

permits conversion of the deposit to cash on the same day the deposit is made. The deposits shall be in one of the following forms:

- (1) Cash;
- (2) Interbank electronic transfers such that the funds are unconditionally received by the escrow agent or the agent's depository;
- (3) Checks, negotiable orders of withdrawal, money orders, cashier's checks, and certified checks that are payable in Washington state and drawn on financial institutions located in Washington state; or
- (4) Checks, negotiable orders of withdrawal, money orders, and any other item that has been finally paid as described in RCW 62A.4-213 before any disbursement; or
- (5) Any depository check, including any cashier's check, certified check, or teller's check, which is governed by the provisions of the Federal Expedited Funds Availability Act, 12 U.S.C. ((~~400~~/~~{Sec. 4001}~~)) Sec. 4001 et seq.

The word "item" means any instrument for the payment of money even though it is not negotiable, but does not include money.

Violation of this section shall subject an escrow agent to penalties as prescribed in Title 9A RCW and remedies as provided in chapter 19.86 RCW and shall constitute grounds for suspension or revocation of the registration or license of any certified escrow agent.

NEW SECTION. Sec. 2. A new section is added to chapter 62A.3 RCW to read as follows:

No person may record the number of a credit card given as identification under RCW 62A.3-505(1)(b) or given as proof of credit worthiness when payment for goods or services is made by check or draft. Nothing in this section prohibits the recording of the number of a credit card given in lieu of a deposit to secure payment in the event of a default, loss, damage, or other occurrence.

Passed the Senate March 8, 1990.

Passed the House March 8, 1990.

Approved by the Governor March 27, 1990.

Filed in Office of Secretary of State March 27, 1990.

CHAPTER 204

[House Bill No. 2362]

STATE EMPLOYEES—INDUSTRIAL INSURANCE SAFETY AND RETURN-TO-WORK PROGRAMS

AN ACT Relating to industrial insurance programs in state agencies and institutions of higher education; adding a new section to chapter 51.44 RCW; adding a new section to chapter 28B.16 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 51.32 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. Sec. 1. The legislature finds that workplace safety in state employment is of paramount importance in maintaining a productive and committed state work force. The legislature also finds that recognition in state agencies and institutions of higher education of industrial insurance programs that provide safe working environments and promote early return-to-work for injured employees will encourage agencies and institutions of higher education to develop these programs. A purpose of this act is to provide incentives for agencies and institutions of higher education to participate in industrial insurance safety programs and return-to-work programs by authorizing use of the industrial insurance premium refunds earned by agencies or institutions of higher education participating in industrial insurance retrospective rating programs.

NEW SECTION. Sec. 2. A new section is added to chapter 51.44 RCW to read as follows:

The industrial insurance premium refund account is created in the state treasury. All industrial insurance refunds earned by state agencies or institutions of higher education under the state fund retrospective rating program shall be deposited into the account. Interest on the moneys in the account shall be deposited into the general fund. Moneys in the account may be spent only after appropriation. No agency or institution of higher education may receive an appropriation for an amount greater than the refund earned by the agency. Expenditures from the account may be used for any program within an agency or institution of higher education, but preference shall be given to programs that promote or provide incentives for employee safety and early, appropriate return-to-work for injured employees.

NEW SECTION. Sec. 3. A new section is added to chapter 41.06 RCW to read as follows:

(1) In addition to the rules adopted under RCW 41.06.150, the board shall adopt rules establishing a state employee return-to-work program. The program shall, at a minimum:

(a) Direct each agency to adopt a return-to-work policy. The program shall allow each agency program to take into consideration the special nature of employment in the agency;

(b) Provide for eligibility in the return-to-work program, for a minimum of two years from the date the temporary disability commenced, for any permanent employee who is receiving compensation under RCW 51.32.090 and who is, by reason of his or her temporary disability, unable to return to his or her previous work, but who is physically capable of carrying out work of a lighter or modified nature;

(c) Allow opportunity for return-to-work state-wide when appropriate job classifications are not available in the agency that is the appointing authority at the time of injury;

(d) Require each agency to name an agency representative responsible for coordinating the return-to-work program of the agency;

(e) Provide that applicants receiving appointments for classified service receive an explanation of the return-to-work policy;

(f) Require training of supervisors on implementation of the return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee; and

(g) Coordinate participation of applicable employee assistance programs, as appropriate.

(2) The agency full-time equivalents necessary to implement the return-to-work program established under this section shall be used only for the purposes of the return-to-work program and the net increase in full-time equivalents shall be temporary.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.16 RCW to read as follows:

(1) In addition to the rules adopted under RCW 28B.16.100, the board shall adopt rules establishing an employee return-to-work program. The program shall, at a minimum:

(a) Direct each institution of higher education to adopt a return-to-work policy. The program shall allow each institution program to take into consideration the special nature of employment in the institution;

(b) Provide for eligibility in the return-to-work program, for a minimum of two years from the date the temporary disability commenced, for any permanent employee who is receiving compensation under RCW 51.32.090 and who is, by reason of his or her temporary disability, unable to return to his or her previous work, but who is physically capable of carrying out work of a lighter or modified nature;

(c) Allow opportunity for return-to-work state-wide when appropriate job classifications are not available in the institution of higher education that is the appointing authority at the time of injury;

(d) Require each institution of higher education to name a representative responsible for coordinating the return-to-work program of the institution;

(e) Provide that applicants receiving appointments for classified service receive an explanation of the return-to-work policy;

(f) Require training of supervisors on implementation of the return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee; and

(g) Coordinate participation of applicable employee assistance programs, as appropriate.

(2) The full-time equivalents necessary to implement the return-to-work program established under this section shall be used only for the purposes of the return-to-work program and the net increase in full-time equivalents shall be temporary.

NEW SECTION. Sec. 5. A new section is added to chapter 51.32 RCW to read as follows:

The director shall appoint a state employee vocational rehabilitation coordinator who shall provide technical assistance and coordination of claims management to state agencies and institutions of higher education under the state return-to-work programs created by sections 3 and 4 of this act.

NEW SECTION. Sec. 6. Section 2 of this act shall take effect July 1, 1990.

Passed the House February 13, 1990.

Passed the Senate March 1, 1990.

Approved by the Governor March 27, 1990.

Filed in Office of Secretary of State March 27, 1990.

CHAPTER 205

[Substitute House Bill No. 2476]

CITIES AND TOWNS—LEASING POWERS

AN ACT Relating to leasing by cities and towns; and amending RCW 35.42.200.

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

Sec. 1. Section 35.42.200, chapter 7, Laws of 1965 and RCW 35.42-.200 are each amended to read as follows:

Any city or town may execute leases for a period of years with or without an option to purchase with the state or any of its political subdivisions, with the government of the United States, or with any private party for the lease of any real or personal property, or property rights(~~(-if the annual rental specified in such lease does not result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town computed in accordance with RCW 39.36.030. PROVIDED, That if the annual rental payment specified in such a proposed lease would result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town, a proposition in regard to whether or not such a lease may be executed shall be submitted to the voters for their approval or rejection in the same manner that bond issues for capital purposes are submitted. PROVIDED FURTHER, That any city or town may execute leases authorized by this act jointly with the state or any of its political subdivisions)); PROVIDED, That with respect only to leases that finance the acquisition of property by the lessee, the aggregated portions of lease payments over the term of the lease which are allocable to principal shall constitute debt, which shall not result in a total indebtedness in excess of one and one-half percent of the taxable property of such city or town computed in accordance with RCW 39.36.030, unless a proposition in regard to whether or not such a lease may be executed is submitted to the voters for~~