68.040 through 72.68.070.

1 **Sec. 504.** RCW 73.04.050 and 1945 c 144 s 9 are each amended to
2 read as follows:

3 Every honorably discharged soldier, sailor, or marine of the
4 military or naval service of the United States, who is a resident of
5 this state, shall have the right to peddle, hawk, vend, and sell goods,
6 other than his or her own manufacture and production, without paying
7 for the license as now provided by law, by those who engage in such
8 business; but any such soldier, sailor, or marine may engage in such
9 business by procuring a license for that purpose as provided in RCW
10 73.04.060.

11 No county, city, or political subdivision in this state shall
12 charge or collect any license fee on any business established by any
13 veteran under the provisions of Public Law 346 of the 78th congress.

14 **Sec. 505.** RCW 73.04.060 and 1945 c 144 s 10 are each amended to
15 read as follows:

16 On presentation to the county auditor or city clerk of the county
17 in which any such soldier, sailor, or marine may reside, of a
18 certificate of honorable discharge from the army or naval service of
19 the United States, such county auditor or city clerk, as the case may
20 be, shall issue without cost to such soldier, sailor, or marine, a
21 license authorizing him or her to carry on the business of peddler, as
22 provided in RCW 73.04.050.

23 **Sec. 506.** RCW 73.04.120 and 2008 c 6 s 508 are each amended to
24 read as follows:

25 County clerks and county auditors, respectively, are authorized and
26 directed to furnish free of charge to the legal representative,
27 surviving spouse or surviving domestic partner, child or parent of any
28 deceased veteran certified copies of marriage certificates, decrees of
29 dissolution of marriage or domestic partnership, or annulment, or other
30 documents contained in their files and to record and issue, free of
31 charge, certified copies of such documents from other states,
32 territories, or foreign countries affecting the marital status of such
33 veteran whenever any such document shall be required in connection with
34 any claim pending before the United States veterans' bureau or other
35 governmental agency administering benefits to war veterans. Where
36 these same documents are required of service personnel of the armed

1 forces of the United States for determining entitlement to family
2 allowances and other benefits, they shall be provided without charge by
3 county clerks and county auditors upon request of the person in the
4 service or his or her dependents.

5 **Sec. 507.** RCW 73.20.060 and 1945 c 139 s 2 are each amended to
6 read as follows:

7 An affidavit, executed by the attorney-in-fact or agent, setting
8 forth that the maker of the power of attorney is a member of the armed
9 forces of the United States or within the class of persons described in
10 RCW 73.20.050, and that he or she has not or had not, at the time of
11 doing any act pursuant to the power of attorney, received actual
12 knowledge or actual notice of the revocation or termination of the
13 power of attorney, by death or otherwise, or notice of any facts
14 indicating the same, shall, in the absence of fraud, be conclusive
15 proof of the nonrevocation or nontermination of the power at such time.
16 If the exercise of the power requires execution and delivery of any
17 instrument which is recordable under the laws of this state, such
18 affidavit shall likewise be recordable.

19 **Sec. 508.** RCW 73.36.010 and 1951 c 53 s 1 are each amended to read
20 as follows:

21 As used in this chapter:

22 "Person" means an individual, a partnership, a corporation, or an
23 association.

24 "Veterans administration" means the veterans administration, its
25 predecessors or successors.

26 "Income" means moneys received from the veterans administration and
27 revenue or profit from any property wholly or partially acquired
28 therewith.

29 "Estate" means income on hand and assets acquired partially or
30 wholly with "income".

31 "Benefits" means all moneys paid or payable by the United States
32 through the veterans administration.

33 "Administrator" means the administrator of veterans affairs of the
34 United States or his or her successor.

35 "Ward" means a beneficiary of the veterans administration.

36 "Guardian" means any fiduciary for the person or estate of a ward.

1 **Sec. 509.** RCW 73.36.040 and 1951 c 53 s 4 are each amended to read
2 as follows:

3 No person other than a bank or trust company shall be guardian of
4 more than five wards at one time, unless all the wards are members of
5 one family. Upon presentation of a petition by an attorney of the
6 veterans administration or other interested person, alleging that a
7 guardian is acting in a fiduciary capacity for more than five wards as
8 herein provided and requesting his or her discharge for that reason,
9 the court, upon proof substantiating the petition, shall require a
10 final accounting forthwith from such guardian and shall discharge him
11 or her from guardianships in excess of five and forthwith appoint a
12 successor.

13 **Sec. 510.** RCW 73.36.060 and 1951 c 53 s 6 are each amended to read
14 as follows:

15 Where a petition is filed for the appointment of a guardian for a
16 minor, a certificate of the administrator or his or her authorized
17 representative, setting forth the age of such minor as shown by the
18 records of the veterans administration and the fact that the
19 appointment of a guardian is a condition precedent to the payment of
20 any moneys due the minor by the veterans administration shall be prima
21 facie evidence of the necessity for such appointment.

22 **Sec. 511.** RCW 73.36.090 and 1951 c 53 s 9 are each amended to read
23 as follows:

24 (1) Upon the appointment of a guardian, he or she shall execute and
25 file a bond to be approved by the court in an amount not less than the
26 estimated value of the personal estate and anticipated income of the
27 ward during the ensuing two years, except in cases where banks or trust
28 companies are appointed as guardian and no bond is required by the
29 general state law. The bond shall be in the form and be conditioned as
30 required of guardians appointed under the general guardianship laws of
31 this state. The court may from time to time require the guardian to
32 file an additional bond.

33 (2) Where a bond is tendered by a guardian with personal sureties,
34 there shall be at least two such sureties and they shall file with the
35 court a certificate under oath which shall describe the property owned,
36 both real and personal, and shall state that each is worth the sum

1 named in the bond as the penalty thereof over and above all his or her
2 debts and liabilities and the aggregate of other bonds in which he or
3 she is principal or surety and exclusive of property exempt from
4 execution. The court may require additional security or may require a
5 corporate surety bond, the premium thereon to be paid from the ward's
6 estate.

7 **Sec. 512.** RCW 73.36.100 and 1951 c 53 s 10 are each amended to
8 read as follows:

9 (1) Every guardian, who has received or shall receive on account of
10 his or her ward any money or other thing of value from the veterans
11 administration, at the expiration of two years from date of his or her
12 appointment, and every two years thereafter on the anniversary date of
13 his or her appointment, or as much oftener as the court may require,
14 shall file with the court a full, true and accurate account under oath
15 of all moneys or other things of value received by him or her, all
16 earnings, interest, or profits derived therefrom, and all property
17 acquired therewith and of all disbursements therefrom, and showing the
18 balance thereof in his or her hands at the date of the account and how
19 invested. Each year when not required to file an account with the
20 court, the guardian shall file an account with the proper office of the
21 veterans administration. If the interim account be not filed with the
22 veterans administration, or, if filed, shall be unsatisfactory, the
23 court shall upon receipt of notice thereof from the veterans
24 administration require the guardian forthwith to file an account which
25 shall be subject in all respects to the next succeeding paragraphs.
26 Any account filed with the veterans administration and approved by the
27 chief attorney thereof may be filed with the court and be approved by
28 the court without hearing, unless a hearing thereon be requested by
29 some party in interest.

30 (2) The guardian, at the time of filing any account with the court
31 or veterans administration shall exhibit all securities or investments
32 held by him or her to an officer of the bank or other depository
33 wherein said securities or investments are held for safekeeping or to
34 an authorized representative of the corporation which is surety on his
35 or her bond, or to the judge or clerk of a court of record in this
36 state, or upon request of the guardian or other interested party, to
37 any other reputable person designated by the court, who shall certify

1 in writing that he or she has examined the securities or investments
2 and identified them with those described in the account and shall note
3 any omissions or discrepancies. If the depository is the guardian, the
4 certifying officer shall not be the officer verifying the account. The
5 guardian may exhibit the securities or investments to the judge of the
6 court, who shall endorse on the account and copy thereof, a certificate
7 that the securities or investments shown therein as held by the
8 guardian were each in fact exhibited to him or her and that those
9 exhibited to him or her were the same as those in the account and
10 noting any omission or discrepancy. The certificate, and the
11 certificate of an official of the bank in which are deposited any funds
12 for which the guardian is accountable, showing the amount on deposit,
13 shall be prepared and signed in duplicate and one of each shall be
14 filed by the guardian with his or her account.

15 (3) At the time of filing in the court any account, a certified
16 copy thereof and a signed duplicate of each certificate filed with the
17 court shall be sent by the guardian to the office of the veterans
18 administration having jurisdiction over the area in which such court is
19 located. A duplicate signed copy or a certified copy of any petition,
20 motion, or other pleading pertaining to an account, or to any matter
21 other than an account, and which is filed in the guardianship
22 proceedings or in any proceedings for the purpose of removing the
23 disability of minority or mental incapacity, shall be furnished by the
24 persons filing the same to the proper office of the veterans
25 administration. Unless hearing be waived in writing by the attorney of
26 the veterans administration and by all other persons, if any, entitled
27 to notice, the court shall fix a time and place for the hearing on the
28 account, petition, motion, or other pleading, not less than fifteen
29 days nor more than sixty days from the date same is filed, unless a
30 different available date be stipulated in writing. Unless waived in
31 writing, written notice of the time and place of hearing shall be given
32 the veterans administration office concerned and to the guardian and
33 any others entitled to notice, not less than fifteen days prior to the
34 date fixed for the hearing. The notice may be given by mail, in which
35 event it shall be deposited in the mails not less than fifteen days
36 prior to said date. The court or clerk thereof, shall mail to said
37 veterans administration office a copy of each order entered in any

1 guardianship proceeding wherein the administrator is an interested
2 party.

3 (4) If the guardian is accountable for property derived from
4 sources other than the veterans administration, he or she shall be
5 accountable as is or may be required under the applicable law of this
6 state pertaining to the property of minors or persons of unsound mind
7 who are not beneficiaries of the veterans administration, and as to
8 such other property shall be entitled to the compensation provided by
9 such law. The account for other property may be combined with the
10 account filed in accordance with this section.

11 **Sec. 513.** RCW 73.36.110 and 1951 c 53 s 11 are each amended to
12 read as follows:

13 If any guardian shall fail to file with the court any account as
14 required by this chapter, or by an order of the court, when any account
15 is due or within thirty days after citation issues and provided by law,
16 or shall fail to furnish the veterans administration a true copy of any
17 account, petition, or pleading as required by this chapter, such
18 failure may in the discretion of the court be ground for his or her
19 removal, in addition to other penalties provided by law.

20 **Sec. 514.** RCW 73.36.130 and 1951 c 53 s 13 are each amended to
21 read as follows:

22 Every guardian shall invest the surplus funds of his or her ward's
23 estate in such securities or property as authorized under the laws of
24 this state but only upon prior order of the court; except that the
25 funds may be invested, without prior court authorization, in direct
26 unconditional interest-bearing obligations of this state or of the
27 United States and in obligations the interest and principal of which
28 are unconditionally guaranteed by the United States. A signed
29 duplicate or certified copy of the petition for authority to invest
30 shall be furnished the proper office of the veterans administration,
31 and notice of hearing thereon shall be given said office as provided in
32 the case of hearing on a guardian's account.

33 **Sec. 515.** RCW 73.36.150 and 1951 c 53 s 15 are each amended to
34 read as follows:

35 (1) The court may authorize the purchase of the entire fee simple

1 title to real estate in this state in which the guardian has no
2 interest, but only as a home for the ward, or to protect his or her
3 interest, or (if he or she is not a minor) as a home for his or her
4 dependent family. Such purchase of real estate shall not be made
5 except upon the entry of an order of the court after hearing upon
6 verified petition. A copy of the petition shall be furnished the
7 proper office of the veterans administration and notice of hearing
8 thereon shall be given said office as provided in the case of hearing
9 on a guardian's account.

10 (2) Before authorizing such investment the court shall require
11 written evidence of value and of title and of the advisability of
12 acquiring such real estate. Title shall be taken in the ward's name.
13 This section does not limit the right of the guardian on behalf of his
14 or her ward to bid and to become the purchaser of real estate at a sale
15 thereof pursuant to decree of foreclosure of lien held by or for the
16 ward, or at a trustee's sale, to protect the ward's right in the
17 property so foreclosed or sold; nor does it limit the right of the
18 guardian, if such be necessary to protect the ward's interest and upon
19 prior order of the court in which the guardianship is pending, to agree
20 with cotenants of the ward for a partition in kind, or to purchase from
21 cotenants the entire undivided interests held by them, or to bid and
22 purchase the same at a sale under a partition decree, or to compromise
23 adverse claims of title to the ward's realty.

24 **Sec. 516.** RCW 73.36.155 and 1951 c 53 s 16 are each amended to
25 read as follows:

26 When a copy of any public record is required by the veterans
27 administration to be used in determining the eligibility of any person
28 to participate in benefits made available by the veterans
29 administration, the official custodian of such public record shall
30 without charge provide the applicant for such benefits or any person
31 acting on his or her behalf or the authorized representative of the
32 veterans administration with a certified copy of such record.

33 **Sec. 517.** RCW 73.36.160 and 1951 c 53 s 17 are each amended to
34 read as follows:

35 In addition to any other provisions of law relating to judicial
36 restoration and discharge of guardian, a certificate by the veterans

1 administration showing that a minor ward has attained majority, or that
2 an incompetent ward has been rated competent by the veterans
3 administration upon examination in accordance with law shall be prima
4 facie evidence that the ward has attained majority, or has recovered
5 his or her competency. Upon hearing after notice as provided by this
6 chapter and the determination by the court that the ward has attained
7 majority or has recovered his or her competency, an order shall be
8 entered to that effect, and the guardian shall file a final account.
9 Upon hearing after notice to the former ward and to the veterans
10 administration as in case of other accounts, upon approval of the final
11 account, and upon delivery to the ward of the assets due him or her
12 from the guardian, the guardian shall be discharged and his or her
13 sureties released.

14 **Sec. 518.** RCW 73.36.165 and 1951 c 53 s 18 are each amended to
15 read as follows:

16 (1) Whenever, in any proceeding under the laws of this state for
17 the commitment of a person alleged to be of unsound mind or otherwise
18 in need of confinement in a hospital or other institution for his or
19 her proper care, it is determined after such adjudication of the status
20 of such person as may be required by law that commitment to a hospital
21 for mental disease or other institution is necessary for safekeeping or
22 treatment and it appears that such person is eligible for care or
23 treatment by the veterans administration or other agency of the United
24 States government, the court, upon receipt of a certificate from the
25 veterans administration or such other agency showing that facilities
26 are available and that such person is eligible for care or treatment
27 therein, may commit such person to said veterans administration or
28 other agency. The person whose commitment is sought shall be
29 personally served with notice of the pending commitment proceeding in
30 the manner as provided by the law of this state; and nothing in this
31 chapter shall affect his or her right to appear and be heard in the
32 proceedings. Upon commitment, such person, when admitted to any
33 hospital operated by any such agency within or without this state shall
34 be subject to the rules and regulations of the veterans administration
35 or other agency. The chief officer of any hospital of the veterans
36 administration or institution operated by any other agency of the
37 United States to which the person is so committed shall with respect to

1 such person be vested with the same powers as superintendents of state
2 hospitals for mental diseases within this state with respect to
3 retention of custody, transfer, parole, or discharge. Jurisdiction is
4 retained in the committing or other appropriate court of this state at
5 any time to inquire into the mental condition of the person so
6 committed, and to determine the necessity for continuance of his or her
7 restraint, and all commitments pursuant to this chapter are so
8 conditioned.

9 (2) The judgment or order of commitment by a court of competent
10 jurisdiction of another state or of the District of Columbia,
11 committing a person to the veterans administration, or other agency of
12 the United States government for care or treatment shall have the same
13 force and effect as to the committed person while in this state as in
14 the jurisdiction in which is situated the court entering the judgment
15 or making the order; and the courts of the committing state, or of the
16 District of Columbia, shall be deemed to have retained jurisdiction of
17 the person so committed for the purpose of inquiring into the mental
18 condition of such person, and of determining the necessity for
19 continuance of his or her restraint; as is provided in subsection (1)
20 of this section with respect to persons committed by the courts of this
21 state. Consent is hereby given to the application of the law of the
22 committing state or district in respect to the authority of the chief
23 officer of any hospital of the veterans administration, or of any
24 institution operated in this state by any other agency of the United
25 States to retain custody, or transfer, parole, or discharge the
26 committed person.

27 (3) Upon receipt of a certificate of the veterans administration or
28 such other agency of the United States that facilities are available
29 for the care or treatment of any person heretofore committed to any
30 hospital for the insane or other institution for the care or treatment
31 of persons similarly afflicted and that such person is eligible for
32 care or treatment, the superintendent of the institution may cause the
33 transfer of such person to the veterans administration or other agency
34 of the United States for care or treatment. Upon effecting any such
35 transfer, the committing court or proper officer thereof shall be
36 notified thereof by the transferring agency. No person shall be
37 transferred to the veterans administration or other agency of the
38 United States if he or she be confined pursuant to conviction of any

1 felony or misdemeanor or if he or she has been acquitted of the charge
2 solely on the ground of insanity, unless prior to transfer the court or
3 other authority originally committing such person shall enter an order
4 for such transfer after appropriate motion and hearing.

5 Any person transferred as provided in this section shall be deemed
6 to be committed to the veterans administration or other agency of the
7 United States pursuant to the original commitment.

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