

~~((9))~~ (7) To conduct hearings on the proposed location of the energy facilities;

~~((10))~~ (8) To prepare written reports to the governor which shall include: (a) A statement indicating whether the application is in compliance with the council's guidelines, (b) criteria specific to the site and transmission line routing, (c) a council recommendation as to the disposition of the application, and (d) a draft certification agreement when the council recommends approval of the application;

~~((11))~~ (9) To prescribe the means for monitoring of the effects arising from the construction and the operation of energy facilities to assure continued compliance with terms of certification and/or permits issued by the council pursuant to chapter 90.48 RCW or ~~((RCW 80.50.040(14)))~~ subsection (12) of this section: PROVIDED, That any on-site inspection required by the council shall be performed by other state agencies pursuant to interagency agreement: PROVIDED FURTHER, That the council shall retain authority for determining compliance relative to monitoring;

~~((12))~~ (10) To integrate its site evaluation activity with activities of federal agencies having jurisdiction in such matters to avoid unnecessary duplication;

~~((13))~~ (11) To present state concerns and interests to other states, regional organizations, and the federal government on the location, construction, and operation of any energy facility which may affect the environment, health, or safety of the citizens of the state of Washington;

~~((14))~~ (12) To issue permits in compliance with applicable provisions of the federally approved state implementation plan adopted in accordance with the Federal Clean Air Act, as now existing or hereafter amended, for the new construction, reconstruction, or enlargement or operation of energy facilities: PROVIDED, That such permits shall become effective only if the governor approves an application for certification and executes a certification agreement pursuant to this chapter: AND PROVIDED FURTHER, That all such permits be conditioned upon compliance with all provisions of the federally approved state implementation plan which apply to energy facilities covered within the provisions of this chapter.

Passed the Senate April 9, 1985.

Passed the House April 5, 1985.

Approved by the Governor April 17, 1985.

Filed in Office of Secretary of State April 17, 1985.

CHAPTER 68

[Senate Bill No. 3104]

STATUTES SUPERSEDED BY COURT RULE

AN ACT Relating to statutes superseded by court rules; amending RCW 4.12.025; and repealing RCW 4.08.010, 4.08.070, 4.08.200, 4.12.026, 4.12.027, 4.28.005, 4.32.040, 4.32.230,

4.36.180, 4.36.200, 4.44.030, 4.44.050, 4.44.430, 4.56.020, 4.76.020, 4.76.040, 4.76.050, 4.76.060, 4.84.180, 5.04.010, 5.36.020, 5.56.020, 5.56.030, 5.56.040, 5.60.010, 5.60.040, 7.16.090, 10.16.090, 10.46.030, and 10.52.020.

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

NEW SECTION. Sec. 1. The following acts or parts of acts are each repealed:

(1) Section 3, page 131, Laws of 1854, section 4, page 3, Laws of 1869, section 1, page 4, Laws of 1875, section 4, page 4, Laws of 1877, section 4, Code of 1881 and RCW 4.08.010;

(2) Section 9, page 132, Laws of 1854, section 15, page 5, Laws of 1877, section 14, Code of 1881 and RCW 4.08.070;

(3) Section 24, page 7, Laws of 1877, section 24, Code of 1881, section 1, chapter 9, Laws of 1957 and RCW 4.08.200;

(4) Section 2, chapter 173, Laws of 1927 and RCW 4.12.026;

(5) Section 3, chapter 173, Laws of 1927 and RCW 4.12.027;

(6) Section 26, chapter 127, Laws of 1893 and RCW 4.28.005;

(7) Section 39, page 139, Laws of 1854, section 76, page 17, Laws of 1877, section 76, Code of 1881, section 1, chapter 62, Laws of 1891 and RCW 4.32.040;

(8) Section 10, page 10, Laws of 1857, section 90, page 20, Laws of 1877, section 90, Code of 1881 and RCW 4.32.230;

(9) Section 66, page 143, Laws of 1854, section 105, page 23, Laws of 1877, section 105, Code of 1881 and RCW 4.36.180;

(10) Section 68, page 144, Laws of 1854, section 107, page 23, Laws of 1877, section 107, Code of 1881, section 3, chapter 76, Laws of 1984 and RCW 4.36.200;

(11) Section 36, chapter 127, Laws of 1893 and RCW 4.44.030;

(12) Section 205, page 168, Laws of 1854, section 250, page 60, Laws of 1869, section 250, page 51, Laws of 1877, section 246, Code of 1881 and RCW 4.44.050;

(13) Section 200, page 167, Laws of 1854, section 246, page 59, Laws of 1869, section 246, page 50, Laws of 1877, section 242, Code of 1881 and RCW 4.44.430;

(14) Section 1, chapter 10, Laws of 1897 and RCW 4.56.020;

(15) Section 216, page 170, Laws of 1854, section 278, page 67, Laws of 1869, section 276, Code of 1881, section 1, chapter 34, Laws of 1909, section 1, chapter 138, Laws of 1933 and RCW 4.76.020;

(16) Section 1, page 30, Laws of 1888 and RCW 4.76.040;

(17) Section 283, page 68, Laws of 1869, section 282, page 57, Laws of 1877, section 278, Code of 1881 and RCW 4.76.050;

(18) Section 282, page 68, Laws of 1869, section 283, page 57, Laws of 1877, sections 279, 280, Code of 1881, section 1, chapter 59, Laws of 1891, section 1, chapter 14, Laws of 1897 and RCW 4.76.060;

(19) Section 385, page 204, Laws of 1854, section 527, page 110, Laws of 1877, section 523, Code of 1881, section 23, chapter 81, Laws of 1971 and RCW 4.84.180;

(20) Section 305, page 189, Laws of 1854, section 398, page 106, Laws of 1869, section 405, page 88, Laws of 1877, section 403, Code of 1881 and RCW 5.04.010;

(21) Section 333, page 195, Laws of 1854, section 425, page 115, Laws of 1869, section 431, page 94, Laws of 1877, section 429, Code of 1881 and RCW 5.36.020;

(22) Section 297, page 188, Laws of 1854, section 390, page 105, Laws of 1869, section 397, page 87, Laws of 1877, section 395, Code of 1881, section 1, chapter 96, Laws of 1895 and RCW 5.56.020;

(23) Section 296, page 188, Laws of 1854, section 389, page 105, Laws of 1869, section 396, page 87, Laws of 1877, section 394, Code of 1881 and RCW 5.56.030;

(24) Section 298, page 188, Laws of 1854, section 391, page 105, Laws of 1869, section 398, page 87, Laws of 1877, section 396, Code of 1881 and RCW 5.56.040;

(25) Section 232, page 57, Laws of 1869, section 232, page 48, Laws of 1877, section 228, Code of 1881 and RCW 5.60.010;

(26) Section 292, page 186, Laws of 1854, section 385, page 103, Laws of 1869, section 392, page 86, Laws of 1877, section 390, Code of 1881, section 1, chapter 19, Laws of 1891 and RCW 5.60.040;

(27) Section 9, chapter 65, Laws of 1895 and RCW 7.16.090;

(28) Section 16, chapter 11, Laws of 1891 and RCW 10.16.090;

(29) Section 82, page 114, Laws of 1854, section 218, page 230, Laws of 1873, section 1038, Code of 1881, section 44, chapter 28, Laws of 1891 and RCW 10.46.030; and

(30) Section 95, page 117, Laws of 1854, section 231, page 233, Laws of 1873, section 1069, Code of 1881, section 1, chapter 81, Laws of 1977 ex. sess. and RCW 10.52.020.

Sec. 2. Section 1, chapter 173, Laws of 1927 as last amended by section 1, chapter 31, Laws of 1983 and RCW 4.12.025 are each amended to read as follows:

(1) An action may be brought in any county in which the defendant resides, or, if there be more than one defendant, where some one of the defendants resides at the time of the commencement of the action. For the purpose of this section, (~~RCW 4.12.026, and 4.12.027,~~) the residence of a corporation defendant shall be deemed to be in any county where the corporation: (a) Transacts business; (b) has an office for the transaction of business; (c) transacted business at the time the cause of action arose; or (d) where any person resides upon whom process may be served upon the corporation.

(2) The venue of any action brought against a corporation, at the option of the plaintiff, shall be: (a) In the county where the tort was committed; (b) in the county where the work was performed for said corporation; (c) in the county where the agreement entered into with the corporation was made; or (d) in the county where the corporation has its residence.

Passed the Senate February 8, 1985.

Passed the House April 9, 1985.

Approved by the Governor April 17, 1985.

Filed in Office of Secretary of State April 17, 1985.

CHAPTER 69

[Engrossed Senate Bill No. 3319]

OPEN MEETINGS—COURT ACTIONS REGARDING VIOLATIONS—
ATTORNEY FEES AND COSTS

AN ACT Relating to open meetings; and amending RCW 42.30.120.

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

Sec. 1. Section 12, chapter 250, Laws of 1971 ex. sess. as amended by section 3, chapter 66, Laws of 1973 and RCW 42.30.120 are each amended to read as follows:

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

(2) Any person who prevails against a public agency in any action in the courts for a violation of this chapter shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. Pursuant to RCW 4.84.185, any public agency who prevails in any action in the courts for a violation of this chapter may be awarded reasonable expenses and attorney fees upon final judgment and written findings by the trial judge that the action was frivolous and advanced without reasonable cause.

Passed the Senate March 14, 1985.

Passed the House April 9, 1985.

Approved by the Governor April 17, 1985.

Filed in Office of Secretary of State April 17, 1985.