

earned early release time shall be for good behavior and good performance as determined by the facility. In no case may the aggregate earned early release time exceed one-third of the total sentence.

(f) If the work release prisoner violates the conditions of custody or employment, the prisoner shall be returned to the sentencing court. The sentencing court may require the prisoner to spend the remainder of the sentence in actual confinement and may cancel any earned reduction of the sentence.

(4) A special detention facility may be operated by a noncorrectional agency or by noncorrectional personnel by contract with the governing unit. The employees shall meet the standards of training and education established by the criminal justice training commission as authorized by RCW 43.101.080. The special detention facility may use combinations of features including, but not limited to, low-security or honor prisoner status, work farm, work release, community review, prisoner facility maintenance and food preparation, training programs, or alcohol or drug rehabilitation programs. Special detention facilities may establish a reasonable fee schedule to cover the cost of facility housing and programs. The schedule shall be on a sliding basis that reflects the person's ability to pay.

NEW SECTION. Sec. 4. Section 1, chapter 99, Laws of 1937, section 1, chapter 276, Laws of 1983, section 1, chapter 209, Laws of 1984 and RCW 9.92.150 are each repealed.

NEW SECTION. Sec. 5. A new section is added to chapter 9.92 RCW to read as follows:

This act applies only to sentences imposed for crimes committed on or after July 1, 1989.

Passed the Senate April 17, 1989.

Passed the House April 12, 1989.

Approved by the Governor May 5, 1989.

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

CHAPTER 249

[House Bill No. 1198]

CITIES OF THE FIRST CLASS—ELECTRICAL UTILITIES—AUTHORIZATION TO OPERATE

AN ACT Relating to cities of the first class that own and operate an electrical utility; and adding a new section to chapter 35.92 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 35.92 RCW to read as follows:

(1) Cities of the first class which operate electric generating facilities and distribution systems shall have power and authority to participate and

enter into agreements for the undivided ownership of high voltage transmission facilities and for the undivided ownership of any type of electric generating plants and facilities, including, but not limited to, nuclear and other thermal power generating plants and facilities and transmission facilities including, but not limited to, related transmission facilities, to be called "common facilities"; and for the planning, financing, acquisition, construction, operation, and maintenance with: (a) Each other; (b) electrical companies which are subject to the jurisdiction of the Washington utilities and transportation commission or the regulatory commission of any other state, to be called "regulated utilities"; (c) rural electric cooperatives, including generation and transmission cooperatives in any state; (d) municipal corporations, utility districts, or other political subdivisions in any state; and (e) any agency of the United States authorized to generate or transmit electrical energy. It shall be provided in such agreements that each city shall own a percentage of any common facility equal to the percentage of the money furnished or the value of property supplied by it for the acquisition and construction of the facility and shall own and control a like percentage of the electrical output.

(2) The agreement must provide that each participant shall defray its own interest and other payments required to be made or deposited in connection with any financing undertaken by it to pay its percentage of the money furnished or value of property supplied by it for the planning, acquisition, and construction of any common facility, or any additions or betterments. The agreement shall provide a uniform method of determining and allocating operation and maintenance expenses of a common facility.

(3) Each city participating in the ownership or operation of a common facility shall pay all taxes chargeable to its share of the common facility and the electric energy generated under any applicable statutes and may make payments during preliminary work and construction for any increased financial burden suffered by any county or other existing taxing district in the county in which the common facility is located, under agreement with such county or taxing district.

(4) In carrying out the powers granted in this section, each such city shall be severally liable only for its own acts and not jointly or severally liable for the acts, omissions, or obligations of others. No money or property supplied by any such city for the planning, financing, acquisition, construction, operation, or maintenance of any common facility shall be credited or otherwise applied to the account of any other participant therein, nor shall the undivided share of any city in any common facility be charged, directly or indirectly, with any debt or obligation of any other participant or be subject to any lien as a result thereof. No action in connection with a common facility shall be binding upon any city unless authorized or approved by resolution or ordinance of its governing body.

(5) Any city acting jointly outside the state of Washington, by mutual agreement with any participant under authority of this section, shall not acquire properties owned or operated by any public utility district, by any regulated utility, or by any public utility owned by a municipality without the consent of the utility owning or operating the property, and shall not participate in any condemnation proceeding to acquire such properties.

Passed the House April 15, 1989.

Passed the Senate April 7, 1989.

Approved by the Governor May 5, 1989.

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

CHAPTER 250

[Substitute Senate Bill No. 5663]

LOCAL OFFICIALS—RECALL ACTIONS—DEFENSE EXPENSES

AN ACT Relating to the recall of county officials; amending RCW 36.16.134; and adding a new section to chapter 35.21 RCW.

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

Sec. 1. Section 1, chapter 72, Laws of 1979 ex. sess. and RCW 36.16-.134 are each amended to read as follows:

(1) Whenever an action or proceeding for damages is brought against any officer or employee of a county of this state, arising from acts or omissions while performing or in good faith purporting to perform his or her official duties, such officer or employee may request the county to authorize the defense of the action or proceeding at the expense of the county.

(2) If the county legislative authority finds that the acts or omissions of the officer or employee were, or in good faith purported to be, within the scope of his or her official duties, the request may be granted. If the request is granted, the necessary expenses of defending the action or proceeding shall be paid by the county. Any ((money)) monetary judgment against the officer or employee may be paid on approval of the county legislative authority.

(3) The necessary expenses of defending an elective county officer in a judicial hearing to determine the sufficiency of a recall charge as provided in RCW 29.82.023 shall be paid by the county if the officer requests such defense and approval is granted by both the county legislative authority and the prosecuting attorney. The expenses paid by the county may include costs associated with an appeal of the decision rendered by the superior court concerning the sufficiency of the recall charge.

NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

The necessary expenses of defending an elective city or town official in a judicial hearing to determine the sufficiency of a recall charge as provided