

arbitration shall proceed under subsection (3) of this section concerning this issue unless both parties have agreed to an extension of this period.

(3) Arbitration shall proceed under this subsection over the issue of whether a significant increase in the fire protection responsibilities will be imposed upon the city or town as a result of the annexation or incorporation with a corresponding reduction in fire suppression responsibilities by the fire protection district, or over the distribution of assets from the fire protection district to the city or town if such a significant increase in fire protection responsibilities will be imposed. A board of arbitrators shall be established for an arbitration that is required under this section. The board of arbitrators shall consist of three persons, one of whom is appointed by the city or town within sixty days of the date when arbitration is required, one of whom is appointed by the fire protection district within sixty days of the date when arbitration is required, and one of whom is appointed by agreement of the other two arbitrators within thirty days of the appointment of the last of these other two arbitrators who is so appointed. If the two are unable to agree on the appointment of the third arbitrator within this thirty-day period, then the third arbitrator shall be appointed by a judge in the superior court of the county within which all or the greatest portion of the area that was so annexed or incorporated lies. The determination by the board of arbitrators shall be binding on both the city or town and the fire protection district.

Passed the Senate April 18, 1989.

Passed the House April 14, 1989.

Approved by the Governor May 5, 1989.

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

CHAPTER 268

[Senate Bill No. 5172]

ENERGY CONSERVATION—UTILITIES—ASSISTANCE TO OWNERS OF EQUIPMENT

AN ACT Relating to energy conservation; amending RCW 35.92.360 and 54.16.280; adding a new section to chapter 19.27A RCW; and declaring an emergency.

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

Sec. 1. Section 2, chapter 239, Laws of 1979 ex. sess. and RCW 35.92.360 are each amended to read as follows:

Any city or town engaged in the generation, sale, or distribution of energy is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of ((residential)) structures or equipment in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy in such structures or equipment pursuant to an energy conservation plan adopted by the city or town if the cost per unit of energy

saved or produced by the use of such materials and equipment is less than the cost per unit of energy produced by the next least costly new energy resource which the city or town could acquire to meet future demand. Any financing authorized under this chapter shall only be used for conservation purposes in existing structures, and such financing shall not be used for any purpose which results in a conversion from one energy source to another. Except where otherwise authorized, such assistance shall be limited to:

(1) Providing an inspection of the ((~~residential~~)) structure or equipment, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment for which financial assistance will be approved and the estimated life cycle savings in energy costs that are likely to result from the installation of such materials or equipment;

(2) Providing a list of businesses who sell and install such materials and equipment within or in close proximity to the service area of the city or town, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize such materials in accordance with the prevailing national standards.

(3) Arranging to have approved conservation materials and equipment installed by a private contractor whose bid is acceptable to the owner of the residential structure and verifying such installation; and

(4) Arranging or providing financing for the purchase and installation of approved conservation materials and equipment. Such materials and equipment shall be purchased from a private business and shall be installed by a private business or the owner.

(5) Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed one hundred twenty months in length.

Sec. 2. Section 3, chapter 239, Laws of 1979 ex. sess. and RCW 54.16.280 are each amended to read as follows:

Any district is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of ((~~residential~~)) structures or equipment in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy in such structures or equipment pursuant to an energy conservation plan adopted by the district if the cost per unit of energy saved or produced by the use of such materials and equipment is less than the cost per unit of energy produced by the next least costly new energy resource which the district could acquire to meet future demand. Any financing authorized under this chapter shall only be used for conservation purposes in existing structures, and such financing shall not be used for any purpose which results in a conversion from one energy source to another. Except where otherwise authorized, such assistance shall be limited to:

(1) Providing an inspection of the ((residential)) structure or equipment, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment for which financial assistance will be approved and the estimated life cycle savings in energy costs that are likely to result from the installation of such materials or equipment;

(2) Providing a list of businesses who sell and install such materials and equipment within or in close proximity to the service area of the district, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize such materials in accordance with the prevailing national standards.

(3) Arranging to have approved conservation materials and equipment installed by a private contractor whose bid is acceptable to the owner of the residential structure and verifying such installation; and

(4) Arranging or providing financing for the purchase and installation of approved conservation materials and equipment. Such materials and equipment shall be purchased from a private business and shall be installed by a private business or the owner.

(5) Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed one hundred twenty months in length.

***NEW SECTION. Sec. 3. A new section is added to chapter 19.27A RCW to read as follows:**

In order to improve energy efficiency in residential structures, an entity in the state of Washington engaged in the generation, sale, or distribution of energy may provide financial or other assistance for the planting of trees that will cast shade on residential structures in the summer. The assistance may be given to the owner of the residential structure or to a community group engaged in the planting of trees.

*Sec. 3 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 4. 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 Senate April 21, 1989.

Passed the House April 10, 1989.

Approved by the Governor May 5, 1989, with the exception of certain items which were vetoed.

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

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to section 3, Senate Bill No. 5172, entitled:

"AN ACT Relating to energy conservation."

Sections 1 and 2 of this bill will allow the implementation of the 1988 voter-approved Constitutional Amendment, HJR 4223 which extends the conservation authority to add equipment to the prior authorization for structures. Section 4 makes the bill effective immediately. This legislation was requested by the State Energy Office and was supported by my office.

Section 3 is an amendment which authorizes financial assistance for the planting of trees that will cast shade on residential structures in the summer. Shade trees are aesthetically pleasing and have some energy benefits. However, the inclusion of shade trees in this bill arguably goes beyond the public understanding of conservation under the constitutional amendment permitting loans for "... materials and equipment for conservation ...".

I would be favorably inclined to review this issue if, after further public discussion, shade trees or other energy conservation methods are shown to be and generally recognized as cost effective.

With the exception of section 3, Senate Bill No. 5172 is approved."

CHAPTER 269

[House Bill No. 1777]

ALTERNATIVE RESIDENTIAL PLACEMENT OF CHILDREN—DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DUTIES

AN ACT Relating to child welfare services; and amending RCW 13.32A.150, 13.32A.160, 13.32A.170, 13.32A.250, 13.32A.190, and 28A.87.120.

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

Sec. 1. Section 29, chapter 155, Laws of 1979 as amended by section 11, chapter 298, Laws of 1981 and RCW 13.32A.150 are each amended to read as follows:

(1) Except as otherwise provided in this section the juvenile court shall not accept the filing of an alternative residential placement petition by the child or the parents, unless verification is provided that a family assessment has been completed by the department. The family assessment shall be aimed at family reconciliation and avoidance of the out-of-home placement of the child. If the department is unable to complete an assessment within two working days following a request for assessment the child or the parents may proceed under subsection (2) of this section.

(2) A child or a child's parent may file with the juvenile court a petition to approve an alternative residential placement for the child outside the parent's home. The department shall, when requested, assist either a parent or child in the filing of the petition. The petition shall only ask that the placement of a child outside the home of his or her parent be approved. The filing of a petition to approve such placement is not dependent upon the court's having obtained any prior jurisdiction over the child or his or her parent, and confers upon the court a special jurisdiction to approve or disapprove an alternative residential placement.

Sec. 2. Section 30, chapter 155, Laws of 1979 and RCW 13.32A.160 are each amended to read as follows: