

- (1) The committee to which the bill or resolution was referred upon introduction in the house of origin;
- (2) The senate committee on ways and means or its successor;
- (3) The house of representatives committee on ways and means or its successor;
- (4) The senate governmental operations committee or its successor; and
- (5) The house of representatives state government committee or its successor.

NEW SECTION. Sec. 7. Legislative standing committees shall forward notification and the sunrise note, if available, to the senate or house of representatives ways and means committee and the senate governmental operations committee or the house of representatives state government committee whenever a bill providing for the creation of a new board or special purpose district is voted out of the standing committee.

NEW SECTION. Sec. 8. Nothing in this chapter prevents either house of the legislature from acting on any bill or resolution before it as otherwise provided by the state Constitution, by law, and by the rules and joint rules of the senate and house of representatives, nor shall the lack of any sunrise note as provided in this chapter or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature.

NEW SECTION. Sec. 9. This chapter shall be known as the Washington sunrise act.

NEW SECTION. Sec. 10. A new section is added to chapter 43.131 RCW to read as follows:

The Washington sunrise act, chapter 43.— RCW (sections 1 through 9 of this act), shall expire on June 30, 1992.

NEW SECTION. Sec. 11. Sections 1 through 9 of this act shall constitute a new chapter in Title 43 RCW.

Passed the Senate April 21, 1987.

Passed the House April 14, 1987.

Approved by the Governor May 12, 1987.

Filed in Office of Secretary of State May 12, 1987.

CHAPTER 343

[Second Substitute Senate Bill No. 5993]

DROUGHT OF 1987—WATER RIGHT EMERGENCY PROCEDURES

AN ACT Relating to water rights; amending RCW 43.83B.300, 43.83B.310, 43.83B.320, and 43.83B.210; amending section 303, chapter 6, Laws of 1985 ex. sess. as amended by section 302, chapter 312, Laws of 1986 (uncodified); adding new sections to chapter 43.83B RCW; adding a new section to chapter 75.20 RCW; adding a new section to chapter 86.16 RCW; adding a new section to chapter 90.58 RCW; and declaring an emergency.

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

Sec. 1. Section 1, chapter 1, Laws of 1977 ex. sess. as amended by section 1, chapter 263, Laws of 1979 ex. sess. and RCW 43.83B.300 are each amended to read as follows:

The legislature finds that it is necessary to provide the department of ecology with emergency powers to authorize withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, and construction of facilities in relation thereto, in order to alleviate emergency water supply conditions arising from the drought forecast for the state of Washington during ~~((the summer and fall of))~~ 1977 and during 1987.

The legislature further finds that there is a continuing agricultural water supply shortage in many areas of the state and that, in relation to the lessening of that unsatisfactory condition, there is an urgent need to both improve water supply facilities and replace other such facilities.

In order to provide needed capital for the planning, acquisition, construction, and improvement of water supply facilities to withdraw and distribute water to alleviate unsatisfactory water supply conditions arising from droughts occurring from time to time in the state of Washington, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eighteen million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this section and RCW 43.83B.360 through 43.83B.375 shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 2. Section 3, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B-.310 are each amended to read as follows:

In addition to the powers previously vested in the department of ecology to permit the withdrawal of public surface and ground waters by chapters 90.03 and 90.44 RCW, the department of ecology is authorized to permit withdrawals of public surface and ground waters, including dead storage within reservoirs, on a temporary basis, for any period ending not later than ~~((September 30, 1977))~~ October 31, 1987, for any beneficial use. The department may issue such emergency permits if, after investigation and after providing appropriate federal, state, and local governmental bodies an opportunity to comment, the following are found:

(1) The waters proposed for withdrawal are to be used in relation to beneficial use involving a previously established activity or purpose; and

(2) The previously established activity or purpose was furnished water through rights applicable to the use of a public water body which are not exercisable due to the lack of water arising from natural drought conditions; and

(3) The proposed withdrawal will not reduce flows or levels below essential minimums necessary (a) to assure the maintenance of fisheries requirements, and (b) to protect federal and state interests including, among others, power generation, navigation, and existing water rights.

All permits issued hereunder shall contain provisions which allow for termination of authorized withdrawals, in whole or in part, whenever withdrawals will conflict with flows and levels as provided in subsection (3) of this section.

Sec. 3. Section 5, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B-.320 are each amended to read as follows:

~~((+))~~ As to projects and water withdrawal permits issued or authorized or both under RCW 43.83B.310 and 43.83B.315, the requirements of chapter 43.21C RCW ~~((and all local zoning ordinances, plans, and local building and construction permit ordinances))~~ and public bidding requirements as otherwise provided by law are waived and inapplicable. ~~((Notwithstanding any other provisions of law, water projects and related withdrawal permits, authorized or issued pursuant to RCW 43.83B.310 or 43.83B.315 shall not be subject to any public notice requirements. Permits issued under RCW 43.83B.310 and 43.83B.315 shall be in lieu of all environmental protection and natural resource regulation permits, certificates, and other approvals and authorization documents required under state statutes including, but not limited to, RCW 90.58.140, 75.20.100, and 86.16-.080, as well as all other similar permits required under local ordinances.))~~ Notwithstanding any statutory provisions to the contrary, all state and local agencies with authority to issue permits or other authorizations for such projects shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application. All state departments or other agencies having jurisdiction over state or other public lands which are required to be used in carrying out projects related to water withdrawal permits, issued pursuant to RCW 43.83B.310 and 43.83B.315, shall provide short term easements or other appropriate property interests upon the payment of the fair market value: PROVIDED, That this mandate shall not apply to any lands of the state which are reserved for a special purpose or use which cannot properly be carried out if such a property interest were to be conveyed.

~~((2))~~ Upon request of the department of ecology or the department of social and health services, the department of general administration may waive any public bidding requirements otherwise provided by law, for any project authorized by RCW 43.83B.310 or 43.83B.315 and financed with funds appropriated in RCW 43.83B.300 through 43.83B.385, 43.83B.901, and 43.83B.210 if the department of general administration determines that (a) an emergency condition exists, and (b) if the request for a waiver is not approved the public interest will be significantly affected in a detrimental

manner. The department of general administration shall rule upon requests for waiver submitted to it within five working days. If the department fails to rule within said five-day period the request shall be deemed approved and a waiver deemed to be granted. The department of general administration, after obtaining the views of the department of ecology and the department of social and health services, shall adopt rules to implement this section. Notwithstanding any other provision of RCW 43.83B.300 through 43.83B.385, 43.83B.901, and 43.83B.210, this subsection shall terminate on September 30, 1977.)

Sec. 4. Section 3, chapter 295, Laws of 1975 1st ex. sess. as last amended by section 11, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.210 are each amended to read as follows:

The department of ecology is authorized to make loans or grants or combinations thereof to eligible public bodies as defined in RCW 43.83B.050 for rehabilitation or betterment of agricultural water supply facilities, and/or construction of agricultural water supply facilities required to develop new irrigated lands or, when required because of emergency drought conditions, to provide water to previously irrigated lands. The department of ecology may make such loans or grants or combinations thereof as matching funds in any case where federal, local, or other funds have been made available on a matching basis. A loan or combination loan and grant shall not exceed fifty percent of the approved eligible project costs for any single proposed project: PROVIDED, That for ((projects)) purposes authorized by RCW 43.83B.300, 43.83B.310, and 43.83B.385 the department of ecology may make a loan up to ninety percent of the total eligible project cost or combination loan and grant up to one hundred percent of the total single project cost and the grant portion for any single project shall not exceed fifteen percent of the total single project cost. Any grant or grant portion of a combination loan and grant for any single proposed project shall not exceed fifteen percent of the eligible project costs: PROVIDED, That the fifteen percent limitation established herein shall not be applicable to project commitments which the director or deputy director of the state department of ecology made to the bureau of reclamation of the United States department of interior for providing state funding at thirty-five percent of project costs during the period between August 1, 1974, and June 30, 1975.

The department of social and health services is authorized to make grants of up to forty percent of the cost of construction of any eligible project necessitated by the 1977 drought conditions. Such grants may be made only to public bodies as defined in RCW 43.83B.050 for municipal and industrial water supply and distribution facilities.

NEW SECTION. Sec. 5. A new section is added to chapter 90.58 RCW to read as follows:

All state and local agencies with authority under this chapter to issue permits or other authorizations for emergency water withdrawal and facilities pursuant to RCW 43.83B.300 through 43.83B.345 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

NEW SECTION. Sec. 6. A new section is added to chapter 75.20 RCW to read as follows:

All state and local agencies with authority under this chapter to issue permits or other authorizations for emergency water withdrawal and facilities pursuant to RCW 43.83B.300 through 43.83B.345 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

NEW SECTION. Sec. 7. A new section is added to chapter 86.16 RCW to read as follows:

All state and local agencies with authority under this chapter to issue permits or other authorizations for emergency water withdrawal and facilities pursuant to RCW 43.83B.300 through 43.83B.345 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

NEW SECTION. Sec. 8. A new section is added to chapter 43.83B RCW to read as follows:

The department of ecology is authorized to expend funds from the emergency water supply appropriations for necessary drought-related equipment and to employ a maximum of two and one-half full-time equivalent staff positions until October 31, 1987, for the purpose of planning and administering drought relief activities.

NEW SECTION. Sec. 9. A new section is added to chapter 43.83B RCW to read as follows:

For a limited period of time ending October 31, 1987, a water right may be temporarily changed in purpose or place of use or point of diversion consistent with existing state policy allowing transfer or lease of waters between willing parties as provided for in RCW 90.03.380, 90.03.390, and 90.44.100 without complying with any requirements of (1) notice of newspaper publication or (2) the state environmental policy act, chapter 43.21C RCW, when such changes are necessary to respond to emergency water supply conditions as determined by the department of ecology. The temporary changing of a water right as authorized under this section shall not be admissible as evidence in either the supporting or the contesting of the validity of water claims in State of Washington, Department of Ecology v.

Acquavella, or any similar proceeding where the existence of a water right is at issue.

Sec. 10. Section 303, chapter 6, Laws of 1985 ex. sess. as amended by section 302, chapter 312, Laws of 1986 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 20,873,000	22,136,000
General Fund Appropriation—Federal	\$ 10,122,000	10,128,000
General Fund Appropriation—		
Private/Local	\$ 64,000	460,000
General Fund—Hazardous Waste Control and Elimination Account Appropriation	\$ 1,154,000	1,158,000
General Fund—Flood Control Account Appropriation	\$ 2,000,000	2,000,000
General Fund—Special Grass Seed Burning Account Appropriation	\$ 35,000	35,000
General Fund—Reclamation Revolving Account Appropriation	\$ 561,000	562,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$ 311,000	335,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess:		
Reappropriation	\$ 3,000,000	3,570,000
Water Project Revolving Account Subtotal	\$ 3,311,000	3,905,000
General Fund—Litter Control Account Appropriation	\$ 2,356,000	2,929,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$ 363,000	373,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws		

of 1972 ex. sess. (Referendum 26):		
Reappropriation	\$ 20,000,000	26,278,000
Referendum 26 Subtotal	\$ 20,363,000	26,651,000
General Fund—State and Local Im-		
provements Revolving Account—		
Waste Disposal Facilities 1980: Ap-		
propriated pursuant to chapter 159,		
Laws of 1980 (Referendum 39)	\$ 39,346,000	39,441,000
General Fund—State and Local Im-		
provements Revolving Account—		
Waste Disposal Facilities 1980: Ap-		
propriated pursuant to chapter 159,		
Laws of 1980 (Referendum 39): Re-		
appropriation	\$ 130,000,000	127,400,000
Referendum 39 Subtotal	\$ 169,346,000	166,841,000
General Fund—State and Local Im-		
provements Revolving Account—		
Water Supply Facilities	\$ 3,354,000	3,412,000
General Fund—State and Local Im-		
provements Revolving Account—		
Water Supply Facilities: Reappropri-		
ation	\$ 18,000,000	18,043,000
Water Supply Subtotal	\$ 21,354,000	21,455,000
Stream Gaging Basic Data Fund Appro-		
riation	\$ 100,000	100,000
Total Appropriation	\$509,999,000	

The appropriations in this section are subject to the following conditions and limitations:

(1) On or before October 1, 1985, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1985–87 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each bond proceed account. The department shall submit updates for the master compilation to the committees on ways and means and the office of financial management at six-month intervals during the 1985–87 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means and the office of financial management thirty days' written notice of the change or modification prior

to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. If the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed by this subsection.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.

(6) Not more than \$10,545,000 of the general fund—state appropriation for fiscal year 1986 and \$11,302,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the hazardous waste and air quality program.

(7) Not more than \$3,919,000 of the general fund—state appropriation for fiscal year 1986 and \$4,361,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water and land resources program including but not limited to:

(a) Public water supply reservation;

- (b) Well drilling enforcement;
- (c) Ground/surface water data collection;
- (d) State-wide groundwater planning;
- (e) Increased shoreline management grants to local governments; and
- (f) Shoreline management support.

(8) Not more than \$2,155,000 of the general fund—state appropriation for fiscal year 1986 and \$2,178,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water quality program including but not limited to:

- (a) Groundwater management and investigation;
- (b) Groundwater technical assistance; and
- (c) Municipal water management.

(9) \$985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.

(10) \$200,000 of the general fund—state appropriation is provided solely as a loan for the hazardous substances information and education program. At the close of the 1985-87 biennium, the state treasurer shall transfer \$200,000 from the worker and community right to know fund to the general fund. If House Bill No. 865 is not enacted before July 1, 1985, the general fund amount provided in this subsection shall revert and the transfer from the worker and community right to know fund shall not occur.

(11) \$354,000 of the general fund—state appropriation is provided solely for the department to develop a state hazardous waste management plan, including criteria for the siting of hazardous waste management facilities.

(12) For the purpose of implementing the requirements of a shellfish protection program, including a pilot program for the prevention of non-point source pollution of important shellfish resource areas, the department of ecology shall expend up to a maximum of \$300,000 for:

(a) The development of regulations designating priority shellfish protection resource areas;

(b) Contracts with local governments and conservation districts to develop plans, educational programs, and other activities to clean up and protect shellfish resource areas; and

(c) Washington conservation corps activities and other programs to assist land owners in eliminating animal waste related pollution.

(13) The office of financial management is authorized to allow the department to deviate from the annual allocation of moneys provided in this section. This authorization pertains only to moneys appropriated and reappropriated for construction grants and hazardous waste remedial action construction contracts.

(14) \$470,000 of the general fund—state appropriation and \$396,000 of the general fund—local appropriation are provided solely to implement either Senate Bill No. 4876 or House Bill No. 1655 on low-level

radioactive waste. If neither Senate Bill No. 4876 nor House Bill No. 1655 is enacted by July 1, 1986, the amounts provided by this subsection shall lapse.

(15) \$57,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 69 (chapter 426, Laws of 1985), dealing with the development of guidelines and standards for the establishment of solid waste trust funds.

(16) \$52,000 of the general fund—state appropriation is provided solely to implement House Bill No. 974 (chapter 456, Laws of 1985), dealing with acid rain assessment.

(17) \$45,000 of the general fund—state appropriation is provided solely for water quality laboratory analysis.

(18) \$59,000 of the general fund—state appropriation is provided solely for the conduct of civil and criminal investigations of violations of environmental statutes.

(19) Not more than \$15,000 from the general fund—reclamation revolving account appropriation shall be paid to Cowlitz county as reimbursement for prior contributions of the flood control district to the account.

(20) Not more than \$150,000 from the general fund—private/local appropriation may be expended by the department to perform studies, by contract or otherwise, to define site closure and perpetual care and maintenance requirements for the Hanford low-level radioactive waste disposal facility and to assess the adequacy of insurance coverage for general liability, radiological liability, and transportation liability for the facility. The department shall complete the studies and report its findings to the legislature by December 31, 1987. The department shall make a preliminary progress report to the legislature by December 31, 1986.

(21) Of the funds appropriated to the department of ecology from the emergency water projects revolving account (emergency water supply), up to four million dollars may be expended by the department to provide needed capital for the planning, acquisition, construction, and improvement of water supply facilities to withdraw and distribute ground and surface water to previously irrigated lands to alleviate the emergency water supply conditions which may arise in 1987.

NEW SECTION. Sec. 11. 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. 12. 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 March 18, 1987.

Passed the House April 16, 1987.

Approved by the Governor May 12, 1987.

Filed in Office of Secretary of State May 12, 1987.

CHAPTER 344

[Engrossed Substitute Senate Bill No. 5502]

MOTOR VEHICLE WARRANTIES

AN ACT Relating to new motor vehicle warranties; amending RCW 19.118.050; adding new sections to chapter 19.118 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 19.118.020, 19.118.030, 19.118.040, and 19.118.060; prescribing penalties; making an appropriation; providing effective dates; providing an expiration date; and declaring an emergency.

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

NEW SECTION. Sec. 1. The legislature recognizes that a new motor vehicle is a major consumer purchase and that a defective motor vehicle is likely to create hardship for, or may cause injury to, the consumer. The legislature further recognizes that good cooperation and communication between a manufacturer and a new motor vehicle dealer will considerably increase the likelihood that a new motor vehicle will be repaired within a reasonable number of attempts.

It is the intent of the legislature to ensure that the consumer is made aware of his or her rights under this chapter and is not refused information, documents, or service that would otherwise obstruct the exercise of his or her rights.

In enacting these comprehensive measures, it is the intent of the legislature to create the proper blend of private and public remedies necessary to enforce this chapter, such that a manufacturer will be sufficiently induced to take necessary steps to improve quality control at the time of production or provide better warranty service for the new motor vehicles that it sells in this state.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means new motor vehicle arbitration board.

(2) "Collateral charges" means any sales-related charges including but not limited to sales tax, arbitration service fees, license fees, registration fees, title fees, finance charges, insurance costs, transportation charges, dealer preparation charges, or any other charges for service contracts, undercoating, rustproofing, or factory installed options.