

the meaning of this section with respect to his or her right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or

(iii) Having established a benefit year, no regular benefits are payable to him or her during such year because his or her wage credits were canceled or his or her right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His or her benefit year having ended prior to such week, he or she has insufficient wages or employment, or both, on the basis of which he or she could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he or she is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d) (i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of Canada, unless the appropriate agency finally determines that he or she is not entitled to unemployment benefits under such law for such week.

(11) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House January 17, 1983.

Passed the Senate January 21, 1983.

Approved by the Governor January 28, 1983.

Filed in Office of Secretary of State January 28, 1983.

CHAPTER 2

[Senate Bill No. 3036]

DOUBLE AMENDMENTS—CORRECTED

AN ACT Relating to the correction of various state statutes necessitated by the amendment or repeal thereof in two or more laws which were enacted without reference to the other; reenacting and amending section 19, chapter 192, Laws of 1909 as last amended by section 1, chapter 51, Laws of 1982 and by section 3, chapter 195, Laws of 1982 and RCW 18-.71.030; reenacting section 3, chapter 92, Laws of 1959 as last amended by section 1, chapter 134, Laws of 1982 and by section 5, chapter 30, Laws of 1982 1st ex. sess. and

RCW 18.92.021; reenacting section 1, chapter 286, Laws of 1957 as last amended by section 34, chapter 182, Laws of 1982 and by section 1, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.010; reenacting section 14, chapter 286, Laws of 1957 as last amended by section 36, chapter 182, Laws of 1982 and by section 2, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.140; reenacting section 15, chapter 286, Laws of 1957 as last amended by section 37, chapter 182, Laws of 1982 and by section 3, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.150; reenacting and amending section 113, chapter 53, Laws of 1965 as last amended by section 42, chapter 35, Laws of 1982 and by section 3, chapter 45, Laws of 1982 and RCW 23A.32.050; reenacting section 28A.59-.180, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 158, Laws of 1982 and by section 11, chapter 191, Laws of 1982 and RCW 28A.59.180; reenacting section 3, chapter 240, Laws of 1977 ex. sess. as last amended by section 18, chapter 299, Laws of 1981 and by section 6, chapter 6, Laws of 1982 and RCW 34.08.020; reenacting section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 6, chapter 344, Laws of 1981 and by section 2, chapter 34, Laws of 1982 1st ex. sess. and RCW 41.05-.050; reenacting section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 1, chapter 162, Laws of 1982 and by section 4, chapter 205, Laws of 1982 and by section 16, chapter 227, Laws of 1982 and RCW 43.24.085; reenacting section 43.38.010, chapter 8, Laws of 1965 as last amended by section 12, chapter 30, Laws of 1982 1st ex. sess. and by section 1, chapter 41, Laws of 1982 1st ex. sess. and RCW 43.38.010; reenacting section 46.52.100, chapter 12, Laws of 1961 as last amended by section 81, chapter 136, Laws of 1979 ex. sess. and by section 4, chapter 176, Laws of 1979 ex. sess. and RCW 46.52.100; reenacting section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 10, chapter 109, Laws of 1982 and by section 8, chapter 201, Laws of 1982 and RCW 51.32.040; reenacting section 7, chapter 31, Laws of 1979 as amended by section 5, chapter 32, Laws of 1982 and by section 4, chapter 132, Laws of 1982 and RCW 67.16-.180; reenacting section 1, chapter 171, Laws of 1982 and section 6, chapter 189, Laws of 1982 and RCW 69.50.505; reenacting section 33, chapter 255, Laws of 1927 as last amended by section 3, chapter 27, Laws of 1982 and by section 11, chapter 222, Laws of 1982 and RCW 79.01.132; reenacting section 46, chapter 255, Laws of 1927 as last amended by section 1, chapter 27, Laws of 1982 and by section 156, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.184; reenacting section 84.52.052, chapter 15, Laws of 1961 as last amended by section 19, chapter 123, Laws of 1982 and by section 7, chapter 175, Laws of 1982 and by section 17, chapter 22, Laws of 1982 1st ex. sess. and RCW 84.52.052; repealing section 1, chapter 175, Laws of 1969 ex. sess., section 1, chapter 258, Laws of 1981, section 1, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.41.025; providing effective dates; and declaring an emergency.

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

Sec. 1. Section 19, chapter 192, Laws of 1909 as last amended by section 1, chapter 51, Laws of 1982 and by section 3, chapter 195, Laws of 1982 and RCW 18.71.030 are each reenacted and amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

- (1) The furnishing of medical assistance in cases of emergency requiring immediate attention;
- (2) The domestic administration of family remedies;
- (3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.31 RCW, as now or hereafter amended;

(4) The practice of dentistry, osteopathy, osteopathy and surgery, nursing, chiropractic, podiatry, optometry, drugless therapeutics or any other healing art licensed under the methods or means permitted by such license;

(5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him by the laws and regulations of the United States;

(6) The practice of medicine by any practitioner licensed by another state or territory in which he resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;

(7) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the board: PROVIDED, HOWEVER, That the performance of such services be only pursuant to a regular course of instruction or assignments from his instructor, or that such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(8) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state: PROVIDED, That the performance of such services shall be only pursuant to his duties as a trainee;

(9) The practice of medicine by a person who is regularly enrolled in a physician's assistant program approved by the board: PROVIDED, HOWEVER, That the performance of such services be only pursuant to a regular course of instruction in said program: AND PROVIDED FURTHER, That such services are performed only under the supervision and control of a person licensed pursuant to this chapter;

(10) The practice of medicine by a registered physician's assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;

(11) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;

((++)) (12) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the board of medical examiners: PROVIDED, That a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist: AND PROVIDED FURTHER, That the medical disciplinary board shall have

jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to the provisions of chapter 18.72 RCW.

Sec. 2. Section 3, chapter 92, Laws of 1959 as last amended by section 1, chapter 134, Laws of 1982 and by section 5, chapter 30, Laws of 1982 1st ex. sess. and RCW 18.92.021 are each reenacted to read as follows:

(1) There is created a Washington state veterinary board of governors consisting of six members, five of whom shall be licensed veterinarians, and one of whom shall be a lay member.

(2) The licensed members shall be appointed by the governor. At the time of their appointment the licensed members of the board must be actual residents of the state in active practice as licensed practitioners of veterinary medicine, surgery, and dentistry and must be citizens of the United States. Not more than one licensed member shall be from the same congressional district. The board shall not be deemed to be unlawfully constituted and a member of the board shall not be deemed ineligible to serve the remainder of the member's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts.

The terms of the first licensed members of the board shall be as follows: One member for five, four, three, two, and one years respectively. Thereafter the terms shall be for five years and until their successors are appointed and qualified.

(3) The lay member shall be appointed by the governor for a five year term and until the lay member's successor is appointed.

(4) A member may be appointed to serve a second term, if that term does not run consecutively. Vacancies in the board shall be filled by the governor, the appointee to hold office for the remainder of the unexpired term.

(5) Officers of the board shall be a chairman and a secretary-treasurer to be chosen by the members of the board from among its members.

(6) Four members of the board shall constitute a quorum at meetings of the board.

Sec. 3. Section 1, chapter 286, Laws of 1957 as last amended by section 34, chapter 182, Laws of 1982 and by section 1, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.010 are each reenacted to read as follows:

When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Person" means and includes any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) "Wholesaler" includes any person who:

(a) Purchases cigarettes directly from the manufacturer, or

(b) Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only, or

(c) Services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

Nothing contained herein shall prevent a person from qualifying in different capacities as both a "wholesaler" and "retailer" under the applicable provisions of this chapter.

(3) "Retailer" means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) "Cigarettes" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(5) "Sale" means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

(6) "Sell at wholesale", "sale at wholesale" and "wholesale" sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.

(7) "Sell at retail", "sale at retail" and "retail sales" mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

(8) "Basic cost of cigarettes" means the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price.

(9) (a) The term "cost to the wholesaler" means the "basic cost of cigarettes" to the wholesaler plus the "cost of doing business by the wholesaler" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said wholesalers "cost of doing business" bears to said wholesalers dollar volume for all products sold by the wholesaler per annum, and said "cost of doing business by the wholesaler" shall be evidenced

and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes". Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the wholesaler per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) For the purposes of this chapter the "cost of doing business" may not be computed using a percentage less than the overall percentage shown in subsection (9)(a) of this section or in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the "cost of doing business by the wholesaler" shall be presumed to be four percent of the "basic cost of cigarettes" to the wholesaler, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the "basic cost of cigarettes" to the wholesaler.

(10) (a) The term "cost to the retailer" means the "basic cost of cigarettes" to the retailer plus the "cost of doing business by the retailer" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said retailers "cost of doing business" bears to said retailers dollar volume per annum, and said "cost of doing business by the retailer" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes": PROVIDED, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining "cost to the retailer", pursuant to this subdivision, add the "cost of doing business by the wholesaler," as defined in subdivision (9) of this section, to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer". Any fractional part of a cent

amounting to one-tenth of one cent or more in cost to the retailer per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the "cost of doing business by the retailer" shall be presumed to be ten percent of the "basic cost of cigarettes" to the retailer.

(c) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the "cost of doing business by the retailer", who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be ten percent of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler".

(11) "Business day" means any day other than a Sunday or a legal holiday.

(12) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

Sec. 4. Section 14, chapter 286, Laws of 1957 as last amended by section 36, chapter 182, Laws of 1982 and by section 2, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.140 are each reenacted to read as follows:

A fee of six hundred fifty dollars shall accompany each wholesaler's license application or license renewal application. If a wholesaler sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license with a license fee of one hundred fifteen dollars shall be required for each additional place of business. Each license, or certificate thereof, and such other evidence of license as the department of revenue shall require, shall be exhibited in the place of business for which it is issued and in such manner as is prescribed for the display of a master license. The department of revenue shall require each licensed wholesaler to file with him a bond in an amount not less than one thousand dollars to guarantee the proper performance of his duties and the discharge of his liabilities under this chapter. The bond shall be executed by such licensed wholesaler as principal, and by a corporation approved by the department of revenue and authorized to engage in business as a surety company in this state, as surety. The bond shall run concurrently with the wholesaler's license.

Sec. 5. Section 15, chapter 286, Laws of 1957 as last amended by section 37, chapter 182, Laws of 1982 and by section 3, chapter 16, Laws of

1982 1st ex. sess. and RCW 19.91.150 are each reenacted to read as follows:

A fee of ten dollars shall accompany each retailer's license application or license renewal application. A fee of one additional dollar for each vending machine shall accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine.

Sec. 6. Section 113, chapter 53, Laws of 1965 as last amended by section 42, chapter 35, Laws of 1982 and by section 3, chapter 45, Laws of 1982 and RCW 23A.32.050 are each reenacted and amended to read as follows:

A foreign corporation, in order to procure a certificate of authority to transact business in this state, shall make application therefor to the secretary of state, which application shall set forth:

(1) The name of the corporation and the state or country under the laws of which it is incorporated.

(2) If the name of the corporation does not contain the word "corporation", "company", "incorporated", or "limited", or does not contain an abbreviation of one of such words, then the name of the corporation with the word or abbreviation which it elects to add thereto for use in this state.

(3) The date of incorporation and the period of duration of the corporation.

(4) The address of the principal office of the corporation in the state or country under the laws of which it is incorporated.

(5) The purpose or purposes of the corporation which it proposes to pursue in the transaction of business in this state.

(6) The names and respective addresses of the directors and officers of the corporation.

(7) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes, par value of shares, shares without par value, and series, if any within a class.

(8) A statement that a registered agent has been appointed and the name and address of such agent, and that a registered office exists and the address of such registered office is identical to that of the registered agent.

(9) The number of shares of capital stock which the company is authorized to issue and the par value of each share, and if such shares have no par value, then the value of the assets represented by nonpar shares.

(10) The portion of the capital stock of the company which is represented or to be represented, employed or to be employed in its business transacted or to be transacted in the state of Washington.

(11) The value of the property in or to be brought into, and the amount of capital to be used by the company in the state of Washington and the value of the property and capital owned or used by the company outside of the state of Washington.

(12) The date of the beginning of its current annual accounting period.

(13) Such additional information as may be necessary or appropriate in order to enable the secretary of state to determine whether such corporation is entitled to a certificate of authority to transact business in this state and to determine and assess the fees payable as in this title prescribed.

~~((+0))~~ (14) For any foreign agricultural cooperative association, evidence that the association has complied with the provisions of RCW 24.32.210.

Such application shall be made in the form prescribed by the secretary of state and shall be executed in duplicate by the corporation by one of its officers.

Such application shall be accompanied by a certificate of good standing which has been issued no more than sixty days before the date of filing of the application for a certificate of authority to do business in this state and has been certified to by the proper officer of the state or country under the laws of which it is incorporated.

Sec. 7. Section 28A.59.180, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 158, Laws of 1982 and by section 11, chapter 191, Laws of 1982 and RCW 28A.59.180 are each reenacted to read as follows:

Every board of directors of a school district of the first class, in addition to the general powers for directors enumerated in chapter 28A.58 RCW or elsewhere in this title, shall have the power:

(1) To employ for a term of not exceeding three years a superintendent of schools of the district, and for cause to dismiss him; and to fix his duties and compensation.

(2) To employ, and for cause dismiss one or more assistant superintendents and to define their duties and fix their compensation.

(3) To employ a business manager, attorneys, architects, inspectors of construction, superintendents of buildings and a superintendent of supplies, all of whom shall serve at the board's pleasure, and to prescribe their duties and fix their compensation.

(4) To employ, and for cause dismiss, supervisors of instruction and to define their duties and fix their compensation.

(5) To prescribe a course of study and a program of exercises which shall be consistent with the course of study prepared by the state board of education for the use of the common schools of this state.

(6) To, in addition to the minimum requirements imposed by Title 28A RCW, as now or hereafter amended, establish and maintain such grades and departments, including night, high, kindergarten, vocational training and, except as otherwise provided by law, industrial schools, and schools and departments for the education and training of any class or classes of handicapped youth, as in the judgment of the board, best shall promote the interests of education in the district.

(7) To determine the length of time over and above one hundred eighty days that school shall be maintained; **PROVIDED**, That for purposes of apportionment no district shall be credited with more than one hundred and eighty-three days' attendance in any school year; and to fix the time for annual opening and closing of schools and for the daily dismissal of pupils before the regular time for closing schools.

(8) To maintain a shop and repair department, and to employ, and for cause dismiss, a foreman and the necessary help for the maintenance and conduct thereof.

(9) To provide free textbooks and supplies for all children attending school, when so ordered by a vote of the electors; or if the free textbooks are not voted by the electors, to provide books for children of indigent parents, on the written statement of the city superintendent that the parents of such children are not able to purchase them.

(10) To require of the officers or employees of the district to give a bond for the honest performance of their duties in such penal sum as may be fixed by the board with good and sufficient surety, and to cause the premium for all bonds required of all such officers or employees to be paid by the district: **PROVIDED**, That the board may, by written policy, allow that such bonds may include a deductible proviso not to exceed two percent of the officer's or employee's annual salary.

(11) To prohibit all secret fraternities and sororities among the students in any of the schools of the said districts.

(12) To appoint a practicing physician, resident of the school district, who shall be known as the school district medical inspector, and whose duty it shall be to decide for the board of directors all questions of sanitation and health affecting the safety and welfare of the public schools of the district who shall serve at the board's pleasure; he or authorized deputies shall make monthly inspections of each school in the district and report the condition of the same to the board of education and board of health: **PROVIDED**, That children shall not be required to submit to vaccination against the will of their parents or guardian.

Sec. 8. Section 3, chapter 240, Laws of 1977 ex. sess. as last amended by section 18, chapter 299, Laws of 1981 and by section 6, chapter 6, Laws of 1982 and RCW 34.08.020 are each reenacted to read as follows:

There is hereby created a state publication to be called the Washington State Register, which shall be published on no less than a monthly basis. The register shall contain, but is not limited to, the following materials received by the code reviser's office during the pertinent publication period:

(1) (a) The full text of any proposed new or amendatory rule, as defined in RCW 34.04.010, and the citation of any existing rules the repeal of which is proposed, prior to the public hearing on such proposal. Such material shall be considered, when published, to be the official notification of the intended action, and no state agency or official thereof may take action on

any such rule except on emergency rules adopted in accordance with RCW 34.04.030, until twenty days have passed since the distribution date of the register in which the rule and hearing notice have been published or a notice regarding the omission of the rule has been published pursuant to RCW 34.04.050(3) as now or hereafter amended;

(b) The small business economic impact statement, if required by RCW 19.85.030, preceding the full text of the proposed new or amendatory rule;

(2) The full text of any new or amendatory rule adopted, and the citation of any existing rule repealed, on a permanent or emergency basis;

(3) Executive orders and emergency declarations of the governor;

(4) Public meeting notices of any and all agencies of state government, including state elected officials whose offices are created by Article III of the state Constitution or RCW 48.02.010;

(5) Rules of the state supreme court which have been adopted but not yet published in an official permanent codification;

(6) Summaries of attorney general opinions and letter opinions, noting the number, date, subject, and other information, and prepared by the attorney general for inclusion in the register; and

(7) Juvenile disposition standards and security guidelines proposed and adopted under RCW 13.40.030.

Sec. 9. Section 5, chapter 39, Laws of 1970 ex. sess. as last amended by section 6, chapter 344, Laws of 1981 and by section 2, chapter 34, Laws of 1982 1st ex. sess. and RCW 41.05.050 are each reenacted to read as follows:

(1) Every department, division, or separate agency of state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall provide contributions to insurance and health care plans for its employees and their dependents, the content of such plans to be determined by the state employees insurance board. Such contributions, which shall be paid by the county, the municipality, or other political subdivision for their employees, shall include an amount determined by the state employee's insurance board to pay the administrative expenses of the board and the salaries and wages and expenses of the benefits supervisor and other necessary personnel: **PROVIDED**, That this administrative service charge for state employees shall not result in an employer contribution in excess of the amount authorized by the governor and the legislature as prescribed in RCW 41.05.050(2), and that the sum of an employee's insurance premiums and administrative service charge in excess of such employer contribution shall be paid by the employee. All such contributions will be paid into the state employees insurance fund to be expended in accordance with RCW 41.05.030.

(2) The contributions of any department, division, or separate agency of the state government, and such county, municipal, or other political subdivisions as are covered by this chapter, shall be set by the state employees

insurance board, subject to the approval of the governor for availability of funds as specifically appropriated by the legislature for that purpose: PROVIDED, That provision for school district personnel shall not be made under this chapter.

(3) The trustee with the assistance of the department of personnel shall survey private industry and public employers in the state of Washington to determine the average employer contribution and the average level of benefits for group insurance programs under the jurisdiction of the state employees insurance board. Such survey shall be conducted during each even-numbered year but may be conducted more frequently. The survey shall be reported to the board for its use in setting the amount of the recommended employer contribution to the employee insurance benefit program covered by this chapter. The board shall transmit a recommendation for the amount of the employer contribution to the governor and the director of financial management for inclusion in the proposed budgets submitted to the legislature.

Sec. 10. Section 21, chapter 266, Laws of 1971 ex. sess. as last amended by section 1, chapter 162, Laws of 1982 and by section 4, chapter 205, Laws of 1982 and by section 16, chapter 227, Laws of 1982 and RCW 43-.24.085 are each reenacted to read as follows:

It shall be the policy of the state of Washington that the director of licensing shall from time to time establish the amount of all application fees, license fees, registration fees, examination fees, permit fees, renewal fees, and any other fee associated with licensing or registration of professions, occupations, or businesses, administered by the business and professions administration in the department of licensing. In fixing said fees the director shall, insofar as is practicable, fix the fees relating to each profession, occupation, or business in such a manner that the income from each will match the anticipated expenses to be incurred in the administration of the laws relating to each such profession, occupation, or business. All such fees shall be fixed by rule adopted by the director in accordance with the provisions of the administrative procedure act, chapter 34.04 RCW: PROVIDED, That

(1) In no event shall the license or registration renewal fee in the following cases be fixed at an amount in excess of forty dollars:

- (a) Auctioneer trainee;
- (b) Barber;
- (c) Student barber;
- (d) Cosmetologist (manager-operator);
- (e) Cosmetologist (operator);
- (f) Cosmetologist (instructor-operator);
- (g) Apprentice embalmer;
- (h) Manicurist;
- (i) Apprentice funeral director;
- (j) Registered nurse;

- (k) Licensed practical nurse;
- (l) Permit barber;
- (m) Manicurist (manager-operator);
- (n) Animal technician; and

(2) In no event shall the license or registration renewal fee in the following cases be fixed at an amount in excess of fifty dollars:

- (a) Dental hygienist;
- (b) Barber instructor;
- (c) Barber manager instructor;
- (d) Psychologist;
- (e) Embalmer;
- (f) Funeral director;
- (g) Veterinarian;
- (h) Cosmetology shop;
- (i) Barber shop;
- (j) Physician's assistant;
- (k) Osteopathic physician's assistant;
- (l) Certified registered nurse;
- (m) Physical therapist;
- (n) Manicurist shop; and

(3) In no event shall the license or registration renewal fee in the following cases be fixed at an amount in excess of one hundred dollars:

- (a) Architect;
- (b) Dentist;
- (c) Engineer;
- (d) Land surveyor;
- (e) Midwife;
- (f) Podiatrist;
- (g) Chiropractor;
- (h) Drugless therapeutic;
- (i) Osteopathic physician;
- (j) Osteopathic physician and surgeon;
- (k) Physician and surgeon;
- (l) Optometrist;
- (m) Dispensing optician;
- (n) Landscape architect;
- (o) Nursing home administrator;
- (p) Hearing aid fitter;
- (q) Massage operator;
- (r) Massage business owner/operator;
- (s) Ocularist; and

(4) In no event shall the license or registration renewal fee in the following cases be fixed at an amount in excess of three hundred dollars:

- (a) Auctioneer;

- (b) Engineer corporation;
- (c) Engineer partnership;
- (d) Cosmetology school;
- (e) Barber school;
- (f) Debt adjuster agency;
- (g) Debt adjuster branch office;
- (h) Debt adjuster;
- (i) Employment agency;
- (j) Employment agency branch office;
- (k) Collection agency;
- (l) Collection agency branch office;
- (m) Funeral establishment;
- (n) Massage business.

Sec. 11. Section 43.38.010, chapter 8, Laws of 1965 as last amended by section 12, chapter 30, Laws of 1982 1st ex. sess. and by section 1, chapter 41, Laws of 1982 1st ex. sess. and RCW 43.38.010 are each reenacted to read as follows:

There is hereby created a tax advisory council to consist of twelve members to be appointed by the governor. Members shall be chosen who represent the major segments of the state's economy, and at least one member shall be chosen from each congressional district of the state now or hereafter existing. In addition, the president of the senate and the speaker of the house of representatives shall each appoint two members, one from each caucus of the respective house. Members shall serve without pay at the pleasure of the governor but shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended incurred in their travel to and from meetings of the council and while attending all meetings of the council. Legislative members shall be reimbursed for travel expenses as provided in RCW 44.04.120.

The council shall not be deemed to be unlawfully constituted and a member of the council shall not be deemed ineligible to serve on the board solely by reason of the establishment of new or revised boundaries for congressional districts. However, appointments made after the effective date of such establishment shall be from congressional districts which are not represented on the council.

Sec. 12. Section 46.52.100, chapter 12, Laws of 1961 as last amended by section 81, chapter 136, Laws of 1979 ex. sess. and by section 4, chapter 176, Laws of 1979 ex. sess. and RCW 46.52.100 are each reenacted to read as follows:

Every justice of the peace, police judge, and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation, notice of infraction, or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court, or a traffic violations bureau, and shall keep a record of every official action by

said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal, finding that a traffic infraction has been committed, dismissal of a notice of infraction, and the amount of fine, forfeiture, or penalty resulting from every said traffic complaint, citation, or notice of infraction deposited with or presented to the justice of the peace, police judge, superior court, or traffic violations bureau.

The Monday following the conviction, forfeiture of bail, or finding that a traffic infraction was committed for violation of any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had, bail was forfeited, or the finding made shall prepare and immediately forward to the director of licensing at Olympia an abstract of the record of said court covering the case, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any finding involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, whether bail forfeited, whether the determination that a traffic infraction was committed was contested, and the amount of the fine, forfeiture, or penalty as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: PROVIDED, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney, or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

Sec. 13. Section 1, chapter 30, Laws of 1974 ex. sess. as last amended by section 10, chapter 109, Laws of 1982 and by section 8, chapter 201, Laws of 1982 and RCW 51.32.040 are each reenacted to read as follows:

No money paid or payable under this title shall, except as provided for in RCW 74.04.530 or 74.20A.260, prior to the issuance and delivery of the check or warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void, unless the transfer is to a financial institution at the request of a worker or other beneficiary and in accordance with RCW 51.32.045 shall be made: PROVIDED, That if any worker suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he or she shall have received payment of his or her award for such permanent partial injury, or if any worker suffers any other injury before he or she shall have received payment of any monthly installment covering any period of time prior to his or her death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse: PROVIDED FURTHER, That, if any worker suffers an injury and dies therefrom before he or she shall have received payment of any monthly installment covering time loss for any period of time prior to his or her death, the amount of such monthly payment shall be paid to the surviving spouse, or to the child or children if there is no surviving spouse: PROVIDED FURTHER, That any application for compensation under the foregoing provisos of this section shall be filed with the department or self-insuring employer within one year of the date of death: PROVIDED FURTHER, That if the injured worker resided in the United States as long as three years prior to the date of injury, such payment shall not be made to any surviving spouse or child who was at the time of the injury a nonresident of the United States: PROVIDED FURTHER, That any worker receiving benefits under this title who is subsequently confined in, or who subsequently becomes eligible therefor while confined in any institution under conviction and sentence shall have all payments of such compensation canceled during the period of confinement but after discharge from the institution payment of benefits thereafter due shall be paid if such worker would, but for the provisions of this proviso, otherwise be entitled thereto: PROVIDED FURTHER, That if any prisoner is injured in the course of his or her employment while participating in a work or training release program authorized by chapter 72.65 RCW and is subject to the provisions of this title, he

or she shall be entitled to payments under this title subject to the requirements of chapter 72.65 RCW unless his or her participation in such program has been canceled, or unless he or she is returned to a state correctional institution, as defined in RCW 72.65.010(3), as a result of revocation of parole or new sentence: PROVIDED FURTHER, That if such incarcerated worker has during such confinement period, any beneficiaries, they shall be paid directly the monthly benefits which would have been paid to him or her for himself or herself and his or her beneficiaries had he or she not been so confined. Any lump sum benefits to which the worker would otherwise be entitled but for the provisions of these provisos shall be paid on a monthly basis to his or her beneficiaries.

Sec. 14. Section 7, chapter 31, Laws of 1979 as amended by section 5, chapter 32, Laws of 1982 and by section 4, chapter 132, Laws of 1982 and RCW 67.16.180 are each reenacted to read as follows:

(1) Race meets of twenty-five days or less, which run sixty percent quarter horses and/or Appaloosa races and/or Arabian races, may retain fourteen percent from the gross receipts of any parimutuel machine; except that exotic races at such meets shall be permitted to retain an additional one percent of the gross receipts of all parimutuel pools during such exotic races with the additional retained amount used for Washington bred breeder awards, not to exceed twenty percent of the winner's share of the purse. Any portion of the remainder of the one percent may be used to support the general purse structure of the race meet, except that all such increased revenue to the licensee to be used for purses will be in addition to and will not supplant the customary purse structure between racetracks and participating horsemen. As used in this section, "exotic races" means daily doubles, quinellas, trifectas, and exactas. Exotic races are subject to the approval of the commission.

(2) For race meets of twenty-five days or less, which run sixty percent quarter horses and/or Appaloosa races and/or Arabian races, the licensee shall pay to the commission daily one percent of the gross receipts of all parimutuel machines at each race meet. Such one percent shall be paid daily.

Sec. 15. Section 1, chapter 171, Laws of 1982 and section 6, chapter 189, Laws of 1982 and RCW 69.50.505 are each reenacted to read as follows:

(a) The following are subject to seizure and forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraphs (1) or (2), but:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;

(iii) A conveyance is not subject to forfeiture for a violation of RCW 69.50.401(d);

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter the conveyance may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter;

(6) All drug paraphernalia; and

(7) All moneys, negotiable instruments, securities, or other intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter: PROVIDED, That no property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent.

(b) Property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) or (a)(7) of this section within forty-five days of the seizure, the item seized shall be deemed forfeited.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) or (a)(7) of this section within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of items specified in subsection (a)(4) or (a)(7) of this section. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(4) or (a)(7) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Fifty percent of the money remaining after payment of such expenses shall be deposited in the criminal justice training account established under RCW 43.101.210 which shall be appropriated by law to the Washington state criminal justice training commission and fifty percent shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency;

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the Bureau for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

Sec. 16. Section 33, chapter 255, Laws of 1927 as last amended by section 3, chapter 27, Laws of 1982 and by section 11, chapter 222, Laws of 1982 and RCW 79.01.132 are each reenacted to read as follows:

When any timber, fallen timber, stone, gravel, or other valuable material on state lands is sold separate from the land, it may be sold as a lump sum sale or as a scale sale: PROVIDED, That upon the request of the purchaser, any lump sum sale over five thousand dollars appraised value shall

be on the installment plan. Lump sum sales under five thousand dollars appraised value shall be paid for in cash. The initial deposits required in RCW 79.01.204, not to exceed twenty-five percent of the actual or projected purchase price, but in the case of lump sum sales over five thousand dollars not less than five thousand dollars, shall be made on the day of the sale. The purchaser shall notify the department of natural resources before any timber is cut and before removal or processing of any valuable materials on the sale area, at which time the department of natural resources may require, in the amount determined by the department, advance payment for the removal, processing, and/or cutting of timber or other valuable materials, or bank letters of credit, payment bonds, or assignments of savings accounts acceptable to the department as adequate security. The amount of such advance payments and/or security shall at all times equal or exceed the value of timber cut and other valuable materials processed or removed until paid for. The initial deposit shall be maintained until all contract obligations of the purchaser are satisfied: **PROVIDED HOWEVER**, That all or a portion of said initial deposit may be applied as the final payment for said materials in the event the department of natural resources determines that adequate security exists for the performance or fulfillment of any remaining obligations of the purchaser under the sale contract.

In all cases where timber, fallen timber, stone, gravel, or other valuable material is sold separate from the land, the same shall revert to the state if not removed from the land within the period specified in the sale contract. Said specified period shall not exceed five years from the date of the purchase thereof: **PROVIDED**, That the specified periods in the sale contract for stone, sand, fill material, or building stone shall not exceed twenty years: **PROVIDED FURTHER**, That in all cases where, in the judgment of the department of natural resources, the purchaser is acting in good faith and endeavoring to remove such materials, the department of natural resources may extend the time for the removal thereof for any period not exceeding twenty years from the date of purchase for the stone, sand, fill material or building stone or for a total of ten years beyond the normal termination date specified in the original sale contract for all other material, upon payment to the state of a sum to be fixed by the department of natural resources, based on the estimated loss of income per acre to the state resulting from the granting of the extension but in no event less than fifty dollars per extension, plus interest on the unpaid portion of the contract. The interest rate shall be fixed, from time to time, by rule adopted by the board of natural resources and shall not be less than six percent per annum. The applicable rate of interest as fixed at the date of sale and the maximum extension payment shall be set forth in the contract. The method for calculating the unpaid portion of the contract upon which such interest shall be paid by the purchaser shall be set forth in the contract. The department of natural resources shall pay into the state treasury all sums received for such extension

and the same shall be credited to the fund to which was credited the original purchase price of the material so sold: **AND PROVIDED FURTHER,** That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of one thousand dollars or less may be sold directly to the applicant for cash at full appraised value without notice or advertising.

The provisions of this section apply unless otherwise provided by statute.

Sec. 17. Section 46, chapter 255, Laws of 1927 as last amended by section 1, chapter 27, Laws of 1982 and by section 156, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.01.184 are each reenacted to read as follows:

When the department of natural resources shall have decided to sell any state lands or valuable materials thereon, or with the consent of the board of regents of the University of Washington, or by legislative directive, shall have decided to sell any lot, block, tract, or tracts of university lands, or the timber, fallen timber, stone, gravel, or other valuable material thereon it shall be the duty of the department to forthwith fix the date, place, and time of sale, and no sale shall be had on any day which is a legal holiday.

The department shall give notice of the sale by advertisement published once a week for four weeks next before the time it shall name in said notice, in at least one newspaper published and of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold, or the material upon which is to be sold is situated, and by causing a copy of said notice to be posted in a conspicuous place in the department's Olympia office and the area headquarters administering such sale and in the office of the county auditor of such county, which notice shall specify the place and time of sale, the appraised value thereof, and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold, and in case of material sales the estimated volume thereof, and specify that the terms of sale will be posted in the area headquarters and the department's Olympia office: **PROVIDED,** That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of one thousand dollars or less may be sold directly to the applicant for cash at the full appraised value without notice or advertising.

NEW SECTION. Sec. 18. Section 17 of this act shall take effect on July 1, 1983.

Sec. 19. Section 84.52.052, chapter 15, Laws of 1961 as last amended by section 19, chapter 123, Laws of 1982 and by section 7, chapter 175, Laws of 1982 and by section 17, chapter 22, Laws of 1982 1st ex. sess. and RCW 84.52.052 are each reenacted to read as follows:

The limitations imposed by RCW 84.52.050 through 84.52.056, and RCW 84.52.043 shall not prevent the levy of additional taxes by any taxing district except school districts in which a larger levy is necessary in order to

prevent the impairment of the obligation of contracts. Any county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056 and RCW 84.52.043, or RCW 84.55.010 through 84.55.050, when authorized so to do by the electors of such county, metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium and convention district in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 64 and as thereafter amended, at a special or general election to be held in the year in which the levy is made.

A special election may be called and the time therefor fixed by the county legislative authority, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation service area, park and recreation district, sewer district, water district, solid waste disposal district, public hospital district, road district, rural county library district, island library district, intercounty rural library district, fire protection district, cemetery district, city, town, or cultural arts, stadium and convention district, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

NEW SECTION. Sec. 20. Section 1, chapter 175, Laws of 1969 ex. sess., section 1, chapter 258, Laws of 1981, section 1, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.41.025 are each repealed, effective July 1, 1984.

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions. Sections 1 through 16 and 19 of this act shall take effect immediately.

EXPLANATORY NOTE

Various state statutes have been amended or repealed by two or more acts of the legislature, each act enacted without reference to the other. The purpose of this act is to give effect to these enactments by reenacting or repealing the statutory sections involved in those cases in which there is no substantive conflict between the acts. This act and explanatory material are pursuant to RCW 1.08.025.

Section 1. RCW 18.71.030 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 51 § 1 added a new subsection (11) dealing with the administration of non-dental anesthesia.

(2) 1982 c 195 § 3 added a new subsection (3) dealing with the administration of oral medication to students.

Section 2. RCW 18.92.021 was amended twice during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1982 c 134 § 1 amended subsection (5) to modify the qualifications of the officers of the state veterinary board of governors, and added a new subsection (6) to establish a quorum requirement for the board.

(2) 1982 1st ex.s. c 30 § 5 amended subsection (2) to preserve the eligibility of board members following the establishment of new congressional boundaries.

Section 3. RCW 19.91.010 was amended twice during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1982 c 182 § 34 added a new subsection (12) defining "master license system."

(2) 1982 1st ex.s. c 16 § 1 made extensive amendments to subsections (8), (9), and (10)(a) containing definitions of "basic cost of cigarettes," "cost to the wholesaler," and "cost to the retailer."

Section 4. RCW 19.91.140 was amended twice during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1982 c 182 § 36 amended the first and third sentences of the section to place the cigarette wholesaler license under the state master license system under chapter 19.02 RCW.

(2) 1982 1st ex.s. c 16 § 2 increased the cigarette wholesaler license fee from three hundred to six hundred fifty dollars, and the fee for each additional place of business from twenty-five to one hundred fifteen dollars.

Section 5. RCW 19.91.150 was amended twice during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1982 c 182 § 37 extensively amended the section to make the cigarette retailer license application and renewal process consistent with the state master license system under chapter 19.02 RCW.

(2) 1982 1st ex.s. c 16 § 3 increased the cigarette retailer license fee from five to ten dollars.

Section 6. RCW 23A.32.050 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 35 § 42 added new subsections (9), (10), (11), and (12) to require additional information of a foreign corporation submitting an application for a certificate of authority to transact business in this state. In addition, the material following these subsections was amended to modify the manner in which the application is to be submitted.

(2) 1982 c 45 § 3 added a new subsection (10), which is renumbered (14) by this act, requiring foreign agricultural cooperative associations to file evidence of compliance with marketing contract requirements under RCW 24.32.210.

Section 7. RCW 28A.59.180 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 158 § 6 amended subsection (6) to add ", in addition to the minimum requirements imposed by Title 28A RCW, as now or hereafter amended,".

(2) 1982 c 191 § 11 amended subsection (10) to modify performance bonds that may be required of officers and employees of first class school districts.

Section 8. RCW 34.08.020 was amended twice during the 1981 and 1982 regular sessions of the legislature, the latter without reference to the former.

(1) 1981 c 299 § 18 added a new subsection (7) requiring the Washington State Register to publish juvenile disposition standards and security guidelines under RCW 13.40.030.

(2) 1982 c 6 § 6 added a new subsection (1)(b) requiring the Washington State Register to publish a small business economic impact statement, if required by RCW 19.85.030, preceding the text of rules proposed to be adopted by state agencies.

Section 9. RCW 41.05.050 was amended twice during the 1981 regular and 1982 first extraordinary sessions, the latter without reference to the former.

(1) 1981 c 344 § 6 deleted a proviso in subsection (2) which read "... nothing herein shall be a limitation on employees employed under chapter 47.64 RCW...."

(2) 1982 1st ex.s. c 34 § 2 amended subsection (3), modifying the frequency and scope of the survey of contribution and benefit levels for group insurance programs under the state employees insurance board.

Section 10. RCW 43.24.085 was amended three times during the 1982 regular session of the legislature, each without reference to the others.

(1) 1982 c 162 § 1 added permit barber, manicurist (manager-operator), and animal technician to the list of occupational licenses in subsection (1). In subsection (2), sanitarian, proprietary school agent, and specialized and advance registered nurse were deleted, while certified registered nurse, physical therapist, and manicurist shop were added. In subsection (3), massage operator, massage business owner/operator, and ocularist were added and physical therapist was deleted. In subsection (4), proprietary school was deleted and funeral establishment and massage business were added. In each subsection, the minimum license or registration renewal fee was eliminated and the maximum fee was increased. In addition, punctuation throughout the section was revised and subparagraphs were lettered.

(2) 1982 c 205 § 4 added auctioneer trainee to the list in subsection (1) and added auctioneer to the list in subsection (4).

(3) 1982 c 227 § 16 deleted charitable organization and professional solicitor from the list in subsection (1) and deleted professional fund raiser from the list in subsection (4).

Section 11. RCW 43.38.010 was amended twice during the 1982 first extraordinary session of the legislature, each without reference to the other.

(1) 1982 1st ex.s. c 30 § 12 added the second paragraph of the section to preserve the eligibility of the members of the tax advisory council following the establishment of new congressional boundaries.

(2) 1982 1st ex.s. c 41 § 1 amended the first paragraph of the section to reduce from fifteen to twelve the number of members appointed by the governor, added four legislative members to the council, and provided for reimbursement of their travel expenses.

Section 12. RCW 46.52.100 was amended twice during the 1979 extraordinary session of the legislature, each without reference to the other.

(1) 1979 ex.s. c 136 § 81 extensively amended the section to reflect the decriminalization of traffic offenses.

(2) 1979 ex.s. c 176 § 4 deleted the adjective "narcotic" from the reference to drugs to the eighth paragraph of the section and deleted a subsequent paragraph prescribing penalties for a second conviction for operating a vehicle while under the influence of alcohol or drugs. The penalties are now found in RCW 46.61.515.

Section 13. RCW 51.32.040 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 109 § 10 amended the second sentence of the section to add ", unless the transfer is to a financial institution at the request of a worker or other beneficiary and in accordance with RCW 51.32.045 shall be made."

(2) 1982 c 201 § 8 added the reference to RCW 74.04.530 in the first sentence of the section.

Section 14. RCW 67.16.180 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 32 § 5 amended subsection (1) to add all material following the first semicolon in the subsection.

(2) 1982 c 132 § 4 added "and/or Arabian races" in both subsections (1) and (2) of the section.

Section 15. RCW 69.50.505 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 171 § 1 amended the RCW 69.50.401 subsection reference in subsection (a)(4)(iii), added new subsections at (a)(4)(v) and (a)(7), and extensively amended subsection (f)(2) to modify the allocation of the proceeds from property and money forfeited under the section.

(2) 1982 c 189 § 6 also amended the RCW 69.50.401 subsection reference in subsection (a)(4)(iii) and amended the second sentence in subsection (e) to designate the law enforcement officer charged with conducting the administrative hearings under subsection (e).

Section 16. RCW 79.01.132 was amended twice during the 1982 regular session of the legislature, each without reference to the other.

(1) 1982 c 27 § 3 amended the first paragraph of the section to add "bank letters of credit," to the list of security that may be required by the department of natural resources for contracts under the section. In addition, the maximum appraised value of unadvertised sales under the section was increased from five hundred to one thousand dollars.

(2) 1982 c 222 § 11 added as a third paragraph of the section the statement "The provisions of this section apply unless otherwise provided by statute."

Section 17. RCW 79.01.184 was amended twice during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the other.

(1) 1982 c 27 § 1 deleted references to posting notices of public sales in district headquarters of the department of natural resources, and substituted the area headquarters of the department. In addition, the maximum appraised value of unadvertised sales under the section was increased from five hundred to one thousand dollars.

(2) 1982 1st ex.s. c 21 § 156, which takes effect July 1, 1983, substituted "state lands" for "public lands" in the first sentence of the section.

Section 19. RCW 84.52.052 was amended three times during the 1982 regular and first extraordinary sessions of the legislature, each without reference to the others.

(1) 1982 c 123 § 19 added "island library district" in three places in the section to the list of political subdivisions authorized to levy taxes under the section.

(2) 1982 c 175 § 7 added "solid waste disposal district" in three places in the section to the list of political subdivisions authorized to levy taxes under the section.

(3) 1982 1st ex.s. c 22 § 17 added "cultural arts, stadium and convention district" in two places in the section to the list of political subdivisions authorized to levy taxes under the section.

Section 20. RCW 9.41.025 was amended by 1982 c 47 § 1 without cognizance of its repeal by 1981 c 137 § 38 and by 1982 c 10 § 17, both effective July 1, 1984.

Passed the Senate January 18, 1983.

Passed the House January 28, 1983.

Approved by the Governor February 3, 1983.

Filed in Office of Secretary of State February 3, 1983.

CHAPTER 3

[Engrossed Senate Bill No. 3037]

OBSOLETE STATUTORY REFERENCES CORRECTED

AN ACT Relating to obsolete statutory references in the Revised Code of Washington; amending section 2, chapter 126, Laws of 1913 and RCW 2.32.200; amending section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 261, Laws of 1975 1st ex. sess. and RCW 2.32.240; amending section 103, chapter 299, Laws of 1961 and RCW 3.58.040; amending section 5, page 300, Laws of 1877 as amended by section 1228, Code of 1881 and RCW 4.24.050; amending section 6, page 300, Laws of 1877 as amended by section 1229, Code of 1881 and RCW 4.24.060; amending section 351, page 91, Laws of 1869 as last amended by section 1, chapter 193, Laws of 1981 and RCW 6.04.100; amending section 16, chapter 172, Laws of 1935 as amended by section 12, chapter 124, Laws of 1961 and RCW 9.41.160; amending section 4, page 99, Laws of 1890 and RCW 9.45.230; amending section 18, chapter 133, Laws of 1955 and RCW 9.95.190; amending section 1046, Code of 1881 as amended by section 1, chapter 10, Laws of 1957 and RCW